

**Board of Commissioners of Cook County**

118 North Clark Street  
Chicago, IL



**Journal - Final**

**Wednesday, March 12, 2014**

**11:00 AM**

**Cook County Building, Board Room, 118 North Clark Street, Chicago, Illinois**

TONI PRECKWINKLE, PRESIDENT

JERRY BUTLER  
EARLEAN COLLINS  
JOHN P. DALEY  
JOHN A. FRITCHEY  
BRIDGET GAINER  
JESUS G. GARCIA  
ELIZABETH "LIZ" DOODY GORMAN  
GREGG GOSLIN  
STANLEY MOORE

JOAN PATRICIA MURPHY  
EDWIN REYES  
TIMOTHY O. SCHNEIDER  
PETER N. SILVESTRI  
DEBORAH SIMS  
ROBERT B. STEELE  
LARRY SUFFREDIN  
JEFFREY R. TOBOLSKI

**DAVID ORR**  
COUNTY CLERK

Board met pursuant to law and pursuant to Resolution 14-0007.

**OFFICIAL RECORD**

President Preckwinkle in the Chair.

**CALL TO ORDER**

At 11:00 A.M., being the hour appointed for the meeting, the President called the Board to order.

**QUORUM**

County Clerk David Orr called the roll of members and there was found to be a quorum present.

**ROLL CALL**

**Present:** President Preckwinkle, Commissioners Butler, Daley, Fritchey, Gainer, García, Gorman, Goslin, Moore, Murphy, Schneider, Silvestri, Steele, Sims, Suffredin and Tobolski (15)

**Absent:** Commissioners Collins and Reyes (2)

**INVOCATION**

Rabbi Baruch Epstein of the Congregation Bais Menachem gave the Invocation.

**PUBLIC TESTIMONY**

Pursuant to Cook County Code Section 2-107(dd) Public Testimony, public testimony will be permitted at regular and special meetings of the Board. Duly authorized public speakers shall be called upon at this time to deliver testimony germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three (3) minutes. The names of duly authorized speakers shall be published in the Post Board Action Agenda and Journal of Proceedings as prepared by the Clerk of the Board.

1. Ernest Paul Jones, Lobbyist, Trucking Chamber of Commerce
2. George Blakemore, Concerned Citizen

**CONSENT CALENDAR**

Pursuant to Cook County Code Section 2-107(gg) Consent Calendar, the Secretary to the Board of Commissioners hereby transmits Resolutions for your consideration. The Consent Calendar Resolutions shall be published in the Post Board Action Agenda and Journal of Proceedings as prepared by the Clerk of the Board.

**14-1586**

**RESOLUTION**

**Sponsored by**

**THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER**

**CELEBRATING SCHILLER PARK'S 100TH ANNIVERSARY**

**WHEREAS**, the Village of Schiller Park was incorporated in 1914 and will be celebrating its 100th Anniversary at a gala on March 21, 2014; and

**WHEREAS**, in 1932, Julia Marenga Kolze became Mayor of Schiller Park and was the first female Mayor in the State of Illinois; and

**WHEREAS**, during the war years, several local men were taken into service, and population in Schiller Park was around 800; and

**WHEREAS**, during the post-war boom of the 1950s, population in Schiller Park reached 5,000 amidst the construction of new homes and businesses; and

**WHEREAS**, during the 1960s, the Tollway, O'Hare Airport and annexation of various subdivisions brought the population to 8,600; and

**WHEREAS**, during the 1970s, three (3) public schools, two (2) Catholic schools, and organizations such as the Scouts, Sertoma and American Legion flourished; and

**WHEREAS**, ongoing battles with O'Hare leveled off the population in the 1980s to around 11,000; and

**WHEREAS**, Schiller Park became a Home Rule Village in the 1990s, and a Memorial Wall for veterans was erected; and

**WHEREAS**, in the 2000s, a Senior Housing Project was completed and a Metra Station was constructed; and

**WHEREAS**, throughout 2014 Schiller Park will provide the community with a variety of centennial programs such as a high tea, a parade, a historical tour, a concert and veterans and family events.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby honor the Village of Schiller Park on its 100th Anniversary; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be presented to the Village of Schiller Park at its Anniversary Gala on March 21, 2014.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-1908  
RESOLUTION**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**COMMEMORATING THE LIFE, PIONEERING SPIRIT,  
MANY ACCOMPLISHMENTS AND MEMORY OF CARL EDWIN DAVIS**

**WHEREAS**, Carl Edwin Davis, a man whose life was devoted to social justice, family and faith died February 10, leaving friends, family and a community profoundly enriched for having known him; and

**WHEREAS**, Carl Davis was a community leader who, as President of the Evanston National Association for the Advancement of Colored People (NAACP) led voter registration drives, fought for equal employment opportunity and created a weekly community forum entitled “*Get in the Know*” that brought together national, state and local leaders to address issues of concern for the citizens of the region; and

**WHEREAS**, Mr. Davis freely and generously gave his time to his community, serving on the Evanston Community Hospital Board, the Board of Trustees of the Second Baptist Church in addition to many others; and

**WHEREAS**, Carl Davis was a lifelong Evanston resident, attending Evanston public schools and graduating from Evanston Township High School in 1955. He worked for the City of Evanston until he left to serve his country in the United States Army in 1959; and

**WHEREAS**, Carl Davis returned to Evanston after his discharge and became the first black sales associate at Henry C. Lytton Company and later forged new ground as the first black insurance agent on the North Shore working with Prudential Insurance Company where he set sales records and was inducted into the Million Dollar Round Table of the Prudential Insurance Company of America; and

**WHEREAS**, Carl Davis was a dedicated husband and father. He married Yvonne Nicholas and the two (2) were the proud parents of two (2) sons, Karl Gregory Davis and Jared Nicholas Davis. He was a doting grandfather to Allyssa, Aarynn, Nicholas, Lauren and Myah. Not only did Carl volunteer in the classrooms of his children he helped to organize National Youth Program Using Mini-Bikes (NYPUM) and a school breakfast program that benefitted countless other children in the community; and

**WHEREAS**, Carl Davis was a successful entrepreneur who, once retired from Prudential created a number of thriving businesses: Aarynn/Allyssa Trucking, A North Shore Courier, Design Mortgage Corporation, Davis Transportation and the Davis Environmental Laboratories; and

**WHEREAS**, Carl Davis enthusiastically believed in the value of diversity which lead him to create “*The Way We Were*,” a series of public speaking engagements that focused on the elements that provided Evanstonians of all races a sense of pride in raising their families in such a diverse community. His grandson Nicholas was his technical assistant and producer for the series that can still be found on DVD. The series was groundbreaking and noteworthy not just for documenting “*The Way We Were*” but for its prescriptive component that pointed out the way we ought to be.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County, on behalf of the 5.2 million residents of Cook County commemorates the extraordinary life of Carl Edwin Davis, and herewith expresses its sincere gratitude for the invaluable contributions he has made to the Citizens of Cook County, Illinois; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be spread upon the official proceedings of this Honorable Body and that an official copy of the same be tendered to the family of Carl Edwin Davis.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-1932  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, DEBORAH SIMS,  
JOHN P. DALEY, GREGG GOSLIN, JOAN PATRICIA MURPHY,  
ROBERT B. STEELE AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**IN MEMORY OF STANLEY WESLEY MORRIS**

**WHEREAS**, Almighty God in His infinite wisdom has called Stanley Wesley Morris from our midst; and

**WHEREAS**, Mr. Morris was the beloved son of William and Laura Morris; and

**WHEREAS**, Mr. Morris was born and raised in the City of Harvey. He attended Thornton High School where he excelled in basketball, football and baseball while maintaining high academic standards; and

**WHEREAS**, after graduating in June of 1951, Mr. Morris worked for a short while at Maremont Automotive Products and then enlisted in the U.S. Air Force where he spent four (4) years in Active Duty and another four (4) years in the Reserves; and

**WHEREAS**, in 1960, having completed his military obligation he received an Honorable Discharge and returned to the City of Harvey; and

**WHEREAS**, in May of 1961 after placing high on the Civil Service Exam, Mr. Morris was selected as the first black man to receive an appointment to the Harvey Police Department; and

**WHEREAS**, his entry level position being Motorcycle Patrol Officer, Mr. Morris was proud to serve and was determined to advance; and

**WHEREAS**, Mr. Morris' goals and commitment took him on an upward spiral through the ranks; always academically qualifying for his current job while preparing himself for the next level. Both black and white citizens of Harvey admired him for his leadership skills; and

**WHEREAS**, Mr. Morris was plagued by racial slurs, discrimination and attempted intimidation perpetuated by forces within the Department as well as by local residents; and

**WHEREAS**, Mr. Morris overcame these adversaries, stayed with the police force, and ultimately completed the requirements for and achieved ranks of Sergeant, Lieutenant, Deputy Chief and finally receiving the appointment

of Chief of Harvey's Police Department. He was a member of National Organization of Black Law Enforcement Executives (NOBLE); and

**WHEREAS**, although Mr. Morris again persevered to achieve his goals, he expressed his one regret on this journey, "I am just sorry my mother didn't live to see me become Chief".

**NOW, THEREFORE, BE IT RESOLVED**, that I, President Toni Preckwinkle and the Board of Commissioners of Cook County, do hereby offer our deepest condolences and most heartfelt sympathy to the family of Stanley Wesley Morris; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the family of Stanley Wesley Morris and a copy be spread upon the official proceeding of this Honorable Body.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-1982  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TIMOTHY O. SCHNEIDER, COUNTY COMMISSIONER**

**RESOLUTION RECOGNIZING BENSENVILLE-IXTAPA/ZIHUATANEJO  
SISTER CITIES DELEGATION**

**WHEREAS**, Sister Cities International, created by President Eisenhower in 1956, was created to foster peace and global relationships by creating exchanges based on government, business and trade, medical, cultural, educational and tourism between two (2) or more cities throughout the world; and

**WHEREAS**, the Village of Bensenville, Illinois and Ixtapa/Zihuatanejo, Guerrero, Mexico desired to form a sister cities relationship under the Sister Cities International guidelines; and

**WHEREAS**, on November 12, 2013, during the Ixtapa/Zihuatanejo Delegation visit to Chicago, the Village of Bensenville and the City of Ixtapa/Zihuatanejo officially joined together as sister cities and entered into a formal Agreement under Resolution #R-119-2013; and

**WHEREAS**, on November 13, 2013, President Toni Preckwinkle and the Cook County Board of Commissioners formerly recognized the new sister cities, welcomed the Ixtapa Delegation and extended their wishes of a friendship agreement between the County of Cook and Ixtapa/Zihuatanejo.

**NOW, THEREFORE, BE IT RESOLVED**, that the President and the Cook County Board of Commissioners congratulate the sister cities of Bensenville and Ixtapa/Zihuatanejo; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the cities of Bensenville and Ixtapa/Zihuatenjo.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-1999  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**THE CHICAGO COMMUNITY TRUST'S "ON THE TABLE" INITIATIVE**

**WHEREAS**, the Chicago Community Trust will be commemorating its 99th anniversary with "On The Table", an event taking place on Monday, May 12, 2014; and

**WHEREAS**, this unique, large-scale event aims to bring together thousands of Chicagoland residents to share a meal and participate in civic-minded conversations about the future of our communities; and

**WHEREAS**, "On The Table" aims to gather together 10,000 individuals to create 1,000 mealtime conversations; and

**WHEREAS**, these conversations will address specific ways that we can all work together to build strong, safe, secure and economically viable communities; and

**WHEREAS**, to host a mealtime conversation, a person takes the lead in deciding a location and a meal for guests; invites friends, family, neighbors, or colleagues; and uses a provided discussion guide and resources to help foster free flowing, productive conversations; and

**WHEREAS**, with conversations at the heart of this project, the Chicago Community Trust ("Trust") recommends a maximum of 10 to 12 guest at each gathering; if you would like more, the Trust recommends having multiple tables can assist with that process; and

**WHEREAS**, to be a host, individuals can visit [www.onthetable2014.com](http://www.onthetable2014.com) to register, set up a custom event page and view host resources; and

**WHEREAS**, individuals interested in being a guest can also visit [www.onthetable2014.com](http://www.onthetable2014.com) to register.

**NOW, THEREFORE, BE IT RESOLVED**, that I, President Toni Preckwinkle, on behalf of the residents of Cook County, do hereby laud the Chicago Community Trust for helping individuals throughout Cook County come together to participate in an important dialogue about building strong, safe, secure and economically viable communities, and I encourage all Cook County residents to bring their ideas, insight and values to “On The Table” on May 12, 2014.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2003  
RESOLUTION**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**HONORING THE 46TH ANNIVERSARY OF THE FEDERAL FAIR HOUSING ACT  
AND PROCLAIMING THE MONTH OF APRIL FAIR HOUSING MONTH IN COOK COUNTY**

**WHEREAS**, April 2014 marks the 46th Anniversary of the passage of the U.S. Federal Fair Housing Act. Adopted in the wake of the assassination of Dr. Martin Luther King, Jr., the Fair Housing Act transformed the legal rights that all Americans have to rent and own homes in communities across the country; and

**WHEREAS**, the U.S. Fair Housing Act created a national policy of fair housing and today prohibits discrimination based on race, color, religion, national origin, sex, familial status or disability; and

**WHEREAS**, 2014 additionally marks the 35th anniversary of the Illinois Human Rights Act, a law which prohibits discrimination in housing based on race, color religion, national origin, sex, physical or mental disability, familial status, age, ancestry, marital status, disability, military status, unfavorable discharge from military service, sexual orientation or order of protection status; and

**WHEREAS**, housing discrimination and barriers to equal housing opportunity are corrosive and undermine a common sense of decency and fairness; and

**WHEREAS**, economic stability, community health and human relations in all communities are advanced by diversity and integration; and

**WHEREAS**, advocates and non-profits for fair housing assisted by the Federal Fair Housing Act have worked tirelessly to promote just and non-discriminatory practices; and

**WHEREAS**, one of those non-profits is Open Communities, a leading voice for housing, economic and social justice in north suburban Chicago. Their mission is to educate, advocate and organize to promote just and



inclusive communities in north suburban Chicago. Open Communities will host a celebration of the Fair Housing Act at their 10th Annual Fair Housing Month Event entitled "Who's Your Neighbor" on Wednesday, April 30 at the Wilmette Public Library; and

**WHEREAS**, the talents of grassroots and non-profit organizations, housing service providers, financial institutions, elected officials, state and county agencies, and others must be combined to promote and preserve integration, fair housing and equal opportunity.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County, on behalf of the 5.2 million residents of Cook County takes great pleasure in honoring and celebrating the 46th Anniversary of the Federal Fair Housing Act and herewith honors the progress and impact that the Fair Housing Act has made in bettering the lives of the citizens of Cook County, Illinois; and

**BE IT FURTHER RESOLVED**, that the month of April be proclaimed Fair Housing Month in Cook County; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be spread upon the official proceedings of this Honorable Body and that an official copy of the same be tendered to Open Communities at their 10th Annual Fair Housing Month Event on Wednesday, April 30 2014.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2004  
RESOLUTION**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**COMMEMORATING THE LIFE, MANY ACCOMPLISHMENTS  
AND MEMORY OF LINDA JEAN-PAUL**

**WHEREAS**, Linda Jean-Paul a woman whose life was devoted to family, community and faith, died February 15, leaving friends, family and a community enriched for having known her; and

**WHEREAS**, Linda Jean-Paul was born in Haiti and later became a cherished leader of the Haitian community in Illinois working tirelessly with the Concerned Haitians of Illinois; and

**WHEREAS**, Linda Jean-Paul's work with Concerned Haitians of Illinois mobilized Haitian-Americans, friends and allies of Haiti to provide vital resources and health care to those in need in Haiti; and

**WHEREAS**, Linda Jean-Paul emigrated from Haiti to the United States at the age of seven but maintained her Haitian citizenship throughout her entire life. She returned to Haiti in 1983 when she became Vice-President for Banc National de Paris; and

**WHEREAS**, Linda Jean-Paul was a respected leader throughout her life. She achieved respect early in life while attending St. Mary's Catholic School, continued while she was in high school at Evanston Township High School and later at the University of Illinois at Chicago and Northwestern University; and

**WHEREAS**, Linda Jean-Paul's leadership skills were highly sought after in the professional arena; her oratory skills were legendary; and

**WHEREAS**, Linda Jean-Paul's absence will be most acutely felt by the members of her very large extended family whom she loved and treasured, as well as her only child Gabrielle Walker-Aguilar and her three (3) grandchildren, Ulai, Olu and Yuma.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County, on behalf of the 5.2 million residents of Cook County commemorates the extraordinary life of Linda Jean-Paul, and herewith expresses its sincere gratitude for the invaluable contributions she has made to the Citizens of Cook County, Illinois; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be spread upon the official proceedings of this Honorable Body and that an official copy of the same be tendered to the family of Linda Jean-Paul.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2028  
RESOLUTION**

**Sponsored by**

**THE HONORABLE EDWIN REYES, COUNTY COMMISSIONER**

**RECOGNIZING THE 606 PARK AND TRAIL SYSTEM**

**WHEREAS**, The 606 takes Chicago's legacy of great parks to new heights through the construction of a 2.7 mile park and elevated trail system on Chicago's Northwest side; and

**WHEREAS**, the centerpiece of The 606, the Bloomingdale Trail will be linked to five (5) ground level neighborhood parks, as well as an observatory, wheel-friendly event plaza, various art installations and other amenities; and

**WHEREAS**, The 606 connects parks, people, classrooms and communities - the old railroad embankment that once physically separated the Bucktown, Wicker Park, Logan Square and Humboldt Park neighborhoods now will knit them together; and

**WHEREAS**, the project will provide an urban oasis for the 80,000 people, including 20,000 children, who live within a ten (10) minute walk; and

**WHEREAS**, it is also planned as a resource for Chicagoans citywide, a transportation alternative and a living work of art which is already garnering attention nationally and internationally; and

**WHEREAS**, The 606 is the result of collaboration between a variety of stakeholders, including the City of Chicago, the Chicago Park District, Cook County, The Trust for Public Land, the Friends of the Bloomingdale Trail, and a wide network of community groups and neighbors; and

**WHEREAS**, The 606 is a decade in the making, beginning with public meetings initiated by the City's planning department to increase open space in Logan Square, resulting in the idea of using the elevated Bloomingdale train line for a park; and

**WHEREAS**, it was such a powerful idea that neighbors formed Friends of the Bloomingdale Trail to help make it happen, and the concept was included in the Logan Square Open Space Plan; and

**WHEREAS**, the plan was adopted by the Chicago Plan Commission and the Chicago Park District in 2004; and

**WHEREAS**, the Chicago Department of Transportation was successful in securing federal transportation funding for the alternative transportation network portion of the project; and

**WHEREAS**, the Friends of the Bloomingdale Trail sought assistance from The Trust for Public the nation's leading nonprofit working to conserve land for people - to help make the project a reality; and

**WHEREAS**, the Trust for Public Land is now the lead private partner on the project, and is supporting the planning and implementation process in partnership with the City of Chicago and the Chicago Park District; and

**WHEREAS**, final designs for the project were reached through a multi-year, community-driven process focused on identifying desired design features and priorities for the park and trail system; and

**WHEREAS**, Cook County has supported this project with an allocation of \$2.265 million for updates to the bridges across Western and Ashland Avenues at Bloomingdale Avenue, resulting in reduced traffic bottlenecks, ADA compliant sidewalks and an access ramps to the Bloomingdale Trail; and

**WHEREAS**, the park and trail system is the signature project of Mayor Emanuel's push to create 800 new parks, recreation areas and green spaces throughout Chicago over the next five (5) years; and

**WHEREAS**, the Park and Trail System is named for the 606 zip code prefix all Chicagoans share; and

**WHEREAS**, it is yet another Chicago icon that brings together innovative urban planning, green space, and the arts, and will change the way you see our City.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Cook County Board of Commissioners and on behalf of all citizens of Cook County, would like to recognize and congratulate The 606 Park and Trail System for their achievement and work in the community; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be presented to the representatives of

The 606 Park and Trail System.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2034  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOAN PATRICIA MURPHY, PRESIDENT TONI PRECKWINKLE,  
JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY,  
BRIDGET GAINER, JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN,  
GREGG GOSLIN, STANLEY MOORE, EDWIN REYES, TIMOTHY O. SCHNEIDER,  
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN  
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**A RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY  
OF THE VILLAGE OF CHICAGO RIDGE**

**WHEREAS**, this year the Village of Chicago Ridge will commemorate the 100th anniversary of its official incorporation; a century ago on September 1, 1914, a group of citizens met and cast ballots to incorporate as a municipality; and

**WHEREAS**, the Village of Chicago Ridge will kick off the year's celebratory events at a Centennial Ball scheduled for April 5, 2014 at Glendora House; and

**WHEREAS**, the Centennial Citizens Committee will plan a parade and community festival for the weekend of September 21st to highlight the best aspects of the Chicago Ridge community; and

**WHEREAS**, Dutch and German farmers were the first permanent settlers to the area during the 1850s; Chicago Ridge got its name from the "ridges" of dirt that were created when eight trainloads of fill were removed from the area and used to fill in the grounds for the Columbian Exposition of 1892; and

**WHEREAS**, over the past century under continuous strong and capable Village leadership, a robust industrial and commercial base developed which dramatically increased the population of Chicago Ridge from 176 in 1920 to 5,748 in 1960 and to 14,428 today; and

**WHEREAS**, the Village of Chicago Ridge takes great pride in the community improvements it has made over the years which include street paving and lights, sewer system installation, establishment of a full-time fire

department/paramedics, parks and recreation enhancement, and a 60,000 square foot municipal complex built at no cost to the taxpayers in 2000; and

**WHEREAS**, the Village of Chicago Ridge has become widely known for the success of the Chicago Ridge Mall, the industrial sector at The Park, and RidgeFest, a carnival and concert venue which attracts 20,000 to 30,000 people the last weekend of every July at Freedom Park; and

**WHEREAS**, the Village of Chicago Ridge is dedicated to providing the best in services to its residents, it is a wonderful place to live, work and raise a family.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County does hereby congratulate the Village of Chicago Ridge on the monumental occasion of its 100th anniversary of incorporation; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the Village of Chicago Ridge in honor and recognition of its achievements and let it also be spread upon the official proceedings of this Honorable Body.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2034  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOAN PATRICIA MURPHY, PRESIDENT TONI PRECKWINKLE,  
JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY,  
BRIDGET GAINER, JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN,  
GREGG GOSLIN, STANLEY MOORE, EDWIN REYES, TIMOTHY O. SCHNEIDER,  
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN  
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

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**WHEREAS**, the Village of Chicago Ridge will kick off the year's celebratory events at a Centennial Ball scheduled for April 5, 2014 at Glendora House; and

**WHEREAS**, the Centennial Citizens Committee will plan a parade and community festival for the weekend of September 21st to highlight the best aspects of the Chicago Ridge community; and

**WHEREAS**, Dutch and German farmers were the first permanent settlers to the area during the 1850s; Chicago Ridge got its name from the "ridges" of dirt that were created when eight trainloads of fill were removed from the area and used to fill in the grounds for the Columbian Exposition of 1892; and

**WHEREAS**, over the past century under continuous strong and capable Village leadership, a robust industrial and commercial base developed which dramatically increased the population of Chicago Ridge from 176 in 1920 to 5,748 in 1960 and to 14,428 today; and

**WHEREAS**, the Village of Chicago Ridge takes great pride in the community improvements it has made over the years which include street paving and lights, sewer system installation, establishment of a full-time fire department/paramedics, parks and recreation enhancement, and a 60,000 square foot municipal complex built at no cost to the taxpayers in 2000; and

**WHEREAS**, the Village of Chicago Ridge has become widely known for the success of the Chicago Ridge Mall, the industrial sector at The Park, and RidgeFest, a carnival and concert venue which attracts 20,000 to 30,000 people the last weekend of every July at Freedom Park; and

**WHEREAS**, the Village of Chicago Ridge is dedicated to providing the best in services to its residents, it is a wonderful place to live, work and raise a family.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County does hereby congratulate the Village of Chicago Ridge on the monumental occasion of its 100th anniversary of incorporation; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the Village of Chicago Ridge in honor and recognition of its achievements and let it also be spread upon the official proceedings of this Honorable Body.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2036  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOAN PATRICIA MURPHY, PRESIDENT TONI PRECKWINKLE,  
JERRY BUTLER, EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY,  
BRIDGET GAINER, JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN,  
GREGG GOSLIN, STANLEY MOORE, EDWIN REYES, TIMOTHY O. SCHNEIDER,  
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE, LARRY SUFFREDIN  
AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**A RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY  
OF THE VILLAGE OF WORTH**

**WHEREAS**, this year the Village of Worth will commemorate the 100th anniversary of its official incorporation, a century ago on August 29, 1914 a group of 115 citizens met and cast ballots to incorporate as a municipality; and

**WHEREAS**, the Worth Centennial Commission has planned a yearlong celebration including special post Village Board meeting activities on May 20th celebrating 100 days to the birthday of Worth and also a parade and Worth Days community festival for the weekend of August 22-24; and

**WHEREAS**, the Village was named after General William Jenkins Worth who served in the War of 1812 and the Mexican War; and

**WHEREAS**, the first permanent settler to the area was John Crandall and his wife Jane, in 1858 he built a home on 111th Street and his descendants still reside in Worth; and

**WHEREAS**, by 1914 the Village's population had swelled to nearly 300 due to a surge in development and employment as a result of the establishment of a train stop for the Wabash Railroad, the opening of the Worth Horse Race Track which is now Holy Sepulchre Cemetery and the construction of the Cal-Sag Channel; and

**WHEREAS**, the Village of Worth became known as the "Friendly Village" and continued to flourish as the 1940s and 1950s saw a boom in population and civic organizations, by 1960 the population had reached 8,196; and

**WHEREAS**, the Village of Worth takes great pride in the community improvements it has made over the past century and is dedicated to providing the best in services to its 10,844 residents, it is a great place to live, work and raise a family.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County does hereby congratulate the Village of Worth on the monumental occasion of its 100th anniversary of incorporation; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the Village of Worth in honor and recognition of its achievements and let it also be spread upon the official proceedings of this Honorable Body.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2044  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER,  
EARLEAN COLLINS, JOHN P. DALEY, JOHN A. FRITCHEY, BRIDGET GAINER,  
JESÚS G. GARCÍA, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,  
STANLEY MOORE, JOAN PATRICIA MURPHY, EDWIN REYES,  
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,  
ROBERT B. STEELE, LARRY SUFFREDIN AND JEFFREY R. TOBOLSKI,  
COUNTY COMMISSIONERS**

**CONGRATULATING DR. RAM RAJU ON HIS SERVICE  
TO THE COOK COUNTY HEALTH AND HOSPITALS SYSTEM**

**WHEREAS**, Dr. Ram Raju joined the Cook County Health and Hospitals System (CCHHS) as the Chief Executive Officer on October 2, 2011; and

**WHEREAS**, Dr. Raju was recruited to transform CCHHS into a patient centered, financially stable organization in a post-Affordable Care Act (ACA) world; and

**WHEREAS**, in his first two (2) years with CCHHS, Dr. Raju was instrumental in turning around the financial status of the system and placing it on a more sustainable path; and

**WHEREAS**, under Dr. Raju's leadership, CCHHS received a meaningful use designation for advancements in information technology, specifically electronic medical records; and

**WHEREAS**, Dr. Raju's business acumen led to significant improvements in supply chain and contract management and the staffing of a performance-improvement department, initiatives that will yield continued savings for taxpayers in the years to come; and

**WHEREAS**, Dr. Raju's commitment to the patient experience is reflected by the improved Hospital Consumer Assessment of Healthcare Providers (HCAPHs) scores and in the reduction of wait times in the Emergency Department to less than two (2) hours; and

**WHEREAS**, the clinical improvements Dr. Raju implemented led to Joint Commission accreditation for Stroger and Provident Hospitals as well as the Ambulatory Clinic Network; and

**WHEREAS**, Dr. Raju's vision initiated the effort that would become CountyCare, an Illinois Medicaid program to provide health care coverage to low-income adults in Cook County in advance of the implementation of the ACA; and



**WHEREAS**, his recognition that patients are more likely to use care they can access near their home resulted in the development of a network of more than 130 primary care access points by partnering with Federally Qualified Health Centers (FQHCs), safety-net and community hospitals, academic medical centers and private doctors; and

**WHEREAS**, between February 2013 and today more than 140,000 applications for CountyCare have been initiated, signifying both Dr. Raju's focus on ensuring access to coordinated primary and specialty care and the pent-up demand for health care in the community; and

**WHEREAS**, as a result of the success of CountyCare, more than 82,000 Cook County residents have coverage today who did not just a year ago; and

**WHEREAS**, Dr. Raju has set in motion efforts to turn CountyCare, a demonstration project that ends on June 30, 2014, into a Managed Care Community Network, an Illinois designation that would allow current CountyCare members a seamless transition from the demonstration project to a permanent plan with the ability to remain with their current network of providers; and

**WHEREAS**, Dr. Raju has assembled a talented team of health care professionals who remain focused on patient safety and quality of care, the patient experience, adequate staffing and technology to drive both patient care and strategic decisions; and

**WHEREAS**, in two and a half years, Dr. Raju has garnered extensive support from both the CCHHS Board of Directors and the Cook County Board of Commissioners and is a nationally recognized leader in the arena of health care reform and public health; and

**WHEREAS**, Dr. Raju will return to New York to be closer to his family, particularly his wife, mother and two (2) children; and

**WHEREAS**, in New York, Dr. Raju will continue his commitment to public health by serving as the President and Chief Executive Officer (CEO) of the New York City Health and Hospitals Corporation; and

**WHEREAS**, Dr. Raju's vision to ensure the future viability of the nation's third largest public health system, a system with a rich history and noble mission has come to fruition; and

**WHEREAS**, Dr. Raju will be greatly missed by all who had the opportunity to work with him; and

**WHEREAS**, the residents of Cook County owe him a debt of gratitude for his efforts to improve and increase access to care.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Toni Preckwinkle, along with all the Members of the Cook County Board of Commissioners, on behalf of all residents of Cook County, do hereby congratulate and thank Dr. Ram Raju for his many years of exemplary service and send best wishes for good health and happiness as he enters a new phase in his professional life; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to Dr. Raju in recognition of his selfless commitment to the patients and employees of the Cook County Health and Hospitals System.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2045  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**IN MEMORIAM OF SHIRLEY A. PICCIANO**

**WHEREAS**, Almighty God in His infinite wisdom has called Shirley A. Picciano from our midst; and

**WHEREAS**, Shirley A. Picciano was the beloved wife of James Picciano; and

**WHEREAS**, Shirley A. Picciano was the loving mother of JoAnn Cebuhar; and

**WHEREAS**, Shirley A. Picciano was the cherished grandmother of Charlie Cebuhar; and

**WHEREAS**, Shirley A. Picciano was the dear sister of Gloria (James) Pace, Frank (Louise) Marcello, Dorothy Vianna, Anthony Marcello and Edward (Annie) Marcello; and

**WHEREAS**, all who knew her will attest that Shirley A. Picciano was a kind and compassionate woman, virtuous of character and gentle in spirit, admired and respected by her many friends and neighbors, and dearly loved by her family.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of Shirley A. Picciano, and joins them in sorrow at this time of loss; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of Shirley A. Picciano, that her memory may be so honored and ever cherished.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2046  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**DISTINGUISHED SERVICE AWARD TO PHYLLIS LOPICCOLO**

**WHEREAS**, it has come to the attention of the Cook County Board of Commissioners that Phyllis LoPiccolo has received the “Distinguished Service Award” from the Office of Catholic Education; and

**WHEREAS**, few professions touch as many lives as the profession of teaching, and those, like Ms. LoPiccolo, who choose this field as their career are most deserving of our gratitude for the positive influence they have in the classroom and beyond; and

**WHEREAS**, schools are at the heart of our community, and teachers like Phyllis LoPiccolo are deserving of the fullest measure of support and allocation of resources to ensure a bright future for all; and

**WHEREAS**, Phyllis LoPiccolo has taught at St. Barbara School for a 26 years and during that time she has touched countless young lives and helped prepare the leaders of tomorrow; and

**WHEREAS**, thanks to outstanding teachers like Phyllis LoPiccolo, St. Barbara School has continued to grow and serve the needs of the community, and has continued to build upon the traditions of family, education and Catholic leadership that have been so important to the parish and the neighborhood of Bridgeport and all of Chicago; and

**WHEREAS**, Phyllis LoPiccolo received her award on February 23, 2014 by Bishop Frances Kane and Sister Mary Paul McCaughey, Superintendent of Catholic Schools; and

**WHEREAS**, all the members of the parish community, and especially her fourth grade students are proud of this recognition and tribute to Phyllis LoPiccolo an outstanding educator and role model.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Cook County that the Board does hereby extend its congratulations to Ms. Phyllis LoPiccolo for this great honor; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the official proceedings of this Honorable Body, and an official copy of same be presented to Ms. Phyllis LoPiccolo, to commemorate this occasion.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2047  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**IN MEMORIAM OF CAMILLE DeMEO**

**WHEREAS**, Almighty God in His infinite wisdom has called Camille DeMeo from our midst; and

**WHEREAS**, Camille DeMeo (nee Serpe) was the beloved wife of the late Marino DeMeo; and

**WHEREAS**, Camille DeMeo was the loving mother of Robert (Lyn); and

**WHEREAS**, Camille DeMeo was the cherished grandmother of Christina (Greg) Zahn and John (Laura) Velousis; and

**WHEREAS**, Camille DeMeo was the great-grandmother of Sienna Camille and Julian Velousis; and

**WHEREAS**, Camille DeMeo was the dearest daughter of the late Vincenzo and Angelina Serpe; and

**WHEREAS**, all who knew her will attest that Camille DeMeo was a kind and compassionate woman, virtuous of character and gentle in spirit, admired and respected by her many friends and neighbors, and dearly loved by her family.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of Camille DeMeo, and joins them in sorrow at this time of loss; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of Camille DeMeo, that her memory may be so honored and ever cherished.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2048  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, PRESIDENT TONI PRECKWINKLE  
AND JERRY BUTLER, COUNTY COMMISSIONERS**

**FOOD CHECKOUT DAY**

**WHEREAS**, Food Checkout Day was established in the mid-1990's to recognize the connection between farmers and the safe, nutritious food source they cooperatively grow; and

**WHEREAS**, the Cook County Farm Bureau® has celebrated Food Checkout Day by raising cash and food donations for Ronald McDonald House Charities® of Chicagoland and Northwest Indiana since 2001; and

**WHEREAS**, Food Checkout Day will again be celebrated at the Ronald McDonald House near Advocate Hope Children's Hospital in Oak Lawn; and

**WHEREAS**, since 2001 Cook County Farm Bureau® members have donated 378 hours, 49,715 pounds of food, contributed \$67,773 in cash donations and 1,529 pounds of pop tabs to support Chicagoland's four(4) Ronald McDonald Houses; and

**WHEREAS**, Ronald McDonald House continues to improve the health, well-being and education of children by providing a "home away from home" to keep families together while their child is receiving medical treatment far from home; and

**WHEREAS**, Ronald McDonald House, in partnership with Advocate Hope Children's Hospital, provides essential services to children in underserved areas in a mobile environment; and

**WHEREAS**, 678,000 people in Cook County each year rely on emergency and supplemental food assistance provided by the Food Depository and its member network; and

**WHEREAS**, in some Cook County communities as many as one (1) in three (3) people are food insecure; and

**WHEREAS**, research has indicated a strong link between food insecurity and poverty; and

**WHEREAS**, Food Checkout Day's theme this year is "Stretching your grocery dollars with healthy, nutritious food" reflecting the fact that Americans from all walks of life continue to work through an economic squeeze; and

**WHEREAS**, public health experts remain concerned that families may resort to buying less nutritious foods that lack essential vitamins, minerals, fiber and other nutrients; and

**WHEREAS**, the 46,000 members of the Cook County Farm Bureau® including over 1,000 farmer members recognize the importance of producing a safe, nutritious food using environmentally sustainable practices; and

**WHEREAS**, Cook County farmers recognize the need for better access throughout Cook County to fresh food; and

**WHEREAS**, Food Checkout Day is dedicated to supporting those in need while increasing individuals' awareness of those families without adequate food supplies; and

**WHEREAS**, despite cash and non-perishable donations there is increased need at all four (4) of Ronald McDonald houses in Cook County.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners recognize Thursday, March 20, 2014 as Food Checkout Day and salute the efforts of the Cook County Farm Bureau® and the Ronald McDonald House Charities®-Chicagoland and Northwest Indiana for their efforts to feed those individuals and families in need; and

**BE IT FURTHER RESOLVED**, that a suitable copy be tendered to the Ronald McDonald House Charities®-Chicagoland and Northwest Indiana and the Cook County Farm Bureau®.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2049  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**IN MEMORIAM OF CHRISTOPHER GOMEZ, JR.**

**WHEREAS**, Almighty God in His infinite wisdom has called Christopher Gomez, Jr. from our midst; and

**WHEREAS**, Christopher Gomez, Jr. was the loving and only son of retired Chicago Firefighter Christopher Gomez, Sr, and Edith; and

**WHEREAS**, Christopher Gomez, Jr. was a decorated second generation fire fighter and paramedic; and

**WHEREAS**, Christopher Gomez, Jr. graduated from Galileo Math and Science Academy, attended Hubbard High School and Lincoln-Way High School, and Moraine Valley Community College; and

**WHEREAS**, Christopher Gomez, Jr. joined the Central Stickney Fire Protection District in 2009, earning his medical technician license in 2010; and

**WHEREAS**, Christopher Gomez, Jr. gave his life in his preparedness while serving the residents of Stickney Township; and

**WHEREAS**, Christopher Gomez, Jr. sacrifice and dedication are an inspiration and example to all; and

**WHEREAS**, Christopher Gomez, Jr. leaves a legacy of faithfulness, service and dedication to duty; and

**WHEREAS**, all who knew him will attest that Christopher Gomez, Jr. was a kind and devoted man, courageous of character yet gentle in spirit, admired and respected by his many friends and neighbors, and dearly loved by his family.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of Christopher Gomez, Jr., and joins them in sorrow at this time of loss; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of Christopher Gomez, Jr., that his memory may be so honored and ever cherished.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2050  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**100TH BIRTHDAY OF ANN ARDOLINO**

**WHEREAS**, it has come to the attention of the Cook County Board of Commissioners that Ann M. Ardolino will celebrate her 100th Birthday on March 14, 2014; and

**WHEREAS**, Ann M. Ardolino has witnessed monumental events over the course of her lifetime such as: World War I, Russian Revolution, 1917, First Commercial Radio Station, 1920, Era of Depression, 1929-1939, Spanish Civil War, 1936-1939, World War II, 1939-1945, Korean War, 1950-1953, Russian Sputnik, 1957, President Kennedy Assassination, November 1963, First Moon Landing July 20, 1969, Vietnam War, 1965-1973, the advent of the internet, the Super Bowl Champion Chicago Bears in 1985, White Sox World Series Championship in 2005, the Chicago Blackhawks Stanley Cup Championships and the dawn of a new Millennium; and

**WHEREAS**, Ann M. Ardolino was born in Cook County, after her parents Rosario and Elizabeth Coloia came to the United States from their native Italy; and

**WHEREAS**, Ann M. Ardolino was raised in Chicago's Little Italy neighborhood and was educated at Our Lady of Pompeii; and

**WHEREAS**, Ann M. Coloia married Frank Ardolino on June 26, 1934, and the couple had four (4) children; Anthony, Mary, Frank and Michael, and also two (2) nieces she raised as her own, Marlene and Marie; and

**WHEREAS**, Ann M. Ardolino began her career with the Cook County Department of Corrections in 1965 and worked faithfully and loyally until her retirement in 1979; and

**WHEREAS**, Ann M. Ardolino is a lifelong Cubs fan and has spent many fond afternoons at Wrigley Field with her family; and

**WHEREAS**, on March 14, 2014 Ann M. Ardolino celebrates her 100th Birthday in the company of family, friends, neighbors, and all who know her best.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby extend its warmest wishes and congratulations to Ann M. Ardolino on the occasion of her 100th Birthday, and join all who have had the pleasure of her friendship in wishing her still more years of good health and richly deserved happiness; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the official proceedings of this Honorable Body, and an official copy of same be presented to Ann M. Ardolino to commemorate this joyous occasion.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2051  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**IN MEMORIAM OF JAMES G. SERPE**

**WHEREAS**, Almighty God in His infinite wisdom has called James G. Serpe from our midst; and

**WHEREAS**, James G. Serpe was the beloved husband of Anita G. Serpe (nee Foggia); and

**WHEREAS**, James G. Serpe was the loving father of Susan (Tom) Stengren, Stephen (Inge), Anita (Dan) Magel, Amy, Gerard, Camille (Michael) Hardt and the late John (Maura) and Jimmy; and



**WHEREAS**, James G. Serpe was the cherished grandfather of James (Natalie) Serpe, Maureen Serpe, Megan (Ben) Wrigley, Stephen Serpe, II, Matthew Serpe, Sebastian Hardt and Elizabeth Hardt; and

**WHEREAS**, James G. Serpe was the great-grandfather of Violet Wrigley; and

**WHEREAS**, James G. Serpe was the dearest son of the late Vincenzo and Angelina Serpe; and

**WHEREAS**, James G. Serpe was the dearest brother of the late Camille (late Marino) DeMeo, and the late Anthony (late Olga) Serpe, Mary (late John) Cieslak, Florence Serpe, Guy (late Rose) Serpe, Rose (late Vincent) Speranza, Samuel (late Julie) Serpe, and Agnes (late Tom) Briatta; dearest son-in-law of the late Dominick (late Susie) Foggia, and brother-in-law to Vincent (Virginia) Foggia, and late John (late Sally) Foggia, Alex Foggia, Dominick Jr. (late Joan) Foggia; and

**WHEREAS**, James G. Serpe enjoyed a successful career as a teacher at St. Ignatius High School, Sacred Heart Seminary and Loyola Academy; and

**WHEREAS**, James G. Serpe received an Honorary Doctorate of Humane Letters from Georgetown University for his outstanding work as an educator; and

**WHEREAS**, all who knew him will attest that James G. Serpe was a kind and compassionate man, virtuous of character and gentle in spirit, admired and respected by his many friends and neighbors, and dearly loved by his family.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of James G. Serpe, and joins them in sorrow at this time of loss; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of James G. Serpe, that his memory may be so honored and ever cherished.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2052  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**WOLF'S BAKERY**

**WHEREAS**, in the year 2014, Wolf's Bakery of Evergreen Park has celebrated 75 years in business; and

**WHEREAS**, Wolf's Bakery in Evergreen Park was founded in a simple storefront located at an ideal site on 95th Street; and

**WHEREAS**, from those humble beginnings, Wolf's Bakery has flourished and grown into a venerable neighborhood institution that has served delicious baked products to countless customers over the years; and

**WHEREAS**, Wolf's Bakery is famous for its butter cookies and the original lemon fluff cake, which is always in great demand by its many loyal fans; and

**WHEREAS**, today, Wolf's Bakery is managed as a thoroughly modern twenty-first century operation, with a presence on the internet, combined with a loyal following of local customers would not think of shopping elsewhere for their baked goods and pastries; and

**WHEREAS**, over the years and throughout many changes, Wolf's Bakery has remained faithful to the vision and philosophy of outstanding customer service, and has not only succeeded as a commercial enterprise, but as a greatly valued and widely respected member of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County does hereby congratulate Wolf's Bakery on its 75th Anniversary, and pays tribute to the memory of its founders, Bud and Laurel Wolf, and to the hundreds of employees past and present, who have built the company into the successful and respected operation it is today; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the Official Proceedings of this Honorable Body, and a suitable copy of same be tendered to Wolf's Bakery in commemoration of this occasion and in grateful acknowledgment of the important contributions to the economy of Cook County made by Wolf's Bakery in the course of its 75 years in business.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-2053  
RESOLUTION**

**Sponsored by**

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER  
AND PRESIDENT TONI PRECKWINKLE**

**IN MEMORIAM OF REVEREND JOHN R. GAVIN, O.S.A**

**WHEREAS**, Almighty God in His infinite wisdom has called the Reverend John R. Gavin, O.S.A. from our midst; and

**WHEREAS**, Reverend John R. Gavin was the loving son of the late Thomas E. and Dorothy Gavin; and

**WHEREAS**, Reverend John R. Gavin was the devoted brother of the late Thomas "Bud" Gavin; and

**WHEREAS**, Reverend John R. Gavin professed his vows in the Augustinian Order in 1942 and was ordained as a priest in 1948, thus commencing a vocation of faith and lifelong service to God and mankind; and

**WHEREAS**, Reverend John R. Gavin taught and coached at St. Rita High School, Mendel Catholic High School and at St. Augustine Seminary in Holland, Michigan and was a mentor and role model to countless young lives during his time as an educator and spiritual leader; and

**WHEREAS**, Reverend John R. Gavin served as Pastor of Immaculate Conception/St. Henry Parish in St. Louis, Missouri for 23 years; and

**WHEREAS**, Reverend John R. Gavin returned to his native Chicagoland, and resided at Blessed Stephen Bellesini Friary (Franciscan Village) in Suburban Lemont; and

**WHEREAS**, all who knew him will attest that Reverend John R. Gavin was a kind and compassionate man, virtuous of character and gentle in spirit, and man of remarkable faith and devotion, admired and respected by his peers.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of Reverend John R. Gavin, and joins them in sorrow at this time of loss; and

**BE IT FURTHER RESOLVED**, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of Reverend John R. Gavin, that his memory may be so honored and ever cherished.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-1932  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, DEBORAH SIMS,**

**JOHN P. DALEY, GREGG GOSLIN, JOAN PATRICIA MURPHY,  
ROBERT B. STEELE AND JEFFREY R. TOBOLSKI, COUNTY COMMISSIONERS**

**IN MEMORY OF STANLEY WESLEY MORRIS**

**WHEREAS**, Almighty God in His infinite wisdom has called Stanley Wesley Morris from our midst; and

**WHEREAS**, Mr. Morris was the beloved son of William and Laura Morris; and

**WHEREAS**, Mr. Morris was born and raised in the City of Harvey. He attended Thornton High School where he excelled in basketball, football and baseball while maintaining high academic standards; and

**WHEREAS**, after graduating in June of 1951, Mr. Morris worked for a short while at Maremont Automotive Products and then enlisted in the U.S. Air Force where he spent four (4) years in Active Duty and another four (4) years in the Reserves; and

**WHEREAS**, in 1960, having completed his military obligation he received an Honorable Discharge and returned to the City of Harvey; and

**WHEREAS**, in May of 1961 after placing high on the Civil Service Exam, Mr. Morris was selected as the first black man to receive an appointment to the Harvey Police Department; and

**WHEREAS**, his entry level position being Motorcycle Patrol Officer, Mr. Morris was proud to serve and was determined to advance; and

**WHEREAS**, Mr. Morris' goals and commitment took him on an upward spiral through the ranks; always academically qualifying for his current job while preparing himself for the next level. Both black and white citizens of Harvey admired him for his leadership skills; and

**WHEREAS**, Mr. Morris was plagued by racial slurs, discrimination and attempted intimidation perpetuated by forces within the Department as well as by local residents; and

**WHEREAS**, Mr. Morris overcame these adversaries, stayed with the police force, and ultimately completed the requirements for and achieved ranks of Sergeant, Lieutenant, Deputy Chief and finally receiving the appointment of Chief of Harvey's Police Department. He was a member of National Organization of Black Law Enforcement Executives (NOBLE); and

**WHEREAS**, although Mr. Morris again persevered to achieve his goals, he expressed his one regret on this journey, "I am just sorry my mother didn't live to see me become Chief".

**NOW, THEREFORE, BE IT RESOLVED**, that I, President Toni Preckwinkle and the Board of Commissioners of Cook County, do hereby offer our deepest condolences and most heartfelt sympathy to the family of Stanley Wesley Morris; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be tendered to the family of Stanley Wesley Morris and a copy be spread upon the official proceeding of this Honorable Body.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**14-1938  
RESOLUTION**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, COUNTY COMMISSIONER**

**COMMEMORATING THE LIFE MANY ACCOMPLISHMENTS  
AND MEMORY OF RICHARD R. ROCHESTER**

**WHEREAS**, Richard R. Rochester, a dedicated lawyer, Circuit Court Judge and trailblazing bar association leader died January 28, 2014; and

**WHEREAS**, Richard R. Rochester was raised in Chicago and attended St. Patrick's High School and completed his undergraduate education at the University of Illinois and obtained his law degree from IIT Chicago-Kent College of Law; and

**WHEREAS**, Richard R. Rochester joined the Law Firm of Boyle and Friedman and spent the next three (3) decades focusing his practice in real estate and tax planning; and

**WHEREAS**, as a resident of north suburban Mount Prospect in the 1970s Rochester became active in the Northwest Suburban Bar Association, and is credited with the revitalization, expansion and improvement of the National Suburban Bar Association (NWSBA) while serving as its President; and

**WHEREAS**, Richard R. Rochester was appointed by the Illinois Supreme Court to fill a vacancy in the Cook County Circuit Court in 1990; and

**WHEREAS**, Richard R. Rochester and his wife Florence were married for over 56 years and were the proud parents of five (5) children: Domineque, Richard, RoxAnne, Ronald and Rory. Richard Rochester was the doting grandfather of his 13 grandchildren, Tyler, Kelsey, Richard, Riley, Robert, John, Dominic, Margo, David, Lucas, Brittany, Brooke and Brielle, and a great-grandson, Brayden; and

**WHEREAS**, Judge Rochester's daughter, RoxAnne L. Rochester joined her father at the bar and in service to Cook County, as a staff attorney with the Cook County Circuit Court's Law Division.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Cook County, on behalf of the 5.2 million residents of Cook County commemorates the life of Richard R. Rochester, and herewith expresses its sincere gratitude for the invaluable contributions he has made to the Citizens of Cook County, Illinois; and

**BE IT FURTHER RESOLVED**, that a suitable copy of this Resolution be spread upon the official proceedings of this Honorable Body and that an official copy of the same be tendered to the family of Richard R. Rochester.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Consent Calendar Resolution be approved. The motion carried.**

**PRESIDENT**  
**JUSTICE ADVISORY COUNCIL**

**14-1620**

**Presented by:** JULIANA STRATTON, Executive Director, Justice Advisory Council

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Justice Advisory Council

**Vendor:** Westcare Foundation, Chicago, Illinois

**Request:** Authorization for the Chief Procurement Officer to extend and increase contract

**Good(s) or Service(s):** Cognitive Behavioral Therapy (CBT) and Trauma services to appropriate individuals

**Original Contract Period:** 7/15/2013 - 1/14/2014

**Proposed Contract Period Extension:** 1/15/2014 - 6/30/2014

**Total Current Contract Amount Authority:** \$95,000.00

**Original Approval (Board or Procurement):** 8/30/2013, \$95,000.00

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** N/A

**This Increase Requested:** \$70,835.00

**Potential Fiscal Impact:** N/A

**Accounts:** N/A

**Contract Number(s):** 1353-12842

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs

**Summary:** The Justice Advisory Council contracts with Westcare Foundation on behalf of our Adult Redeploy Illinois (ARI) program stakeholders. Westcare Foundation provides CBT and Trauma services to appropriate individuals within the aforementioned program. Services are designed to help program participants avoid recidivation.

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**A motion was made by Commissioner Suffredin, seconded by President Pro Tempore Steele, that this Contract Amendment be approved. The motion carried.**

**14-1632**

**Presented by:** JULIANA STRATTON, Executive Director, Justice Advisory Council

**PROPOSED GRANT AWARD AMENDMENT**

**Department:** Justice Advisory Council

**Grantee:** Justice Advisory Council

**Grantor:** Illinois Criminal Justice Information Authority

**Request:** Authorization to increase grant award

**Purpose:** The purpose of the Adult Redeploy Illinois program is to provide continued support for substance abuse treatment, cognitive behavioral therapy, and trauma services amongst ARI program participants

**Supplemental Grant Amount:** \$92,604.00

**Grant Period:** 10/1/2013 - 06/30/2014

**Extension Period:** N/A

**Fiscal Impact:** N/A

**Accounts:** N/A

**Date of Previous Board Authorization for Grant:** 9/11/2013

**Previous Grant Amount:** \$754,642.00

**Concurrences:**

The Budget Department has received all requisite documents and determined the fiscal impact on Cook County, if any

**Summary:** There has been an increase in the need for substance abuse treatment, cognitive behavioral therapy, and trauma services amongst ARI program participants. This supplemental grant award will ensure that appropriate individuals receive the aforementioned treatment.

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**A motion was made by Commissioner Suffredin, seconded by President Pro Tempore Steele, that this Grant Award Amendment be approved. The motion carried.**

**COMMISSIONERS**

**14-1928**

**Sponsored by:** ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**ORDINANCE AMENDING THE COOK COUNTY VEHICLE CODE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 82 Traffic and Vehicles, Article I County Vehicle Code, Division 3 Vehicle Parking of the Cook County Code is hereby amended as follows:

**Sec. 82-92. Parking of trucks restricted.**

(a) No person shall stand or park any truck, tractor, semi-trailer, recreational vehicle more than 22 feet in length, self-contained motor home, or bus on any residential street for a longer period than is necessary for the reasonably or expeditious loading or unloading of such vehicle.

(b) No person shall stop or park any vehicle or permit the stopping or parking of any vehicle with a curb weight of more than 8,000 pounds within one thousand feet (1,000) of any building or structure used for residential purposes within the unincorporated areas of Cook County, except in the case where the vehicle is loading or unloading and the truck departs the premises as soon as is reasonably possible after loading or unloading is complete, but in no case longer than two (2) hours.

(c) This Ordinance shall be in effect only in townships where the Township Board has requested enforcement, by Resolution forwarded to the Cook County Sheriff's Police Department.

~~(b)~~ (d) No person shall stand or park any truck, tractor, semitrailer, trailer or self-contained motor home, or bus on any business street for a longer period than is necessitated for the reasonably expeditious loading or unloading of such vehicle. Any person found in violation of this section will be fined \$50.00.

**Effective date:** This Ordinance shall be in effect in full force and effect immediately upon adoption and approval.

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**A motion was made by Commissioner Gorman, seconded by Commissioner Silvestri, that this Ordinance Amendment be referred to the Zoning and Building Committee. The motion carried.**



**14-1930**

**Sponsored by:** PETER N. SILVESTRI, County Commissioner

**PROPOSED ORDINANCE AMENDMENT**

**AMENDMENT TO ASSESSMENT CLASSES - CLASS 6A**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article II Real Property Taxation, Division 2 Classification System for Assessment, Sections 74-63 through 74-69 of the Cook County Code of Ordinances are hereby amended as follows:

**Sec. 74-63. Assessment classes.**

Real estate is divided into the following assessment classes:

- (1) *Class 1.* Unimproved real estate.
- (2) *Class 2.* Real estate:
  - a. Used as a farm;
  - b. Used for residential purposes when improved with a house, an apartment building of not more than six living units, or residential condominium, a residential cooperative or a government subsidized housing project, if required by statute to be assessed in the lowest assessment category;
  - c. Improved with a building put to commercial and residential use, of six or less units where the building measures less than 20,000 square feet of above grade space; or
  - d. Real estate improved with a single room occupancy building, as defined in this Division, provided that:
    1. At least one-third of the single room occupancy units are leased at no more than 80 percent of the current "Fair Market Rent Schedule for Existing Housing for Single Room Occupancy Units" as set by the United States Department of Housing and Urban Development (hereinafter "FMR Schedule");
    2. No single room occupancy units are leased at rents in excess of 100 percent of the current FMR Schedule;
    3. The overall maximum average rent per unit for all single room occupancy units in the building shall not exceed 90 percent of the current FMR Schedule; and
    4. The subject property is in substantial compliance with all local building, safety and health codes and requirements.

In the event that the owner fails to comply with these requirements, the Class 2 classification shall be revoked.

- (3) *Class 3.* All improved real estate used for residential purposes which is not included in any other class.

- (4) *Class 4.* Real estate owned and used by a not-for-profit corporation in furtherance of the purposes set forth in its charter unless used for residential purposes. If such real estate is used for residential purposes, it shall be classified in the appropriate residential class.
- (5) *Class 5a.* All real estate not included in Class 1, Class 2, Class 3, Class 4, Class 5b, Class 6a, Class 6b, Class C, Class 7a, Class 7b, Class 8, Class 9, Class S or Class L of this Section.
- (6) *Class 5b.* All real estate used for industrial purposes as defined herein and not included in any other class.
- (7) *Class 6a.* Real estate used primarily for the purpose of a retail center with a grocery store component deemed “qualified” for the purposes of the Amended Class 6a, including the land upon which such property is situated; or real estate used primarily for the purpose of a retail development enterprise deemed “qualified”, consisting of all newly constructed buildings or other structures, including the land upon which they are situated.

a. A property may be deemed “qualified” for the purpose of the Amended Class 6a if:

i. The retail center with a grocery store component that occupies the premise or retail development enterprise that will occupy the premise will generate sales tax revenue through the Retail’s Occupation Tax, the Service Occupation Tax and/or the Use Tax; and

ii. With regards to the retail center with a grocery store enterprise, the retail center with a grocery store component that occupies the premises submits evidence of hardship supporting a determination that the Amended Class 6a designation is necessary for the retail center with a grocery store component to continue operations at its current location and maintain its staff, and that without such designation the retail center with grocery store component would not be economically viable, causing the property to be in imminent risk of becoming or continuing to be vacant and unused. With regards to the retail development enterprise, the retail development enterprise that will occupy the premises submits evidence of hardship supporting a determination that the Amended Class 6a designation is necessary for the retail to be developed, and that without such designation the retail development enterprise would not be economically viable, causing the property to be in imminent risk of continuing to be vacant and unused.

b. An applicant must obtain, from the municipality in which the real estate is located or the County Board if the real estate is located in an unincorporated area, an Ordinance or Resolution expressly stating that it has determined the property is “qualified” for the purpose of the Amended Class 6a and that it supports and consents to the Amended Class 6a application to the Assessor. A certified copy of the Ordinance or Resolution need not be filed at the time of filing the Amended Class 6a eligibility application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Amended Class 6a. If the Ordinance or Resolution is not filed at the time of the eligibility application, the applicant shall instead file, at that time, a letter from the municipality or the County, as the case may be, confirming that an Ordinance or Resolution supporting the incentive has been requested.

c. A copy of the Ordinance or Resolution or letter confirming that an Ordinance or Resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor’s Office to the Secretary of the County Board for distribution to the members of the County Board from the affected districts.

d. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed “qualified” for the purpose of the Amended Class 6a, and a County Resolution to that effect shall be obtained. The applicant must present the municipal enabling Ordinance or Resolution obtained in accordance with Section b to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed “qualified” for the purpose of the Amended Class 6a and provide a County Resolution to that effect. A certified copy of the County Resolution validating such a finding that the property is deemed “qualified” for the purpose of the Amended Class 6a need not be filed at the time of filing the Amended Class 6a application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Amended Class 6a.

e. The Assessor shall provide rules for the filing of annual reports by recipients of Amended Class 6a incentives granted as to the use of the property and the number of persons employed at the Amended Class 6a site. In such reports, recipients shall be required to certify whether the retail center with grocery store component or the retail development enterprise continues its operations at that location. In addition, recipients of Amended Class 6a incentives shall be required to report to the Assessor within 30 days if the retail center with grocery store component or the retail development enterprise ceases operations at that location. A copy of such reports will be forwarded by the Assessor’s Office to the Secretary of the County Board for distribution to Members of the County Board from the affected districts. Failure to file such reports within the time established by the Assessor’s rules shall result in loss of the incentive for the period relating to the non-filing. Additionally, if the retail center with grocery store component or the retail development enterprise ceases operations at that location, then the Amended Class 6a incentive granted shall terminate.

f. Class 6a applications for newly constructed or substantially rehabilitated buildings and other structures must be made to the Assessor within one (1) year prior to the commencement of such new construction or substantial rehabilitation to qualify for a Class 6a incentive.

g. This classification will begin from date of the notice of approval regarding the retail center with grocery store component or from the date of such new construction (excluding demolition, if any) regarding the retail development enterprise and will continue for a period of 12 years or until the retail center with grocery store component or the retail development enterprise ceases operations at that location if that occurs sooner.

h. This incentive may be renewed during the last year a property is entitled to a ten percent assessment level pursuant to Section 74-64(7), if the following requirements are met:

- i. The property can continue to be deemed “qualified” for the purposes of the Class 6a;
- ii. The applicant notifies the Assessor’s Office of intent to request renewal of the incentive from the municipality or the County Board, if the real estate is located in an unincorporated area;
- iii. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a Resolution expressly stating that the municipality or the County Board, as the case may be, has determined that the premise continues to be deemed “qualified” for the purpose of the Amended Class 6a, and supports and consents to renewal of the Amended Class 6a; and

iv. A copy of that Resolution and a completed renewal application are filed with the Assessor's Office before the expiration of the ten percent assessment level period.

i. The number of renewal periods is not limited as long as the property continues to apply and the property continues to be deemed "qualified" for the purpose of the Amended Class 6a.

j. A copy of the request for renewal of the incentive will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to Members of the County Board from the affected districts.

k. If no renewal is obtained, the incentive shall be phased out over the next 2 years, pursuant to Section 74-64(7). After expiration of the last incentive period, the real estate shall revert to the applicable classification under this Division.

l. The Assessor may adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine eligibility for the benefits provided under Amended Class 6a.

~~(7)~~(8) *Class 6b.* Real estate used primarily for industrial purposes, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel.

a. An applicant must obtain from the municipality in which the real estate is located or the County Board if the real estate is located in an unincorporated area, an Ordinance or Resolution expressly stating that the municipality or County Board, as the case may be, has determined that the incentive provided by Class 6b is necessary for development to occur on that specific real estate and that the municipality or County Board, as the case may be, supports and consents to the Class 6b application to the Assessor. A certified copy of the Ordinance or Resolution need not be filed at the time of filing the Class 6b eligibility application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the eligibility application, the applicant shall instead file, at that time, a letter from the municipality or the County, as the case may be, confirming that a Resolution or Ordinance supporting the incentive has been requested.

b. A copy of the Resolution or letter confirming that a Resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to the Members of the County Board from the affected districts.

c. Class 6b applications for newly constructed or substantially rehabilitated buildings and other structures must be made to the Assessor within one year prior to the commencement of such new construction or substantial rehabilitation to qualify for a Class 6b incentive. With respect to abandoned property, the Class 6b application must be made to the Assessor prior to the commencement of the reoccupation of the vacant and unused property.

d. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special

circumstances justify finding that the property is deemed "abandoned" for purpose of Class 6b, unless:

1. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
2. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 6b application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 6b, and a County Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 6b and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 6b need not be filed at the time of filing the Class 6b eligibility application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the Class 6b eligibility application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Temporary Emergency Economic Recovery Modification (TEERM) Program: In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify finding that the property is deemed "abandoned" for purpose of a Class 6b under the TEERM Program if there has been no purchase for value and the buildings and other structures have been vacant and unused for at least 12 continuous months. The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 6b application under the TEERM Program. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 6b, and a County Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 6b and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 6b need not be filed at the time of filing the Class 6b application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the Class 6b application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Sustainable Emergency Relief (SER) Program: In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify finding that the property is deemed "qualified" for purpose of Class 6b under the SER Program if:

1. The industrial enterprise that occupies the premises has been at the same location for a minimum of ten (10) years prior to the date of application for the SER Program;
2. The industrial enterprise that occupies the premises submits evidence of hardship supporting a determination that participation in the SER Program is necessary for the industrial enterprise to continue operations at its current location and maintain its staff, and that without such designation the industrial enterprise would not be economically viable causing the property to be in imminent risk of becoming vacant and unused; and
3. The applicant is not receiving another Cook County property tax incentive for the same property.

The finding that a property is qualified, along with the specification of the special circumstances, and a determination that the applicant's participation in the SER Program is necessary for the industrial enterprise to continue operations at its current location and maintain its staff, and that without such designation the industrial enterprise would not be economically viable causing the property to be in imminent risk of becoming vacant and unused, shall be included in the Resolution or Ordinance supporting and consenting to the Class 6b application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "qualified" for purposes of Class 6b, and a County Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "qualified" for purposes of Class 6b and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "qualified" for purposes of Class 6b need not be filed at the time of filing the Class 6b application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 6b. If the Resolution is not filed at the time of the Class 6b application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Applications for the TEERM Program or SER Program under a Class 6b application must be received by the Assessor's Office on or before November 30, 2018 to receive consideration. The Assessor shall provide by rule for the filing of annual reports by recipients of Class 6b incentives granted pursuant to the SER Program as to the use of the property and the number of persons employed at the Class 6b site. In such reports, recipients shall be required to certify whether the industrial enterprise that occupied the premises at the time of the SER application continues its operations at that location. In addition, recipients of Class 6b incentives granted pursuant to the SER Program shall be required to report to the Assessor within 30 days if the industrial enterprise that occupied the premises at the time of the SER application ceases operations at that location. A copy of such reports will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to members of the County Board from the affected districts. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the non-filing. Additionally, if the industrial enterprise that occupied the

premises at the time of the SER application ceases operations at that location, then the Class 6b incentive granted pursuant to the SER program shall terminate.

- e. This classification shall continue for a period of 12 years from the date such new construction (excluding demolition, if any) or such substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial re-occupancy, or in the case of incentives granted pursuant to the TEERM Program, from the date of the notice of approval. In the case of incentives granted pursuant to the SER Program, this classification shall continue for a period of 12 years from the date of the notice of approval, or until the industrial enterprise that occupied the premises at the time of the SER application ceases operations at that location if that occurs sooner.
- f. Unless a Class 6b granted pursuant to the TEERM Program or the SER Program, this incentive may be renewed during the last year a property is entitled to a ten percent assessment level pursuant to section 74-64(7), if the following requirements are met;
  - 1. The taxpayer notifies the Assessor's Office of intent to request renewal of the incentive from the municipality or the County Board if the real estate is located in an unincorporated area;
  - 2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a Resolution expressly stating that the municipality or the County Board, as the case may be, has determined that the industrial use of the property is necessary and beneficial to the local economy, and supports and consents to renewal of the Class 6b; and
  - 3. A copy of that Resolution and a completed renewal application are filed with the Assessor's Office before the expiration of the ten-percent assessment level period.
- g. Class 6b incentives that are granted pursuant to the TEERM Program or SER Program are not renewable. For all other Class 6b incentives, the number of renewal periods is not limited as long as the property continues to apply and meet the requirements for Class 6b.
- h. A copy of the request for renewal of the incentive will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to Members of the County Board from the affected districts.
- i. If no renewal is obtained, the incentive shall be phased out over the next two years, pursuant to Section 74-64(7). After expiration of the last incentive period, the real estate shall revert to the applicable classification under this division.
- j. The Assessor may adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine eligibility for the benefits provided under Class 6b.
- k. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 6b recipients as to the use of the property and the number of persons employed at the Class 6b site. A copy of such reports will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to Members of the County Board from the affected districts. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the non-filing.

~~(8)~~(9) *Class C.* Real estate which is to be used for industrial or commercial purposes, including abandoned property, as defined in Section 74-62, including the land upon which such property is situated; or vacant

land; where such real estate because of contamination has undergone environmental testing and remediation and has received a "No Further Remediation Letter" from the site remediation program.

- a. To be eligible for a Class C classification an applicant must have received a "No Further Remediation Letter" confirming achievement of the remediation objectives based on the industrial or commercial use.
- b. The owner of the property is rendered ineligible for the Class C classification by having previously owned or operated the site, directly or indirectly, or having been a partner or being associated through a family or business relationship with anyone who has owned or operated the site, which ownership or operation caused the contamination which was remediated pursuant to a site remediation. A present owner who can successfully demonstrate that the owner was not responsible for the contamination may be eligible for Class C classification.
- c. An applicant must obtain from the municipality in which the real estate is located or the County Board if the real estate is located in an unincorporated area, an ordinance or resolution expressly stating that the municipality or County Board, as the case may be, has determined that the incentive provided by Class C is necessary for development to occur on that specific real estate and that the municipality or County Board, as the case may be, supports and consents to the Class C application to the Assessor. A certified copy of the Ordinance or Resolution must be filed at the time of application for the Class C classification. A copy of that Ordinance or Resolution, whichever is submitted, will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to the Members of the County Board from the affected districts.
- d. To qualify for the Class C classification, an application for Class C classification must be made within one year of the receipt of the "No Further Remediation Letter". Where an application for Class C classification encompasses less than all of the contiguous property owned by the applicant upon which remediation has been completed, the one year limitation will be waived for any subsequent separate application for Class C classification for the remainder or for additional portions of the property, provided that such subsequent application is made within seven years.
- e. Additionally, to qualify for the Class C classification, the estimated remediation costs, including site investigation, testing, oversight, remediation and removal costs, monitoring, and engineering and legal fees associated with the remediation process, must total at least \$100,000.00, or alternatively, must total at least 25 percent of the market value of the real estate as determined by the Assessor's property record card in the year prior to the remediation, whichever is less.
- f. The initial Class C classification shall continue for a period of 12 years for both industrial and commercial property. For industrial property, this incentive may be renewed during the last year a property is entitled to a 16 percent assessment level, if the following requirements are met:
  1. The taxpayer notifies the Assessor's Office of the taxpayer's intent to request renewal of the incentive from the municipality, or the County Board if the real estate is located in an unincorporated area;
  2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a Resolution expressly stating that the municipality or County Board, as the case may be, has determined that the industrial use of the property is necessary and beneficial to the local economy, and supports and consents to renewal of the Class C; and



3. A copy of that Resolution and a completed renewal application are filed with the Office of the Assessor before the expiration of the 16 percent assessment level period.

The number of renewal periods is not limited as long as the property continues to apply and qualify for Class C. Any property which applies for Class C treatment on or before the adoption date of the Ordinance from which this Division is derived will be eligible for this renewal term at the end of their original incentive period subject to the above requirements. The notice of intent to request renewal which is filed with the Assessor's Office will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to Members of the County Board from the effected districts.

- g. If, on November 23, 1999, a property is receiving Class C treatment, but the assessment level is higher than 16 percent, that taxpayer may apply for renewal as outlined above and receive a 16 percent assessment level for the prescribed period beginning after the filing and approval of the Resolution and renewal application. However, if, as of that effective date, the taxpayer's assessment is higher than 16 percent and the taxpayer is granted a renewal of the incentive for subsequent years, no reduction of the current assessment level based on renewal of the incentive will be granted. If no renewal is obtained, the incentive shall be phased out over the next two (2) years, pursuant to Section 74-64. After such ten (10) year period expiration of the last incentive period, the real estate shall revert to the applicable classification under this Division.
  - h. For commercial properties, once the original 12 year incentive period has expired, the commercial Class C incentive will expire. The incentive classification will not be subject to renewal and the real estate shall revert to the applicable classification under this Division.
  - i. The Assessor shall review the application and supporting documentation to determine eligibility for the Class C classification. The Assessor may adopt rules consistent with the foregoing necessary to ensure proper review of all factors relevant to determine initial and continued eligibility for the benefits provided under the Class C classification.
  - j. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class C recipients as to the use of the property and the number of persons employed at the Class C site. Such reports shall be verified. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the non-filing.
- ~~(9)~~(10) *Class 7a.* Real estate used primarily for commercial purposes, comprising a qualified commercial development project, as determined pursuant to Section 74-65(a), located in an area in need of commercial development, where total development costs, exclusive of land, do not exceed \$2,000,000.00, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, as defined in this Division, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel.
- a. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify that the property is deemed "abandoned" for purposes of Class 7a. The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 7a application.

Notwithstanding the foregoing, special circumstances may not be determined to justify finding that a property is deemed "abandoned" where:

- A. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
- B. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

Such Resolution or Ordinance must be filed with the eligibility application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 7a and a Resolution to that effect shall be included with the Class 7a eligibility application filed with the Assessor.

- b. This classification shall continue for a period of 12 years from the date such new construction (excluding demolition, if any) or such substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial re-occupancy. After such 12 year period, the real estate shall revert to the applicable classification under this Division.
- c. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 7a recipients as to the use of the property and the number of persons employed at the Class 7a site. Such reports shall be verified. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the non-filing.

~~(10)~~(11) *Class 7b.* Real estate used primarily for commercial purposes, as defined in this Division, comprising a qualified commercial development project, as determined pursuant to Section 74-65(a), located in an "area in need of commercial development", where total development costs, exclusive of land, exceed \$2,000,000.00, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, as defined herein, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel.

- a. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify finding that the property is deemed "abandoned" for purposes of Class 7b. The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 7b application. Notwithstanding the foregoing, special circumstances may not be determined to justify finding that a property is deemed "abandoned" where:
  - A. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
  - B. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

Such Resolution or Ordinance must be filed with the eligibility application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a

finding that the property is deemed "abandoned" for purposes of Class 7b and a Resolution to that effect shall be included with the Class 7b eligibility application filed with the Assessor.

- b. This classification shall continue for a period of 12 years from the date such new construction (excluding demolition, if any) or such substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial re-occupancy.
- c. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 7b recipients as to the use of the property and the number of persons employed at the Class 7b site. Such reports shall be verified. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the non-filing.

~~(11)~~(12) *Class 8.* Real estate used primarily for industrial and commercial purposes, consisting of all newly constructed buildings or other structures, including the land upon which they are situated; or abandoned property, as defined in this division, including the land upon which such property is situated; or all buildings and other structures which are substantially rehabilitated to the extent such rehabilitation has added to their value, including qualified land related to the rehabilitation.

- a. Land qualifies when the rehabilitation adds vertical or horizontal square footage to the improvements. The amount of land eligible for the incentive shall be in such proportion as the square footage added by the rehabilitation bears to the total square footage of the improvements on the parcel. Such real estate must be either obtained through the Cook County Tax Reactivation Project or must be located in one of the following designated geographical areas:
  - 1. An area which has been certified as in need of substantial revitalization in accordance with the provisions of Section 74-65(b);
  - 2. An enterprise community as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994, and the municipality in which such real estate is located, or, if in an unincorporated area, the County must by lawful Resolution determine that such real estate is consistent with an overall plan for the rehabilitation of the area; or
  - 3. Any one of the following five (5) townships: Bloom, Bremen, Calumet, Rich and Thornton.
- b. In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify that the property is deemed "abandoned" for purpose of Class 8, unless:
  - 1. There has been a purchase for value and the buildings and other structures have not been vacant and unused prior to such purchase; or
  - 2. There has been no purchase for value and the buildings and other structures have been vacant and unused for less than 24 continuous months.

The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 8 application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such, a finding that the property is deemed "abandoned" for purposes of Class 8, and a Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 8 and

provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 8 need not be filed at the time of filing the Class 8 application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 8. If the Resolution is not filed at the time of the Class 8 application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Temporary Emergency Economic Recovery Modification (TEERM) Program: In the instance where real estate does not meet the definition of abandoned property as defined herein, the municipality or the County Board, as the case may be, may still determine that special circumstances justify that the property is deemed "abandoned" for purpose of Class 8 under the TEERM Program, if there has been no purchase for value and the buildings and other structures have been vacant and unused for at least 12 continuous months. The finding of abandonment, along with the specification of the special circumstances, shall be included in the Resolution or Ordinance supporting and consenting to the Class 8 application. If the Ordinance or Resolution is that of a municipality, the approval of the County Board is required to validate such a finding that the property is deemed "abandoned" for purposes of Class 8, and a Resolution to that effect shall be obtained. The applicant must obtain the municipal enabling Ordinance with the required finding of special circumstances and present such municipal Ordinance to the Board of Commissioners of Cook County prior to its determination as to whether it will validate such a finding that the property is deemed "abandoned" for purposes of Class 8 and provide a County Resolution to that effect. A certified copy of an Ordinance or Resolution finding that special circumstances exist, as well as a certified copy of a County Ordinance or Resolution validating such a finding that the property is deemed "abandoned" for purposes of Class 8 need not be filed at the time of filing the Class 8 application with the Assessor, but must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class 8. If the Resolution is not filed at the time of the Class 8 application, the applicant shall instead file, at that time, a letter from the municipality or the County as the case may be, confirming that a Resolution or Ordinance regarding special circumstances has been requested.

Applications for the TEERM Program must be received by the Assessor's Office on or before November 30, 2018 to receive consideration.

- c. A copy of the Resolution or letter confirming that a Resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to the Members of the County Board from the affected districts.
- d. This classification shall continue for a period of 12 years from the date of new construction (excluding demolition, if any) or substantial rehabilitation was completed and initially assessed, or in the case of abandoned property, from the date of substantial re-occupancy, or in the case of incentives granted pursuant to the TEERM Program, from the date of the notice of approval.
- e. Unless it was granted pursuant to the TEERM Program, this incentive may be renewed during the last year a property is entitled to a ten percent assessment level pursuant to 74-64(11), if the following requirements are met:
  - 1. The taxpayer notifies the Assessor's Office of the taxpayer's intent to request renewal of the incentive from the municipality, or the County Board if the real estate is located in an unincorporated area;

2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a Resolution expressly stating that the municipality or County Board, as the case may be, has determined that the industrial or commercial use of the property is necessary and beneficial to the local economy, and supports and consents to renewal of the Class 8; and
  3. A copy of that Resolution and a completed renewal application are filed with the Assessor's Office before the expiration of the 10 percent assessment level period.
  - f. Class 8 incentives that are granted pursuant to the TEERM Program are not renewable. For all other Class 8 incentives, the number of renewal periods is not limited as long as the property continues to apply and meet the requirements for Class 8.
  - g. A copy of the request for renewal of the incentive will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to the Members of the County Board from the affected districts.
  - h. If no renewal is obtained, the incentive shall be phased out over the next two (2) years, pursuant to Section 74-64(11). After expiration of the last incentive period the real estate shall revert to the applicable classification under this Division.
  - i. The Assessor may adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine eligibility for the benefits provided under Class 8.
  - j. The certification of an area as in need of substantial revitalization shall expire five (5) years from the date such certification is granted. The Assessor shall notify the applicant of the date of expiration of certification one (1) year before the date of the expiration of the certification. Such certification, pursuant to the same criteria, may be extended for one additional five (5) year period subject to reapplication by the appropriate local governing body within the period from one (1) year to six (6) months prior to the expiration of the initial five (5) year period.
  - k. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class 8 recipients as to the use of the property and the number of persons employed at the Class 8 site. A copy of such reports will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to Members of the County Board from the affected districts. Failure to file such reports within the time established by the Assessor's rules shall result in loss of the incentive for the period relating to the non-filing.
- ~~(12)~~(13) *Class 9.* All real estate otherwise entitled to Class 3 classification under this Division, provided that such real estate, consisting of land and existing buildings and structures is multifamily residential real estate; either has undergone major rehabilitation, or is new construction, or both; has at least 35 percent of the dwelling units leased at rents affordable to low-or moderate-income persons or households; and is in substantial compliance with all applicable local building, safety and health requirements and codes.
- a. To qualify for the Class 9 classification, the applicant must:
    1. File an eligibility application with the Assessor prior to commencement of rehabilitation and/or of new construction;
    2. Either undertake and complete a major rehabilitation of the subject property or undertake and complete construction of a new building;

3. Maintain the subject property, including any new construction, in substantial compliance with all local building, safety and health codes and requirements for the duration of the Class 9 classification period;
  4. Lease, for the duration of the Class 9 classification period, at least 35 percent of the dwelling units of the subject property, including any new construction, to tenants at rents which will not exceed rents affordable to low- and moderate-income persons or households;
  5. Agree to make a current listing of Class 9 tenants and their income available to the Assessor upon request;
  6. Further agrees to annually provide the tenants with a list of the permissible Class 9 rents;
  7. Agree to notify tenants of the upcoming Class 9 expiration at least one (1) year prior to the termination of the incentive treatment; and
  8. File annually with the Assessor, on or before a date determined by the Assessor, for the duration of the Class 9 classification period, a sworn statement verifying continuous compliance with the Class 9 provisions of this Division.
- b. No applicant shall discriminate on the basis of race, color, sex, marital status, religion, national origin or ancestry, or on any other basis prohibited under Federal, State or local law.
  - c. Upon completion of the major rehabilitation, the applicant must supplement the application by submitting evidence showing that major rehabilitation did, in fact, occur, the date that the major rehabilitation was completed and that the real estate complies with all applicable local building, safety and health requirements and codes. Upon completion of the new construction, the applicant must supplement the application by submitting an occupancy permit showing the date that the new construction was completed and ready for occupancy, and evidence that the real estate complies with all applicable local building, safety and health requirements and codes.
  - d. Beginning January 1, 2000, the Class 9 classification shall have an initial duration of ten (10) years from the date that the major rehabilitation was completed. That period may be extended for additional ten (10) year periods, if:
    1. An application is filed with the Assessor at least 12 months before the expiration of the incentive period;
    2. The applicant presents evidence that the real estate currently complies with all applicable local building, safety and health requirements and codes; and
    3. The Assessor determines that all application qualifications, except the major rehabilitation or new construction requirement, were maintained during the incentive period.
  - e. When the Class 9 classification is due to expire or is terminated by action of the owner or the Assessor, the property owner shall, in a manner and form determined by the Assessor, notify all Class 9 tenants of the date of the termination of Class 9 classification. Once the Class 9 classification is terminated, the real estate shall revert to the applicable classification under this Division.

~~(13)~~(14) *Class S.* Real estate otherwise entitled to Class 3 classification under this Division, consisting of land and existing buildings and structures, which is has been subject to a Section 8 contract renewal. The portion of the land and building eligible for the incentive shall be in such proportion as the number of Section 8 units bears to the total number of units. The proportion shall be applied only to property used for residential purposes, and not to portions of the property, if any, used for commercial purposes.

- a. Property qualifies for the Class S classification if its Section 8 contract has been renewed pursuant to one of the following alternatives:
  1. HUD has approved renewal of the Section 8 contract under the mark up to market option, after finding that:
    - i. The property has received a physical inspection score of at least 60, in an inspection by HUD's Real Estate Assessment Center, confirming that the property is decent, safe, sanitary and in good repair with no uncorrected exigent health and safety (EHS) violations;
    - ii. The property does not have a low- and moderate-income use restriction that cannot be eliminated by unilateral action by the owner. If, however, the current rent is lower than the use restriction, HUD may use the mark up to market option to increase the rents to the use restriction level, which would be a renewal qualifying for the S classification; and
    - iii. A rent comparability study conducted by HUD has demonstrated that comparable market rents are above 100 percent of the HUD Fair Market Rent.
  2. HUD has approved a contract renewal for five (5) years of the Section 8 contract under the mark up to market under HUD's discretionary authority, after finding that the property meets at least one of the required criteria:
    - i. A vulnerable population is affected;
    - ii. There is a low vacancy rate in the area, which would make tenant based assistance difficult to use, or a lack of comparable housing; or
    - iii. The project is a high priority for the local community, as demonstrated by a contribution of state or local funds to the property.
  3. HUD has approved renewal of a Section 8 contract for a not-for-profit corporation under any available option under HUD's renewal procedures as described in HUD's Section 8 Renewal Policy Guidelines.
- b. Additional requirements for qualification for the S classification are:
  1. At least 20 percent of the living units must be Section 8 units for qualifying low-and moderate-income persons.
  2. The owner must agree to retain at least the existing number of Section 8 units for at least five (5) years after the expiration of the expiring or expired Section 8 contract.
  3. For the duration of the Class S classification period, applicant must file annually with the Assessor, on or before a date determined by the Assessor, a sworn statement verifying continuous compliance with the Class S provisions of this Division.

4. Applicant must agree to notify the Assessor's Office if the Section 8 contract is terminated prior to its expiration date. Applicant shall provide to the Assessor's office a copy of any notice of default or notice of abatement received from HUD.
- c. When the applicant applies to HUD for a contract renewal, no less than 120 days prior to the expiration of the contract, the applicant shall notify the Assessor's Office of the application, on a form provided by that office. Upon receiving approval of the contract renewal from HUD, the applicant shall file an application for the incentive with the Assessor's Office, on a form provided by that office. The application shall be supported by a copy of HUD's letter approving the contract renewal and a copy of the executed renewal contract.
- d. Any property which, as of November 23, 1999, has an existing Section 8 contract with a mark up to market option may apply for Class S classification for the any portion of the 2001 assessment year encompassed within the contract term, and for the remainder of the contract term, including any renewals approved with the mark up to market option. The classification shall continue until the expiration or termination of the Section 8 contract.

Any property which, as of (DATE AMENDMENT APPROVED), has an existing Section 8 contract renewal may apply for Class S classification for any portion of the 2006 assessment year encompassed within the contract term, and for the remainder of the contract term, including any renewals approved with the mark up to market option, mark up to market option under HUD's discretionary authority or a Section 8 contract that has been renewed by a not-for-profit corporation under any available option under HUD's renewal procedures as described in HUD's Section 8 Renewal Policy Guidelines. The classification shall continue until the expiration or termination of the Section 8 contract.

- e. The incentive may be renewed if the Section 8 contract is again renewed under any of the following three options: 1) the mark up to market option; 2) the mark up to market option under HUD's discretionary authority; or 3) by a not-for-profit corporation under any available option under HUD's renewal procedures as described in HUD's Section 8 Renewal Policy Guidelines. Upon filing an application with HUD, no less than 120 days prior to termination of the contract, for renewal of the Section 8 contract, the taxpayer shall provide notice to the Assessor's Office of its application for renewal. The taxpayer shall provide a copy to the Assessor's Office of HUD's approval of the contract renewal, or notification of other action.
  - f. The Assessor's Office shall adopt rules consistent with this subsection necessary to ensure proper review of all factors relevant to determine initial and continued eligibility for the benefits provided under Class S.
- ~~(14)~~(15) *Class L.* Real estate which is to be used for commercial or industrial purposes and which is designated as Class 3, Class 4, Class 5a or Class 5b pursuant to this Division; is a landmark or contributing building; and has undergone substantial rehabilitation. The substantial rehabilitation must constitute an investment by the owner of at least 50 percent of the building's full market value as determined by the Assessor in the assessment year prior to the commencement of the substantial rehabilitation.
- a. Generally, the incentive shall apply only to the building and will not apply to the land underneath the building. However, if the entire building has been vacant and unused for at least 24 continuous months prior to the filing of the eligibility application with the Assessor, the land upon which the building is situated shall also be eligible for the incentive.



- b. Prior to filing a Class L eligibility application with the Assessor, an applicant must obtain an Ordinance or Resolution from the unit of local government in which the real estate is located, which expressly states that the local government:
  - 1. Has determined that the incentive provided by Class L is necessary for the substantial rehabilitation of the property;
  - 2. Supports and consents to the granting of the incentive; and
  - 3. Has reviewed and accepted its preservation commission's written recommendation of the project for the Class L incentive. This recommendation will specify the project's budget and proposed scope of work and will specify that the project will meet or exceed the Standards of the United States Department of the Interior for Rehabilitation, Preservation, Restoration and Reconstruction of historic properties.
- c. A certified copy of the Ordinance or Resolution need not be filed with the Assessor at the time the Class L eligibility application is filed but the Ordinance or Resolution must be filed with the Assessor no later than the date an assessment appeal is filed to request the class change to Class L.
- d. If the Ordinance or Resolution is not filed at the time of the eligibility application is filed, the applicant shall instead, include the following items with the eligibility application:
  - 1. A letter from the municipality or the County, as the case may be, confirming that a Resolution or Ordinance supporting the incentive has been requested; and
  - 2. A copy of the preservation commission's recommendation of the project.
- e. A copy of the Resolution or letter confirming that a Resolution has been requested, whichever is filed with the application, will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to the Members of the County Board from the affected districts.
- f. Additionally, to qualify a landmark building or contributing building for Class L classification, an eligibility application must be made to the Assessor within one (1) year prior to the commencement of substantial rehabilitation. After the substantial rehabilitation has been completed, the preservation commission shall review the project to determine that it is eligible under subsection (14) of this Section. The applicant must supplement the eligibility application with a copy of the determination of the preservation commission prior to classification of the real estate as Class L.
- g. The initial Class L classification shall continue for a period of 12 years from the date such substantial rehabilitation was completed and initially assessed.
- h. For property which was initially classified as Class 3, 4 or 5b, this incentive may be renewed during the last year a property is entitled to a 16 percent assessment level, if the following requirements are met:
  - 1. The taxpayer notifies the Assessor's Office of the taxpayer's intent to request renewal of the incentive from the municipality, or the County Board if the real estate is located in an unincorporated area;
  - 2. The municipality in which the real estate is located or the County Board, if the real estate is located in an unincorporated area, adopts a Resolution expressly stating that the municipality or County Board, as the case may be, has determined that the industrial use of the property is

necessary and beneficial to the local economy, and supports and consents to renewal of the Class L; and

3. A copy of that Resolution and a completed renewal application are filed with the Office of the Assessor before the expiration of the incentive period.

The number of renewal periods is not limited as long as the property continues to apply and qualify for Class L. The notice of intent to request renewal which is filed with the Assessor's Office will be forwarded by the Assessor's Office to the Secretary of the County Board for distribution to Members of the County Board from the affected districts.

- i. If, as of November 23, 1999, a property is receiving Class L treatment, but the assessment level is higher than 16 percent, that taxpayer may apply for renewal as outlined above and receive a 16 percent assessment level for the prescribed period beginning after the filing and approval of the Resolution and renewal application. However, if as of the effective date, the taxpayer's assessment is higher than 16 percent and the taxpayer is granted a renewal of the incentive for subsequent years, no reduction of the current assessment level based on renewal of the incentive will be granted. If no renewal is obtained, the incentive shall be phased out over the next two years, pursuant to Section 74-64. After expiration of the last incentive period, the real estate shall revert to the applicable classification under this Division.
- j. For commercial properties, once the original 12 year incentive period has expired, the commercial Class L incentive will expire. The incentive classification will not be subject to renewal and the real estate shall revert to the applicable classification under this Division.
- k. The Assessor shall adopt rules consistent with the foregoing necessary to ensure proper review of all factors relevant to determine initial and continued eligibility for the benefits provided under Class L.
- l. The Assessor shall provide by rule for the filing of triennial reassessment reports by all Class L recipients as to the continued landmark status of the property and the number of persons employed at the Class L site. Failure to file such reports within the time established by the Assessor's rules may result in loss of the incentive for the period relating to the non-filing.

**Sec. 74-64. Market value percentages.**

The Assessor shall assess, and the Board of Review shall review, assessments on real estate in the various classes at the following percentages of market value:

- (1) Class 1: 10 percent.
- (2) Class 2: 10 percent.
- (3) Class 3: 16 percent in tax year 2009, 13 percent in tax year 2010, 10 percent in tax year 2011, and subsequent years.
- (4) Class 4: 25 percent.
- (5) Class 5a: 25 percent.
- (6) Class 5b: 25 percent.

- (7) Class 6a: 10 percent for first ten years and for any subsequent ten (10) year renewal periods; if the incentive is not renewed, 15 percent in year 11 and 20 percent in year 12.
- ~~(7)~~(8) Class 6b: 10 percent for first ten (10) years and for any subsequent ten (10) year renewal periods; if the incentive is not renewed, 15 percent in year 11 and 20 percent in year 12.
- ~~(8)~~(9) Class C: Industrial properties: 10 percent for first ten (10) years, 15 percent in year 11 and 20 percent in year 12; commercial properties: 10 percent for first ten(10) years, 15 percent in year 11 and 20 percent in year 12.
- ~~(9)~~(10) Class 7a: 10 percent for first ten (10) years, 15 percent in year 11 and 20 percent in year 12.
- ~~(10)~~(11) Class 7b: 10 percent for first ten (10) years, 15 percent in year 11 and 20 percent in year 12.
- ~~(11)~~(12) Class 8: 10 percent for first ten (10) years and for any subsequent ten (10) years renewal periods; if the incentive is not renewed, 15 percent in year 11 and 20 percent in year 12.
- ~~(12)~~(13) Class 9: 10 percent for an initial ten (10) year period, renewable upon application for additional ten (10) year periods.
- ~~(13)~~(14) Class S: 10 percent for the term of the Section 8 contract renewal under the mark up to market option, as defined herein, and for any additional terms of renewal of the Section 8 contract under the mark up to market option.
- ~~(14)~~(15) Class L. Renewable properties: 10 percent for first ten (10) years and for any subsequent ten (10) year renewal periods; if the incentive is not renewed, 15 percent in year 11 and 20 percent in year 12; commercial properties: 10 percent for first ten (10) years, 15 percent in year 11 and 20 percent in year 12.

**Sec. 74-65. Qualifications for commercial development project status.**

- (a) To qualify as a commercial development project under Class 7a or 7b, it is necessary that the project be located in an area in need of commercial development in that:
  - (1) The area is, or has been within the last ten (10) years, designated by Federal, State or local agency as a conservation, blighted or renewal area or an area encompassing a rehabilitation or redevelopment plan or project adopted under the Illinois Urban Renewal Consolidation Act of 1961, as amended, or the Commercial Renewal Re-development Areas Act of 1967, as amended, or that the area is located in a Federal Empowerment Zone or Enterprise Community, as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994, or the Commercial District Development Commission Ordinance of the City of Chicago or designation of like effect adopted under any similar statute or Ordinance;
  - (2) Real estate taxes within the area, during the last six (6) years, have declined, remained stagnant or potential real estate taxes are not being fully realized due to the depressed condition of the area;
  - (3) There is a reasonable expectation that the development, re-development or rehabilitation of the commercial development project is viable and likely to go forward on a reasonably timely basis if granted Class 7a or 7b designation and will therefore result in the economic enhancement of the area;

- (4) Certification of the commercial development project for Class 7a or 7b designation will materially assist development, redevelopment or rehabilitation of the area and the commercial development project would not go forward without the full incentive offered under Class 7a or 7b; and
  - (5) Certification of the commercial development project for Class 7a or 7b designation is reasonably expected to ultimately result in an increase in real property tax revenue and employment opportunities within the area.
- (b) Prior to filing a Class 7a or 7b eligibility application with the Assessor, an applicant must obtain from the municipality in which the real estate is located, or the County Board if the real estate is located in an unincorporated area, an Ordinance or Resolution expressly stating that the municipality or County Board, as the case may be, has determined that the conditions of Subsections (a)(1)-(a)(5) of this Section are present and that the municipality or County Board, as the case may be, supports and consents to the Class 7a or 7b application to the Assessor. A certified copy of such Ordinance or Resolution shall be included with the Class 7a or 7b application at the time of filing the application with the Assessor. A copy of the Ordinance or Resolution, whichever is submitted, will be forwarded by the Assessor's Office to the Secretary of the Board for distribution to the Members of the County Board from the affected districts. The application shall include any other information deemed necessary by the Assessor. The applicant must demonstrate that the commercial development project qualifies for the Class 7a or 7b classification and shall bear the expense of doing so.
  - (c) Inasmuch as the County desires to encourage economic development in the neighborhoods of the County, support the increased use of the incentive by smaller projects and to limit the expense of such applications, the Assessor shall liberally construe the requirements of Subsections (a)(1)-(a)(5) of this Section for Class 7a applications.
  - (d) The Assessor shall adopt rules, including a provision to ensure a proper review of the application and supporting data.
  - (e) Certification of a commercial development project shall not be denied by reason of insufficient size if it otherwise qualifies hereunder. In determining what constitutes the "full incentive offered" as provided in Subsection (a)(4) of this Section, consideration may be given to any lawful intergovernmental participation agreements under which the project developer has agreed, as a precondition to Class 7a or 7b certification, to share a portion of future profits with the appropriate taxing districts.
  - (f) For Class 7a applications, where the Assessor finds that the conditions of Subsections (a)(1)-(a)(5) of this Section exist, the Assessor shall, within 60 days after receipt of the application and necessary supporting data, certify the commercial development project eligible for Class 7a treatment under this Division.
  - (g) In order to determine Class 7b applications, upon receipt of the application and all the necessary supporting data, the Assessor shall forward it to the Economic Development Advisory Committee of the County. The Committee shall within 30 days return the application to the Assessor with a finding stating whether the conditions of Subsections (a)(1)-(a)(5) of this Section are present. The Assessor shall review the application, supporting data, findings of the Committee and other appropriate facts. Where the Assessor finds the conditions of Subsections (a)(1)-(a)(5) of this Section exist, the Assessor shall, within 30 days of the receipt of the Committee's findings, certify the commercial development project eligible for Class 7b treatment under this Division.
  - (h) Class 7a and 7b certifications shall lapse within one year from the date of issuance unless new construction or substantial rehabilitation, or in the case of abandoned property, reoccupation of the commercial development project has commenced prior to its expiration.

- (i) To be certified as an area in need of substantial revitalization for purposes of Class 8 classification it is necessary that:
  - (1) The municipality in which the area is located or, if an unincorporated area, the County determine by lawful resolution that the area is in a state of economic depression and that it is not economically feasible for private enterprise to accomplish the necessary modernization, rehabilitation, and development of the area without public assistance and encouragement, or a determination of similar import;
  - (2) The municipality or, if in an unincorporated area, the County apply to the Assessor for certification of the area as one in need of substantial revitalization;
  - (3) Upon receiving an application to certify an area as in need of substantial revitalization, the Assessor shall review the application, supporting data and other appropriate factors relevant to a determination of the severity of the economic conditions of the area. In determining whether the "in need of substantial revitalization" requirement is met, the Assessor shall give strong consideration and substantial weight to the fact that an area is located in a Federal empowerment zone or enterprise community, as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994.
- (j) Upon finding that existing factors convincingly demonstrate that the area is in need of substantial revitalization, as defined in this Division, the Assessor shall grant such certification to the area. In making this determination statistical data relevant to the surrounding area as well as the specific area for which certification is sought may be considered. The surrounding area for the City of Chicago shall be the community area as defined in this division; for all other areas in the County it shall be, where applicable, the municipality in which the area is located.
- (k) If a municipality within an Enterprise Community, as proposed and approved by the County Board on June 22, 1994, or the Chicago City Council on May 18, 1994, determines by municipal Resolution that the area is in a state of economic depression and that it is not economically feasible for private enterprise to accomplish the necessary modernization, rehabilitation, and development of the area without public assistance and encouragement, or a determination of similar import and submits a request for Class 8 certification, such certification shall be automatic pursuant to this Division. However, each property eligible for a Class 8 incentive within the certified area must file an application in a timely manner.
- (l) Any Class 6a incentive that is still active can be renewed. The Class 6a incentive is defined in this Division. The renewal procedures described in Section 74-63 apply to Class 6a as well.

**Sec. 74-66. Property in two or more classes.**

Where a single parcel of real estate is partially included in two or more of the above described classes, each portion shall be assessed at the assessment level herein prescribed for that class.

**Sec. 74-67. Assessor's status and progress report.**

A written report on the status and progress of the implementation of this Division, or any amendments thereto, and all rules promulgated by the Assessor hereunder, shall be submitted by the County Assessor to the President and County Board annually on or before December 1.

**Sec. 74-68. Classification system to apply with tax assessment year.**

- (a) The incentive provisions of this Division provided to qualifying parcels of real estate for Class 6a, Class 6b, Class C, Class 7a, Class 7b and Class 8 shall expire on December 31, 2015, unless otherwise reviewed by

action of the County. Real estate granted a Class 6, Class 6a, Class 6b, Class 7 or Class 8 classification on or before December 31, 1994, shall retain such classification under the terms and conditions of this Division prior to January 1, 1995. Real estate for which an application for Class 6a, Class 6b, Class 7 or Class 8 classification is filed with the Assessor on or before December 31, 1994, and which thereafter is determined by the Assessor to be eligible for the classification under the terms and conditions of this Division after January 1, 1995, shall be entitled to receive such classification under such terms and conditions.

- (b) Real estate granted a Class 6a, Class 6b, Class 6c, Class 7a, Class 7b or Class 8 classification on or before December 31, 1999, shall retain such classification under the terms and conditions of this division prior to January 1, 2000. Real estate for which an application for Class 6b, Class 6c, Class 7a, Class 7b or Class 8 classification is filed with the Assessor on or before December 31, 1999, and which thereafter is determined by the Assessor to be eligible for classification under the terms and conditions of this Division existing prior to January 1, 2000, shall be entitled to receive such classification under such terms and conditions.
- (c) Real Estate granted a Class 6a, Class 6b, Class 7a, Class 7b or Class 8 classification on or before December 31, 2004, shall retain such classification under the terms and conditions of the Ordinance prior to January 1, 2005. Real estate for which an application for Class 6b, Class 7a, Class 7b or Class 8 classification is filed with the Assessor on or before December 31, 2004, and which thereafter is determined by the Assessor to be eligible for classification under the terms and conditions of this Ordinance existing prior to January 1, 2005, shall be entitled to receive such classification under such terms and conditions.

**Sec. 74-69. Applicable assessment level.**

The assessment level applicable to real estate classified under incentive Classes 6a, 6b, C, 7a, 7b, 8, 9 and L shall in no event exceed the assessment level which otherwise would have been applicable to such real estate under the remaining assessment classes provided in this Division.

**Effective date:** This Ordinance amendment shall be in effect immediately upon adoption.

**A motion was made by Commissioner Silvestri, seconded by Commissioner García, that this Ordinance Amendment be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. The motion carried.**

**COMMITTEE REPORTS**

**14-1836**

**REPORT OF THE FINANCE SUBCOMMITTEE ON LITIGATION**

March 11, 2014

**ATTENDANCE**

**Present:** Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider, Suffredin and Tobolski (6)

**Also Present:** Commissioners Daley, Moore and Steele; David R. Condrón and Jeff McCutcheon – Assistant States Attorneys; Paul O’Grady-Attorney-at-Law, Peterson, Johnson & Murray LLC; John N. Hourihane, Jr. – Attorney-at-Law, Murphy & Hourihane, LLC

**Absent:** Commissioner Collins (1)

**Court Reporter:** Anthony W. Lisanti, C.S.R.

### PUBLIC TESTIMONY

**Chairman asked the Secretary to the Board to call upon the registered public speaker, in Accordance with Cook County Code, Sec. 2-107(dd).**

1. George Blakemore, Concerned Citizen

**Commissioner Gainer, seconded by Commissioner Suffredin, moved to enter into Executive Session. The motion carried.**

**Commissioner Schneider, seconded by Vice Chairman Fritchey, moved to return to Regular Session. The motion carried.**

**Commissioner Gainer, seconded by Commissioner Schneider, moved to receive and file the Case Status Report. The motion carried.**

**Commissioner Suffredin, seconded by Vice Chairman Fritchey, moved to authorize invoice payments for special counsels in Tab #1 through Tab #6 in Volume 2 which are in compliance with Cook County's Attorney-Fee Guidelines.**

**Commissioner Suffredin, seconded by Commissioner Schneider, moved to Concur with the Recommendation of the State's Attorney's Office in the matter of *Macon v. Anthony, et al.* (Communication 10 L 12835). The motion carried.**

### SECTION 1

13-2213

**Sponsored by:** LARRY SUFFREDIN, JOHN A. FRITCHEY, BRIDGET GAINER, TIMOTHY O. SCHNEIDER and PETER N. SILVESTRI, County Commissioners

### PROPOSED RESOLUTION

**Creating "Accountability Charges" for Violations of the Shakman Consent Decree**

**WHEREAS**, violations of the Shakman Consent Decree cost Cook County over \$600,000 in Fiscal Year 2013 and millions of dollars in previous fiscal years; and

**WHEREAS**, payments for violations of the Shakman Consent Decree are deducted from the Cook County Self-Insurance Fund; and

**WHEREAS**, there is no financial penalty to individual departments that violate the Shakman Consent Decree; and

**NOW THEREFORE BE IT RESOLVED**, that the Finance Committee’s Subcommittee on Litigation of the Cook County Board of Commissioners approves a plan to assess an “Accountability Charge” against any Department that is found to be in violation of the Shakman Consent Decree in Fiscal Year 2014 and future years for any action occurring after January 1, 2014; and

**BE IT FURTHER RESOLVED**, that the “Accountability Charge” approved plan includes a deduction in the operating funds of the Department in the amount of two percent (2%) of the total amount assessed for the violation of the Shakman Consent Decree and the deducted funds shall be transferred to the Cook County Self Insurance Fund.

**Legislative History :** 11/13/13 Board of Commissioners referred to the Finance Committee  
**Legislative History :** 12/4/13 Finance Committee referred to the Finance Subcommittee on Litigation  
**Legislative History:** 02/18/14 Finance Subcommittee on Litigation deferred

**PROPOSED SUBSTITUTE RESOLUTION**

**Sponsored by:** LARRY SUFFREDIN, JOHN A. FRITCHEY, BRIDGET GAINER, TIMOTHY O. SCHNEIDER and PETER N. SILVESTRI, Cook County Commissioners

**Creating “Accountability Charges” for Violations of the Shakman Consent Decree**

**WHEREAS**, alleged violations of the Shakman Consent Decree cost Cook County over \$600,000 in Fiscal Year 2013 and millions of dollars in previous fiscal years; and

**WHEREAS**, payments for alleged violations of the Shakman Consent Decree may be deducted from the Cook County Self-Insurance Fund; and

**WHEREAS**, there is no financial penalty to individual departments for settlements related to Shakman Consent Decree violations; and

**NOW THEREFORE BE IT RESOLVED**, if the Finance Committee’s Subcommittee on Litigation (“Subcommittee on Litigation”) approves settlement of an alleged Shakman Consent Decree violation that has occurred on or after January 1, 2014, the Subcommittee on Litigation shall also determine and approve if warranted, an “Accountability Charge” against any Department that is found to be in violation of the Shakman Consent Decree, however, no approved “Accountability Charge” by the Subcommittee on Litigation shall be in an amount greater than two percent (2% ) of the approved settlement amount; and

**BE IT FURTHER RESOLVED**, that “Accountability Charges” may not be applied to settlements alleging Shakman Consent Decree violations that have occurred prior to January 1, 2014; and

**BE IT FURTHER RESOLVED**, that if the Subcommittee on Litigation approves an “Accountability Charge,” against a Department or Departments, the Chair of the Subcommittee on Litigation along with the members of the Subcommittee on Litigation approving the “Accountability Charge” shall submit a request to the Cook County Board of Commissioners to transfer the value of the “Accountability Charge” from the operating funds of the Department(s) issued the “Accountability Charge” to the account that was charged for the violation Cook County Self Insurance Fund.

**A motion was made by Commissioner Suffredin, seconded by Vice Chairman Fritchey, that this Resolution be recommended for approval as substituted. The motion carried by the following vote:**



**Aye:** Chairman Silvestri, Vice Chairman Fritchey, Commissioners Gainer, Schneider, Suffredin and Tobolski (6)

**Absent:** Commissioner Collins (1)

**13-2213**

**SUBSTITUTE RESOLUTION**

**Sponsored by**

**THE HONORABLE LARRY SUFFREDIN, JOHN A. FRITCHEY, BRIDGET GAINER,  
TIMOTHY O. SCHNEIDER AND PETER N. SILVESTRI, COOK COUNTY COMMISSIONERS**

**CREATING “ACCOUNTABILITY CHARGES” FOR  
VIOLATIONS OF THE SHAKMAN CONSENT DECREE**

**WHEREAS**, alleged violations of the Shakman Consent Decree cost Cook County over \$600,000 in Fiscal Year 2013 and millions of dollars in previous fiscal years; and

**WHEREAS**, payments for alleged violations of the Shakman Consent Decree may be deducted from the Cook County Self-Insurance Fund; and

**WHEREAS**, there is no financial penalty to individual departments for settlements related to Shakman Consent Decree violations.

**NOW, THEREFORE, BE IT RESOLVED**, if the Finance Committee’s Subcommittee on Litigation (“Subcommittee on Litigation”) approves settlement of an alleged Shakman Consent Decree violation that has occurred on or after January 1, 2014, the Subcommittee on Litigation shall also determine and approve if warranted, an “Accountability Charge” against any Department that is found to be in violation of the Shakman Consent Decree, however, no approved “Accountability Charge” by the Subcommittee on Litigation shall be in an amount greater than two percent (2%) of the approved settlement amount; and

**BE IT FURTHER RESOLVED**, that “Accountability Charges” may not be applied to settlements alleging Shakman Consent Decree violations that have occurred prior to January 1, 2014; and

**BE IT FURTHER RESOLVED**, that if the Subcommittee on Litigation approves an “Accountability Charge,” against a Department or Departments, the Chair of the Subcommittee on Litigation along with the Members of the Subcommittee on Litigation approving the “Accountability Charge” shall submit a request to the Cook County Board of Commissioners to transfer the value of the “Accountability Charge” from the operating funds of the Department(s) issued the “Accountability Charge” to the account that was charged for the violation Cook County Self Insurance Fund.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**ADJOURNMENT**

A motion was made by Vice Chairman Fritchey, seconded by Commissioner Schneider, that to adjourn the meeting. The motion carried.

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

File ID No. 13-2213

Recommend for Approval as Substituted

Respectfully submitted,

FINANCE SUBCOMMITTEE ON LITIGATION

PETER N. SILVESTRI, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

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**Commissioner Silvestri, seconded by President Pro Tempore Steele, that the Report of the Finance Subcommittee on Litigation be approved. The motion carried unanimously.**

14-1837

**REPORT OF THE TECHNOLOGY COMMITTEE**

March 11, 2014

**ATTENDANCE**

**Present:** Chairman Fritchey, Vice Chairman Gorman, Commissioners Butler, Daley, García, Goslin, Schneider, Silvestri and Steele (9)

**Absent:** None (0)

**Also Present:** Mary Jo Horace – Interim Chief Information Officer, Bureau of Technology; Bridget Dancy – Chief Information Officer, Clerk of the Circuit Court; Robert McInerney – Chief Information Officer, Office of the Cook County Sheriff; Lawrence A. Wojcik, DLA Piper LLP (US)

**PUBLIC TESTIMONY**

**Chairman Fritchey asked the Secretary to the Board to call upon the registered public speakers, in Accordance with Cook County Code, Sec. 2-107(dd).**

1. George Blakemore, Concerned Citizen

**SECTION 1**

**14-1156**

**Presented by:** MARY JO HORACE, Interim Chief Information Officer, Bureau of Technology

**REPORT**

**Department:** Cook County Bureau of Technology

**Request:** Refer to the Committee on Technology

**Report Title:** Quarterly Progress Report on the Creation of the Automated Criminal Justice System

**Report Period:** 12/1/2013 - 2/28/2014

**Summary:** Pursuant to Resolution 13-2002, the CIO shall update the Board of Commissioners via the Technology Committee on progress being made towards achieving the goal of an integrated, automated Cook County Criminal Justice System on a quarterly basis beginning with the first quarter of the FY2014.

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**A motion was made by Commissioner Daley, seconded by Commissioner Steele, that this Report be recommended for receiving and filing. The motion carried.**

**ADJOURNMENT**

**Commissioner Daley, seconded by Commissioner Steele, moved to adjourn the meeting. The motion passed and the meeting was adjourned.**

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTER NAMED HEREIN:**

FILE ID14-1156

Recommended for Receiving and Filing

Respectfully submitted,

COMMITTEE ON TECHNOLOGY

JOHN A. FRITCHEY, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

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**Commissioner Fritchey, seconded by Commissioner Gorman, moved that the Report of the Committee on**

Technology be approved and adopted. The motion carried unanimously.

14-1840

**REPORT OF THE FINANCE SUBCOMMITTEE ON WORKERS' COMPENSATION**

March 11, 2014

**ATTENDANCE**

**Present:** Chairman Schneider, Commissioners Fritchey, Moore and Tobolski (4)

**Absent:** Vice Chairman Reyes (1)

**PUBLIC TESTIMONY**

The Secretary announced that there were no public speakers.

Commissioner Fritchey, seconded by Commissioner Tobolski, moved Approval of the cases over \$25,000.00. The motion carried.

**SECTION 1**

**SETTLEMENTS**

**County Government**

**ERICSON, ED**

**10 WC 27082**

**\$96,507.40**

The Petitioner was installing shelves when he slipped on an electrical extension cord and fell off of a ladder, injuring his left shoulder.

**11 WC 33911**

The Petitioner was in a County vehicle that was rear-ended by a third party.

**11 WC 33912**

**(Dismissed)**

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**HANNAH, ORPHEUS**

**12 WC 41331**

**\$61,539.61**

The Petitioner was struck by a van while he was on duty, injuring his right shoulder, neck, and left middle finger.

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**KNAPEREK, REX**

**12 WC 12419**

**\$135,041.37**

The Petitioner injured his back while he was lifting equipment from a truck.

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**NOVAK, JOSHUA**

**12 WC 19234**

**\$30,000.00**

The Petitioner injured his right wrist in a struggle with an inmate.

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**RIVERA, PATRICIA**

**11 WC 31565**

**\$31,212.00**

While moving Votomatic machines, the Petitioner's right shoulder popped.

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**RODRIGUEZ, FERNANDO**

**12 WC 15107**

**\$28,526.98**

While serving a subpoena, the Petitioner slipped on ice and fell, injuring his right wrist.

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**SAKKOS, DINO**

**13 WC 31676**

**\$38,299.56**

The Petitioner twisted his right knee while cleaning a hot box.

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**URSO, RICHARD**

**13 WC 14504**

**\$35,627.50**

The Petitioner was injured while in an altercation with an arrestee.

**Commissioner Fritchey, seconded by Commissioner Tobolski, moved approval. The motion carried.**

**ADJOURNMENT**

Commissioner Moore, seconded by Commissioner Tobolski, moved to adjourn. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

FINANCE SUBCOMMITTEE ON WORKERS' COMPENSATION

TIMOTHY O. SCHNEIDER, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

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Commissioner Schneider, seconded by President Pro Tempore Steele, moved that the Report of the Finance Subcommittee on Workers' Compensation be approved and adopted. The motion carried unanimously.

**14-1841**

**REPORT OF THE ENVIRONMENTAL CONTROL COMMITTEE**

March 11, 2014

**ATTENDANCE**

**Present:** Chairman Gorman, Vice Chairman Steele, Commissioners Gainer, Murphy, Schneider, Silvestri and Tobolski (7)

**Absent:** None (0)

**PUBLIC TESTIMONY**

Chairman Gorman asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-107(dd):

1. George Blakemore, Concerned Citizen

**SECTION 1**

**14-0877**

**Sponsored by:** PETER N. SILVESTRI, County Commissioner

**PROPOSED RESOLUTION**

**RESOLUTION REGARDING IMPLEMENTATION OF A FLY QUIET PROGRAM AT O'HARE INTERNATIONAL AIRPORT AND CREATION OF A FEDERAL FLY QUIET ACT**

**WHEREAS**, certain communities on the Northwest Side of the City of Chicago and nearby suburbs reside underneath the key nighttime air routes, including five glide paths and two major take-off plates, which converge

over the community and are used after 10 p.m.; and

**WHEREAS**, these communities seek a solution to the nighttime sleep interruptions during the hours of 10 p.m. and 7 a.m., including the shoulder hours; and

**WHEREAS**, these communities are experiencing higher levels of jet noise, especially during the phase 1 nighttime flight operations; and

**WHEREAS**, the current fly quiet program needs to be reevaluated for the purposes of instilling and sharing the primary purpose of flight and community partnership at O'Hare International Airport with all of the collar communities;

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby urge the Federal Aeronautics Administration and O'Hare International Airport authorities to decrease jet noise over the communities of Northwest Chicago and nearby suburbs by establishing a full-time fly quiet program and urge the creation and passage of a federal homeowner's aviation fly quiet act; and

**BE IT FURTHER RESOLVED**, that suitable copies of this resolution be delivered to each member of the Illinois congressional delegation.

**Legislative History:** 2/19/14 Board of Commissioners referred to the Environmental Control Committee

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**A motion was made by Commissioner Silvestri, seconded by Vice Chairman Steele, that this Resolution be accepted as substituted. The motion carried.**

**14-0877**

**Sponsored by:** PETER N. SILVESTRI, JOHN A. FRITCHEY, and ELIZABETH "LIZ" DOODY GORMAN  
County Commissioners

## **PROPOSED RESOLUTION**

### **RESOLUTION REGARDING IMPLEMENTATION OF A FLY QUIET PROGRAM AT O'HARE INTERNATIONAL AIRPORT AND CREATION OF A FEDERAL FLY QUIET ACT**

**WHEREAS**, the O'Hare Modernization Project includes Federal Aviation Administration (FAA) changes to landing and take-off patterns, shifting airplane traffic previously arriving from many directions into landing and take-offs from only two directions, east and west; and

**WHEREAS**, certain communities on the Northwest Side of the City of Chicago and nearby suburbs reside underneath the key nighttime air routes, including five glide paths and two major take-off plates, which converge over the community and are used after 10 p.m.; and

**WHEREAS**, these communities seek a solution to the nighttime sleep interruptions during the hours of 10 p.m. and 7 a.m., including the shoulder hours; and

**WHEREAS**, this concentrated increase in airplane traffic will negatively impact the health and quality of life for residents and businesses on the Northwest Side of Chicago and the Northwest Suburbs; and

**WHEREAS**, nearly all of these communities predate O'Hare's conversion to a commercial airport in the 1950s.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby urge the FAA and O'Hare Airport authorities to consider and seek to establish a mandatory fly-quiet program, use all existing and new runways to better distribute air traffic, devise a neighborhood-based plan, and conduct a supplemental Environmental Impact Study.

**BE IT FURTHER RESOLVED**, that suitable copies of this resolution be delivered to each member of the Illinois congressional delegation.

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**A motion was made by Commissioner Silvestri, seconded by Vice Chairman Steele, that this Resolution be recommended for approval as substituted. The motion carried.**

**14-0877**

**SUBSTITUTE RESOLUTION**

**Sponsored by**

**THE HONORABLE PETER N. SILVESTRI, JOHN A. FRITCHEY AND  
ELIZABETH "LIZ" DOODY GORMAN, COUNTY COMMISSIONERS**

**RESOLUTION REGARDING IMPLEMENTATION OF A FLY QUIET PROGRAM AT O'HARE INTERNATIONAL AIRPORT AND CREATION OF A FEDERAL FLY QUIET ACT**

**WHEREAS**, the O'Hare Modernization Project includes Federal Aviation Administration (FAA) changes to landing and take-off patterns, shifting airplane traffic previously arriving from many directions into landing and take-offs from only two directions, east and west; and

**WHEREAS**, certain communities on the Northwest Side of the City of Chicago and nearby suburbs reside underneath the key nighttime air routes, including five glide paths and two major take off plates, which converge over the community and are used after 10p.m.; and

**WHEREAS**, these communities seek a solution to the night-time sleep interruptions during the hours of 10p.m. and 7a.m., including the shoulder hours; and

**WHEREAS**, these communities are experiencing higher levels of jet noise, especially during the phase 1 night-time flight operations; and

**WHEREAS**, the current fly quiet program needs to be reevaluated for the purposes of instilling and sharing the primary purpose of flight and community partnership at O'Hare International Airport with all of the collar communities.

**NOW, THEREFORE, BE IT RESOLVED**, that the Cook County Board of Commissioners does hereby urge the Federal Aeronautics Administration and O'Hare International Airport authorities to decrease jet noise over the communities of Northwest Chicago and nearby suburbs by establishing a full-time fly quiet program and urge the creation and passage of a federal homeowner's aviation fly quiet act; and

**BE IT FURTHER RESOLVED**, that suitable copies of this Substitute Resolution be delivered to each Member of the Illinois Congressional Delegation.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President



Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**ADJOURNMENT**

**A motion was made by Commissioner Silvestri, seconded by Vice Chairman Steele, was to adjourn the meeting. The motion carried.**

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

File Id No. 14-0877

Recommended for Approval

Respectfully submitted,

FINANCE SUBCOMMITTEE ON WORKERS' COMPENSATION

ELIZABETH "LIZ" DOODY GORMAN, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

\_\_\_\_\_  
**Commissioner Gorman, seconded by Commissioner Murphy, moved that the Report of the Committee on Environmental Control be approved and adopted. The motion carried unanimously.**

**14-1847**

**REPORT OF THE FINANCE SUBCOMMITTEE ON REAL ESTATE AND  
BUSINESS AND ECONOMIC DEVELOPMENT**

Tuesday, March 11, 2014

**ATTENDANCE**

**Present:** Chairman García, Vice-Chairman Murphy, Commissioners Gorman, Moore, Schneider and Steele (6)

**Absent:** Commissioners Butler and Reyes (2)

**PUBLIC TESTIMONY**

Chairman asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook

County Code, Sec. 2-107(dd).

1. George Blakemore, Concerned Citizen

**SECTION 1**

**14-0713**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

**PROPOSED RESOLUTION**

**HMK 1100, LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from HMK 1100, LLC and Resolution No. 42-13 from the Village of Elk Grove Village for an abandoned industrial facility located at 1100 Touhy Avenue, Elk Grove Village, Cook County, Illinois, Cook County District 17, Permanent Index Number 08-27-303-013-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and.

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was abandoned for 18 months at the time of application, and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will retain 302 full-time jobs, 12 part-time jobs, eight (8) new full-time jobs and 15-20 construction jobs; and

**WHEREAS**, the Village of Elk Grove Village states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value pending approval of the Class 6b; and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 1100 Touhy Avenue, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

**Legislative History:** 2/19/14 Board of Commissioners referred to the Finance Subcommittee on Real Estate and Business and Economic Development

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**A motion was made by Commissioner Gorman, seconded by Vice Chairman Murphy, that this Resolution be recommended for approval. The motion carried.**

**14-0713  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,**

**PRESIDENT AND ELIZABETH "LIZ" DOODY GORMAN, COUNTY COMMISSIONER**

**HMK 1100, LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from HMK 1100, LLC and Resolution No. 42-13 from the Village of Elk Grove Village for an abandoned industrial facility located at 1100 Touhy Avenue, Elk Grove Village, Cook County, Illinois, Cook County District 17, Permanent Index Number 08-27-303-013-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of

substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was abandoned for 18 months at the time of application, and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will retain 302 full-time jobs, 12 part-time jobs, eight (8) new full-time jobs and 15-20 construction jobs; and

**WHEREAS**, the Village of Elk Grove Village states the Class 6b is necessary for development to occur on this specific real estate. The municipal Resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value pending approval of the Class 6b; and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 1100 Touhy Avenue, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-0715**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

**PROPOSED RESOLUTION**

**CHARLES EQUIPMENT ENERGY SYSTEM, LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from Charles Equipment Energy System, LLC and Resolution No. R-91-13 from the City of Des Plaines for an abandoned industrial facility located at 530 Santa Rose, Des Plaines, Cook County, Illinois, Cook County District 17, Permanent Index Number 09-31-200-016-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was 100 % abandoned for two (2) months at the time of application, and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will create an estimated 6-8 full-time jobs; 5 part-time jobs; retain 14 full-time jobs; and 10-20 construction jobs; and

**WHEREAS**, the City of Des Plaines states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of

Cook, that the President and Board of Commissioners validate the property located at 530 Santa Rose, Des Plaines, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

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**A motion was made by Commissioner Gorman, seconded by Vice Chairman Murphy, that this Resolution be recommended for approval. The motion carried by the following vote:**

**14-0715  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,**

**PRESIDENT AND ELIZABETH "LIZ" DOODY GORMAN, COUNTY COMMISSIONER**

**CHARLES EQUIPMENT ENERGY SYSTEM, LLC 6B PROPERTY  
TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from Charles Equipment Energy System, LLC and Resolution No. R-91-13 from the City of Des Plaines for an abandoned industrial facility located at 530 Santa Rose, Des Plaines, Cook County, Illinois, Cook County District 17, Permanent Index Number 09-31-200-016-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was 100 % abandoned for two (2) months at the time of application, and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will create an estimated 6-8 full-time jobs; 5 part-time jobs; retain 14 full-time jobs; and 10-20 construction jobs; and

**WHEREAS**, the City of Des Plaines states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 530 Santa Rose, Des Plaines, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-1353**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

**PROPOSED RESOLUTION**

**VK ACQUISITIONS II, LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from VK Acquisitions II, LLC or Assignee and Resolution No. 28-13 from the Village of Elk Grove Village for an abandoned industrial facility located at 221 Joey Drive, Elk Grove Village Cook County, Illinois, Cook County District 17, Permanent Index Numbers 08-22-102-230-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value. Qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for the purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of under 24 months and purchase for value by a disinterested buyer, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires a Resolution by the County Board validating the property is deemed abandoned for the purpose of Class 6b; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building has been abandoned for 18 months, at the time of application, with no purchase for value and that special circumstances are present; and

**WHEREAS**, the re-occupancy will create an estimated 15-20 new full-time jobs, and 10 construction jobs; and

**WHEREAS**, the Village of Elk Grove Village states the Class 6b is necessary for development to occur on this specific real estate. The municipal Resolution cites the special circumstances include that the property has been vacant for under 24 months; there has been a purchase for value; and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 221 Joey Drive, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

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**A motion was made by Commissioner Gorman, seconded by Vice Chairman Murphy, that this Resolution be recommended for approval. The motion carried.**

**14-1353  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT AND ELIZABETH "LIZ" DOODY GORMAN, COUNTY COMMISSIONER**

**VK ACQUISITIONS II, LLC 6B PROPERTY TAX INCENTIVE REQUEST**



**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from VK Acquisitions II, LLC or Assignee and Resolution No. 28-13 from the Village of Elk Grove Village for an abandoned industrial facility located at 221 Joey Drive, Elk Grove Village Cook County, Illinois, Cook County District 17, Permanent Index Numbers 08-22-102-230-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value. Qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for the purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of under 24 months and purchase for value by a disinterested buyer, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires a Resolution by the County Board validating the property is deemed abandoned for the purpose of Class 6b; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building has been abandoned for 18 months, at the time of application, with no purchase for value and that special circumstances are present; and

**WHEREAS**, the re-occupancy will create an estimated 15-20 new full-time jobs, and 10 construction jobs; and

**WHEREAS**, the Village of Elk Grove Village states the Class 6b is necessary for development to occur on this specific real estate. The municipal Resolution cites the special circumstances include that the property has been vacant for under 24 months; there has been a purchase for value; and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 221 Joey Drive, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-1359**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and JOHN P. DALEY, County Commissioner

**PROPOSED RESOLUTION**

**GERALD G. WARNER 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from Gerald G. Warner and Resolution No. 13-001 from the Village of Bedford Park for an abandoned industrial facility located at 6312 W. 74th Street, Bedford Park, Cook County, Illinois, Cook County District 11, Permanent Index Number 19-29-100-055-0000 and 19-29-100-062-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was abandoned for 17 months at the time of application, and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will create an estimated 15-20 full-time jobs and retain 40 full-time jobs; and

**WHEREAS**, the Village of Bedford Park states the Class 6b is necessary for development to occur on this specific real estate. The municipal resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value pending approval of the Class 6b; and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 6312 W. 74th Street, Bedford Park, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

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**A motion was made by Vice Chairman Murphy, seconded by Commissioner Steele that this Resolution be recommended for approval. The motion carried.**

**14-1359  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT AND JOHN P. DALEY, COUNTY COMMISSIONER**

**GERALD G. WARNER 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from Gerald G. Warner and Resolution No. 13-001 from the Village of Bedford Park for an abandoned industrial facility located at 6312 West 74th Street, Bedford Park, Cook County, Illinois, Cook County District 11, Permanent Index Number 19-29-100-055-0000 and 19-29-100-062-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was abandoned for 17 months at the time of application, and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will create an estimated 15-20 full-time jobs and retain 40 full-time jobs; and

**WHEREAS**, the Village of Bedford Park states the Class 6b is necessary for development to occur on this specific real estate. The municipal Resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value pending approval of the Class 6b; and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 6312 West 74th Street, Bedford Park, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-1366**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

**PROPOSED RESOLUTION**

**GULLO DEVELOPMENT CORPORATION 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from George Gullo Development Corporation located in Unincorporated Cook County for a renewal of an existing Class 6b tax incentive for an industrial facility located at 2050 Higgins Road, Elk Grove Village, Illinois, Cook County District 17, Permanent Index Numbers 08-26-102-041-0000;and

**WHEREAS**, Cook County has defined that the classification period for Class 6b shall continue for 12 years from the date such new construction (excluding demolition if any), or such substantial rehabilitation was completed and initially assessed, or in case of abandoned property, from the date of substantial reoccupancy; and

**WHEREAS**, the Class 6b classification may be renewed during the last year in which a property is entitled to a 10% assessment level or when the incentive is still applied at the 15% or 20% assessment level, by filing a renewal application and a certified copy of a resolution or ordinance adopted by the municipality in which the real estate is located, or by the County Board, if located in an unincorporated area of Cook County; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year.

**WHEREAS**, the real estate is located in an unincorporated area of Cook County, the Cook County Board must by lawful resolution or ordinance, expressly state that it supports and consents to the filling of a Renewal Class 6b Application and that it finds Class 6b is necessary and beneficial to the local economy; and

**WHEREAS**, the Cook County Board of Commissioners confirms that the nature of the original development allowing the Class 6b was new construction and the original resolution was approved April 27, 2000; and

**WHEREAS**, the applicant estimate an currently employs 30 full time jobs and 10 part time jobs and the applicant estimate to create 10 full time jobs and 3 part time jobs and the Cook County Board of Commissioners has determined that the industrial use of the property is necessary and beneficial to the local economy and supports and consents to the renewal of the Class 6b; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the renewal Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 2050 Higgins Road, Elk Grove Village, Illinois, Cook County, Illinois, is deemed eligible for the renewal of the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Office of the Cook County Assessor.

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**A motion was made by Commissioner Gorman, seconded by Vice Chairman Murphy, that this Resolution be recommended for approval. The motion carried by the following vote:**

**14-1366  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,**

**PRESIDENT AND ELIZABETH “LIZ” DOODY GORMAN, COUNTY COMMISSIONER**

**GULLO DEVELOPMENT CORPORATION 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from George Gullo Development Corporation located in Unincorporated Cook County for a renewal of an existing Class 6b tax incentive for an industrial facility located at 2050 Higgins Road, Elk Grove Village, Illinois, Cook County District 17, Permanent Index Numbers 08-26-102-041-0000; and

**WHEREAS**, Cook County has defined that the classification period for Class 6b shall continue for 12 years from the date such new construction (excluding demolition if any), or such substantial rehabilitation was completed and initially assessed, or in case of abandoned property, from the date of substantial reoccupancy; and

**WHEREAS**, the Class 6b classification may be renewed during the last year in which a property is entitled to a 10% assessment level or when the incentive is still applied at the 15% or 20% assessment level, by filing a renewal application and a certified copy of a resolution or ordinance adopted by the municipality in which the real estate is located, or by the County Board, if located in an unincorporated area of Cook County; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, the real estate is located in an unincorporated area of Cook County, the Cook County Board must by lawful resolution or ordinance, expressly state that it supports and consents to the filling of a Renewal Class 6b Application and that it finds Class 6b is necessary and beneficial to the local economy; and

**WHEREAS**, the Cook County Board of Commissioners confirms that the nature of the original development allowing the Class 6b was new construction and the original resolution was approved April 27, 2000; and

**WHEREAS**, the applicant estimate an currently employs 30 full time jobs and 10 part time jobs and the applicant estimate to create 10 full time jobs and 3 part time jobs and the Cook County Board of Commissioners has determined that the industrial use of the property is necessary and beneficial to the local economy and supports and consents to the renewal of the Class 6b; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor’s Office stipulating that it is in compliance with the County’s Living Wage Ordinance prior to receiving the renewal Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 2050 Higgins Road, Elk Grove Village, Illinois, Cook County, Illinois, is deemed eligible for the renewal of the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

Approved and adopted this 12th day of mARCH 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**ADJOURNMENT**

**Commissioner Steele, seconded by Commissioner Vice-Chairman Murphy, moved to adjourn the meeting. The motion passed and the meeting was adjourned.**

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

File Id Number 14-0713	Recommended for Approval
File Id Number 14-0715	Recommended for Approval
File Id Number 14-1353	Recommended for Approval
File Id Number 14-1359	Recommended for Approval
File Id Number 14-1366	Recommended for Approval

Respectfully submitted,

FINANCE SUBCOMMITTEE ON REAL ESTATE AND BUSINESS AND ECONOMIC DEVELOPMENT

JESUS G. GARCIA, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

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**Commissioner Garcia, seconded by Commissioner Murphy, moved that the Report of the Finance Subcommittee on Real Estate and Business and Economic Development be approved and adopted. The motion carried unanimously.**

**14-1741**

**REPORT OF THE FINANCE COMMITTEE**

March 12, 2014

**ATTENDANCE**

**Present** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Goslin, Moore, Murphy, Schneider, Silvestri, Steele, Suffredin and Tobolski (15)

**Absent** Commissioners Collins and Reyes (2)

**PUBLIC TESTIMONY**

**Chairman Daley asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-107(dd):**

1. Mayor Eugene ‘Gene’ Williams, Village of Lynwood
2. George Blakemore, Concerned Citizen

**SECTION 1**

Your Committee has considered the following court orders submitted by attorneys for payment of fees earned by said attorneys for defending indigent defendants.

Your Committee, therefore, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, authorized and directed to issue checks to said attorneys in the amounts recommended.

**COURT ORDERS**

**APPELLATE CASES**

**14-1442**

Attorney/Payee: Thomas J. Esler  
Presenter: Same  
Fees: \$932.50  
Case Name: In the Interest of Daniel P.  
Trial Court No(s): 11JA1001  
Appellate Court No(s): 13-2309

**14-1595**

Attorney/Payee: Elizabeth Butler  
Fees: \$4,053.30  
Case Name: In the Interest of Charles W. and Darius W. (minors)  
Trial Court No(s): 12JA562, 12JA583  
Appellate Court No(s): 13-1281 and 13-1956

**APPELLATE CASES APPROVED FISCAL YEAR 2014 TO PRESENT: \$40,991.77**

**APPELLATE CASES TO BE APPROVED: \$4,985.80**



**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele that the Appellate Cases be recommended for approval. The motion carried.**

**Ayes:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Goslin, Moore, Murphy, Schneider, Silvestri, Steele, Suffredin and Tobolski (15)

**Absent:** Commissioners Collins and Reyes (2)

**CRIMINAL DIVISION**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$535.89

Service Rendered for court-appointed representation of indigent respondent (s): Court Appointed

Name(s) of respondent(s): Ronald Walker

Case No(s):03CR80001

**14-1279**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$1,300.90

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Antwone Steward

Case No(s):98CR80005

**14-1280**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$239.65

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Richard Bailey

Case No(s):98CR80001

**14-1281**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$1,313.67

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Steven Steward

Case No(s):06CR80008

**14-1282**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$294.52

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Derrick Moody

Case No(s):11CR80020

**14-1284**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$235.90  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Donald Podkulski  
Case No(s):07CR80013

**14-1285**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$7,759.87  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Ozzie Pickett  
Case No(s):12CR80001

**14-1286**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$159.87  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Timothy Richardson  
Case No(s): 08CR80012

**14-1287**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$618.13  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Frank Saloga  
Case No(s): 01CR80004

**14-1288**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$402.15  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Jake Simmons  
Case No(s): 05CR80007

**14-1289**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$344.65  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Timothy Bell  
Case No(s): 06CR80007

**14-1290**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$7,620.90  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Johnny Butler

Case No(s): 08CR80007

**14-1291**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$395.77

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Percy Dixon

Case No(s): 11CR80007

**14-1292**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$575.90

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Reginald Dodge

Case No(s): 07CR80007

**14-1293**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$583.27

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Alfred Edwards

Case No(s): 09CR80005

**14-1294**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$1,849.18

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Zachary Hatter

Case No(s): 10CR80010

**14-1295**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$337.15

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Anthony Howard

Case No(s): 01CR80009

**14-1296**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$3,661.25

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed

Name(s) of respondent(s): Rasean Brooks

Case No(s): 10CR11867

**14-1298**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Attorney Daniel T. Coyne

Fees: \$3,298.75

Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Terry James  
Case No(s): 09CR19542

**14-1299**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$4,082.30  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Dale Miller  
Case No(s): 07CR80001

**14-1300**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$263.75  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Albert Martin  
Case No(s): 08CR80013

**14-1302**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$791.50  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Rex Hulbert  
Case No(s): 05CR80003-01

**14-1303**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$704.98  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name(s) of respondent(s): Johnnie LaRue  
Case No(s): 11CR80026

**14-1323**

Attorney: Mark H. Kusatzky  
Presenter: Same  
Fees: \$4,227.00  
Service Rendered for court-appointed representation of indigent respondent(s): Court Appointed  
Name of Person Represented: Ronald Henderson  
Case No.: 09CR16803-03

**14-1355**

Attorney/Payee: Dr. William Hillman  
Presenter: Joseph Kennelly  
Fees: \$2,747.00  
Service Rendered for court-appointed representation of indigent responded(s): expert witness  
Name of Respondent: Michael Houston  
Case # 12CR80004-01

**14-1357**

Attorney/Payee: Donald J. Peterson Jr.  
Presenter: Jack Rimland

Fees: \$262.21

Service Rendered for court-appointed representation of indigent respondent(s): expert witness

Name(s) of respondent(s): Anthony Triplett

Case No(s): 07CR297001

**14-1358**

Attorney/Payee: Independent Forensics

Presenter: Jack Rimland

Fees: \$9,907.30

Service Rendered for court-appointed representation of indigent respondent(s): expert witness

Name(s) of respondent(s): Anthony Triplett

Case No(s): 07CR297001

**14-1360**

Attorney/Payee: Jack Rimland

Presenter: Same

Fees: \$31,847.33

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Anthony Triplett

Case No(s): 07CR297001

**14-1444**

Attorney/Payee: Sheldon B. Nagelberg

Presenter: Same

Fees: \$2,112.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Alonzo Mosley

Case No(s): 10CR016, 13CR11398

**14-1454**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Daniel T. Coyne

Fees: \$1,525.48

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Rayner Daniels

Case No(s): 11CR80007

**14-1455**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Daniel T. Coyne

Fees: \$6,242.41

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Jonathan Byrd

Case No(s): 10CR80006

**14-1456**

Attorney/Payee: Law Offices of Chicago-Kent College of Law

Presenter: Daniel T. Coyne

Fees: \$997.75

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Michael Lemberger

Case No(s): 06CR80020

**14-1457**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$1,453.66  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Julian Montilla  
Case No(s): 06CR80004

**14-1459**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$594.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Bernard Weekly  
Case No(s): 01CR80011

**14-1461**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$6,674.91  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Bobby Brown  
Case No(s): 10CR80007

**14-1462**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$3,019.41  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Leroy Brown  
Case No(s): 11CR80013

**14-1463**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$3,697.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Stephen Cavanero  
Case No(s): 82C6763-01, 84C5857-64

**14-1464**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$7,967.37  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Joseph Clark  
Case No(s): 13CR80004

**14-1465**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$9,143.80  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Ronald Levi  
Case No(s): 06CR80014

**14-1480**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$134.65  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Daniel Gerow  
Case No(s): 10CR80008

**14-1482**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$1,858.40  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Stephen Mislich  
Case No(s): 98CR80010

**14-1483**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$2,008.02  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Ralph Bunch  
Case No(s): 04CR80002

**14-1484**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$2,884.52  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Sidney Collins  
Case No(s): 10CR80002

**14-1485**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$1,070.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Steven Tunget  
Case No(s): 04CR80005

**14-1486**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$474.65  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Vincent Pieroni  
Case No(s): 05CR80008

**14-1487**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$1,450.00

Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Albert Domagala  
Case No(s): 03CR26048

**14-1488**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$3,153.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Wendell Hudson  
Case No(s): 92CR28541

**14-1489**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Daniel T. Coyne  
Fees: \$1,582.09  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Corey Pearson  
Case No(s): 07CR80004

**14-1490**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$573.27  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Michael Hughes  
Case No(s): 10CR80013

**14-1491**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$1,480.96  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Leroy Kelley  
Case No(s): 07CR80003

**14-1493**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$2,872.41  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Michael Horne  
Case No(s): 11CR80021

**14-1494**

Attorney/Payee: Law Offices of Chicago-Kent College of Law  
Presenter: Attorney Daniel T. Coyne  
Fees: \$698.62  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Keith Stennis  
Case No(s): 10CR80004



**14-1564**

Attorney/Payee: Pradeep Roy-Singh  
Presenter: Same  
Fees: \$1,809.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Richard Van Horn  
Case No(s): 13CR8000101

**14-1565**

Attorney/Payee: Pradeep Roy-Singh  
Presenter: Same  
Fees: \$6,756.20  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Kevin Harmon  
Case No(s): 08cr8000901

**14-1566**

Attorney/Payee: Pradeep Roy-Singh  
Presenter: Same  
Fees: \$ 512.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation,  
Name(s) of respondent(s): Sammie Franklin  
Case No(s): 03cr8000701

**14-1567**

Attorney/Payee: Pradeep Roy-Singh  
Presenter: Same  
Fees: \$ 1,175.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Datus Egoston  
Case No(s): 06cr8001601

**14-1651**

Attorney/Payee: Dr. Luis Rosell  
Presenter: Daniel O. Tiernan  
Fees: \$2,881.25  
Service Rendered for court-appointed representation of indigent respondent(s): expert witness  
Name(s) of respondent(s): Danny Walker  
Case No(s): 08CR80006

**14-1684**

Attorney/Payee: Michael Clancy  
Presenter: Same  
Fees: \$2,075.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Shannon Bennett  
Case No(s): 09CR119926

**CRIMINAL DIVISION CASES APPROVED FISCAL YEAR 2014 TO PRESENT: \$411,114.06**

**CRIMINAL DIVISION CASES TO BE APPROVED: \$165,422.32**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, that the Criminal Division Case Payments be Recommended for approval. The motion carried.**

**CHILD PROTECTION DIVISION**

**14-1025**

Attorney/Payee: Maureen T. Murphy  
Presenter: Same  
Fees: \$1,025.75 original amount (\$1,018.75 amount previously paid on 2-19-14) amount due \$7.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Dion Hill  
In Re: A. Hill (minor)  
Case No(s): 12JA00659

**14-1037**

Attorney/Payee: Maureen T. Murphy  
Presenter: Same  
Fees: \$1,812.50 original amount (\$1,018.75 amount previously paid on 2-19-14) amount due \$793.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Regina Fox, Mother  
In Re: E. Coleman, S. Walker, M. Walker, Jr., and M. Fox (minors)  
Case No(s): 10JA565, 10JA566, 10JA567, 12JA1214

**14-1275**

Attorney/Payee: Law Office of Kent Dean Ltd.  
Presenter: Same  
Fees: \$650.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Darnell Stokes (father), Smith (mother)  
In Re: A. Stokes, D. Stokes, M. Stokes (minors)  
Case No(s): 13JA489, 13JA490, 13JA491

**14-1276**

Attorney/Payee: Law Office of Kent Dean Ltd.  
Presenter: Same  
Fees: \$412.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): E. Hopkins (minor)  
In Re: E. Hopkins (minor)  
Case No(s): 11JA1002

**14-1277**

Attorney/Payee: Law Office of Kent Dean Ltd.  
Presenter: Same  
Fees: \$781.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): D. Suarez, A. Pierce, E. Suarez, M. Suarez (minors)

In Re: D. Suarez, A. Pierce, E. Suarez, M. Suarez (minors)  
Case No(s): 10JA218, 10JA219, 10JA220, 13JA485

**14-1304**

Attorney/Payee: Brenda Sue Shavers  
Presenter: Same  
Fees: \$5,568.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jeffrey Wood, Sr. (father)  
In Re: J. Wood, Jr., V. Wood, D. Wood, J. Wood, J. Wood, and J. Wood (minors)  
Case No(s): 10JA00957, 10JA00958, 10JA00959, 10JA0060, 10JA0061, 10JA0962

**14-1305**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$850.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Sierra Traylor  
In Re: I. Traylor (minor)  
Case No(s): 13JA798

**14-1306**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$756.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Manuel Walker, Ward Watson  
In Re: B. Walker, W. Watson, W. C. Watson (minors)  
Case No(s): 00JA1411, 00JA1839, 03JA744

**14-1307**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$412.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jesus Romero, Sr. (father)  
In Re: J. Romero, Jr. (minor)  
Case No(s): 12JA1020

**14-1308**

Attorney/Payee: Ray Morrissey  
Presenter: Same  
Fees: \$1,537.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): J. Celestine (minor)  
In Re: J. Celestine (minor)  
Case No(s): 13JA626

**14-1309**

Attorney/Payee: Ildiko Bodoni  
Presenter: Same  
Fees: \$1,152.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Elvisa Liberty (mother)  
In Re: E. Crump, M. Hatic, A. Crump (minors)  
Case No(s): 06JA647, 06JA648, 06JA649

**14-1310**

Attorney/Payee: Ildiko Bodoni  
Presenter: Same  
Fees: \$1,008.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): X. Capiral (minor)  
In Re: X. Capiral (minor)  
Case No(s): 11JA972

**14-1311**

Attorney/Payee: Ildiko Bodoni  
Presenter: Same  
Fees: \$1,925.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): A. Thomas, A. Thomas, R. Thomas, A. Thomas, A. Thomas, A. Thomas, R. Thomas, A. Thomas (minors)  
In Re: A. Thomas, A. Thomas, R. Thomas, A. Thomas, A. Thomas, A. Thomas, R. Thomas, A. Thomas (minors)  
Case No(s): 14JA1342, 04JA1343, 03JA1344, 07JA869, 08JA159, 08JA100, 10JA1078, 12 JA679

**14-1312**

Attorney/Payee: Charles J. Aron  
Presenter: Same  
Fees: \$582.36  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): S. Moneyham (GAL)  
In Re: S. Moneyham (minor)  
Case No(s): 11JA0773

**14-1313**

Attorney/Payee: Charles J. Aron  
Presenter: Same  
Fees: \$615.15  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Taneil Curtis (mother)  
In Re: P. Bentley (minor)  
Case No(s): 11JA00085

**14-1314**

Attorney/Payee: Charles J. Aron  
Presenter: Same  
Fees: \$962.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Sonya Freeman (mother)  
In Re: A, MC Shane (minor)  
Case No(s): 12JA0432

**14-1315**

Attorney/Payee: Charles J. Aron  
Presenter: Same  
Fees: \$275.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): George Harper (father)  
In Re: D. Harper (minor)  
Case No(s): 11JA0776

**14-1316**

Attorney/Payee: Charles J. Aron  
Presenter: Same  
Fees: \$606.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Cynthia Richardson (mother)  
In Re: D. Wadlington (minor)  
Case No(s): 13JA00053

**14-1318**

Attorney/Payee: Paul S. Kayman  
Presenter: Same  
Fees: \$525.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Guardian Ad Litem for Minor  
In Re: Mario Reed (minor)  
Case No(s): 06JA00471

**14-1319**

Attorney/Payee: Paul S. Kayman  
Presenter: Same  
Fees: \$625.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Joseph Sardin III, (father)  
In Re: Joseph Sardin IV and Marie Harris (minors)  
Case No(s): 03JA00764 and 05JA01024

**14-1322**

Attorney/Payee: Thomas J. Esler  
Presenter: Same  
Fees: \$210.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Mark Johns (father)  
In Re: R. Lenoir (minor)  
Case No(s): 11JA0901

**14-1324**

Attorney/Payee: Bruce H. Bornstein  
Presenter: Same  
Fees: \$500.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Gary Petty (father)  
In Re: F. Petty (minor)  
Case No(s): 10JA0437

**14-1325**

Attorney/Payee: Bruce H. Bornstein  
Presenter: Same  
Fees: \$762.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Corey Scott  
In Re: C. Scott, C. Scott, C. Scott  
Case No(s): 11JA957, 11JA958, 11JA959

**14-1326**

Attorney/Payee: Bruce H. Bornstein  
Presenter: Same  
Fees: \$287.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jeffery Toby (father)  
In Re: J. Toby (minor)  
Case No(s): 07JA659

**14-1328**

Attorney/Payee: Bruce H. Bornstein  
Presenter: Same  
Fees: \$1,250.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Daniel Soto Sr. (father)  
In Re: D. Soto Jr. (minor)  
Case No(s): 10JA322

**14-1329**

Attorney/Payee: Christian Collin  
Presenter: Same  
Fees: \$950.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Leandrew Bradin (father)  
In Re: L. Bradin (minor)  
Case No(s): 13JA545

**14-1330**

Attorney/Payee: Christian Collin  
Presenter: Same  
Fees: \$437.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Pamela Tribble (mother)  
In Re: S. Byndum (minor)  
Case No(s): 08JA384

**14-1331**

Attorney/Payee: Bruce H. Bornstein  
Presenter: Same  
Fees: \$150.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Elias Gomez (father)  
In Re: A. Gomez (minor)

Case No(s): 06JA771

**14-1332**

Attorney/Payee: Bruce H. Bornstein

Presenter: Same

Fees: \$175.00

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Rodney Clark (father)

In Re: B. Clark (minor)

Case No(s): 05JA1200

**14-1334**

Attorney/Payee: Bruce H. Bornstein

Presenter: Same

Fees: \$1,837.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): R. Exum (minor)

In Re: R. Exum (minor)

Case No(s): 12JA1292

**14-1335**

Attorney/Payee: Bruce H. Bornstein

Presenter: Same

Fees: \$872.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Mark Lobo (father)

In Re: Z. Lobo (minor)

Case No(s): 10JA0877

**14-1354**

Attorney/Payee: Paul D. Katz

Presenter: Same

Fees: \$622.12

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Margarita Delatorre (mother)

In Re: B. Cervantes (minor)

Case No(s): 11JA00168

**14-1356**

Attorney/Payee: Steven Silets

Presenter: Same

Fees: \$718.75

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Larry Basemore (father)

In Re: H. Basemore, D. Basemore, J. Basemore, (minor)

Case No(s):06JA716, 06JA717, 06JA718

**14-1373**

Attorney/Payee: Dean N. Bastounes

Presenter: Same

Fees: \$337.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): James Collins (father)

In Re: D. Burnette (minor)  
Case No(s): 09JA00882

**14-1374**

Attorney/Payee: Dean N. Bastoues  
Presenter: Same  
Fees: \$393.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): I. Traylor aka I. Love the minor as GAL  
In Re: I. Traylor aka Love (minor)  
Case No(s):13JA00798

**14-1375**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$850.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): T. Henderson, K. Robinson (minors)  
In Re: T. Henderson, K. Robinson (minors)  
Case No(s):95JA3975, 95JA3976

**14-1376**

Attorney/Payee: Rodney W. Stewart  
Presenter: Same  
Fees: \$512.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Ricardo Lopes (father)  
In Re: A. Lopez (minor)  
Case No(s): 06JA0905

**14-1385**

Attorney/Payee: Ezra Hemphill  
Presenter: Same  
Fees: \$900.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Harry Rafael Perkins (father)  
In Re: D. Charleston (minor)  
Case No(s): 12JA00970

**14-1388**

Attorney/Payee: Ray Morrissey  
Presenter: Same  
Fees: \$2,125.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Lamont Sessom Sr. (father)  
In Re: L. Sessom (minor)  
Case No(s): 12JA620

**14-1389**

Attorney/Payee: Thomas J. Esler  
Presenter: Same  
Fees: 390.00



Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Christopher Washington (father)  
In Re: M. Booker (minor)  
Case No(s): 13JA00983

**14-1390**

Attorney/Payee: Paul D. Katz  
Presenter: Same  
Fees: \$387.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): S. Dellar (minor)  
In Re: S. Dellar (minor)  
Case No(s): 05JA01050

**14-1401**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$306.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Danielle Craig (mother)  
In Re: D. Craig (minor)  
Case No(s): 12JA00625

**14-1405**

Attorney/Payee: Thomas J. Esler  
Presenter: Same  
Fees: \$680.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Tammy Koch (mother)  
In Re: A. Cedano (minor)  
Case No(s): 06JA0831

**14-1408**

Attorney/Payee: Francine N. Green-Kelner  
Presenter: Same  
Fees: \$1,480.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Diamond Cora (mother)  
In Re: S. Cora (minor)  
Case No(s): 11JA00852

**14-1412**

Attorney/Payee: Paul Karoll  
Presenter: Same  
Fees: \$356.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): A. Tyler (as GAL)(minor)  
In Re: A. Tyler, (minor)  
Case No(s): 08JA1103

**14-1413**

Attorney/Payee: Paul Karoll

Presenter: Same  
Fees: \$235.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Father Clarence Summeries  
In Re: Jayden Summeries and Jonah Summeries (minors)  
Case No(s): 11JA841, 11JA842

**14-1414**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$893.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Walter Boyd (father)  
In Re: I. Hopkins (minor)  
Case No(s): 13JA519

**14-1415**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$1,031.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Gloria Spierling (legal guardian)  
In Re: D. Spierling (minor)  
Case No(s): 13JA503

**14-1416**

Attorney/Payee: Ellen Sidney Weisz  
Presenter: Same  
Fees: \$575.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Rick Conley  
In Re: R. Conley (minor)  
Case No(s):13JA706

**14-1417**

Attorney/Payee: Ellen Sidney Weisz  
Presenter: Same  
Fees: \$250.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Shanequa Chandler  
In Re: Q. Sidney, M. Sidney (minors)  
Case No(s): 06JA610, 06JA611

**14-1423**

Attorney/Payee: Steven O. Ross, P.C.  
Presenter: Same  
Fees: \$522.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Kristina Motton  
In Re: K. Motton (minor)  
Case No(s): 13JA112

**14-1428**

Attorney/Payee: Dean N. Bastounes

Presenter: Same  
Fees: \$318.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Kimberly Payton (mother)  
In Re: K. Brown (minor)  
Case No(s): 08JA00543

**14-1430**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$337.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Elrick Knox (father)  
In Re: E. Knox (minor)  
Case No(s): 07JA00808

**14-1431**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$543.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Gabriel Nelson (mother)  
In Re: L. Nelson (minor)  
Case No(s): 11JA00907

**14-1432**

Attorney/Payee: Robert A. Horwitz  
Presenter: Same  
Fees: \$881.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Bernadino Lopez, (father)  
In Re: A, Lopez (minor)  
Case No(s): 13JA11

**14-1433**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$268.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): D Harris (minor)  
In Re: D. Harris (minor)  
Case No(s): 11JA00096

**14-1435**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$425.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Abigail Loebig (mother)  
In Re: T. Williams (minor)  
Case No(s): 13JA00664

**14-1437**

Attorney/Payee: Robert A. Horwitz  
Presenter: Same  
Fees: \$318.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Wilbertina Thomas, (mother)  
In Re: S. Thomas, M. Carter (minors)  
Case No(s): 13JA227, 13JA228

**14-1438**

Attorney/Payee: Robert A. Horwitz  
Presenter: Same  
Fees: \$362.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): James Willis, (father)  
In Re: A. Willis (minor)  
Case No(s): 10JA1045

**14-1439**

Attorney/Payee: Robert A. Horwitz  
Presenter: Same  
Fees: \$362.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): D. Purches, (minor)  
In Re: D. Purches (minor)  
Case No(s): 11JA244

**14-1466**

Attorney/Payee: Robert A. Horwitz  
Presenter: Same  
Fees: \$200.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jaylan Anderson, Minor  
In Re: J. Anderson (a minor)  
Case No(s): 14JA74

**14-1467**

Attorney/Payee: Ray Morrissey  
Presenter: Same  
Fees: \$562.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): D'Antoine Windon (father)  
In Re: D. Windon (minor)  
Case No(s): 10JA530

**14-1470**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$690.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Scott Kizior, (father)

In Re: N, Kizior (minor)  
Case No(s): 10JA00290

**14-1473**

Attorney/Payee: Paul D. Katz  
Presenter: Same  
Fees: \$843.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Michael Hatcher (father)  
In Re: M. Hatcher, M. Hatcher, M. Hatcher, J. Hatcher, J. Hatcher (minors)  
Case No(s): 09JA00085, 09JA00086, 10JA00822, 10JA00823, 10JA00824

**14-1474**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$675.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): John Leech, (father)  
In Re: A. Leech, J. Leech, B. Leech (minors)  
Case No(s): 10JA00276, 10JA00277, 10JA00278

**14-1475**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$606.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Robert Sanchez (father)  
In Re: F. Peterson (minor)  
Case No(s): 10JA00320

**14-1476**

Attorney/Payee: Paul D. Katz  
Presenter: Same  
Fees: \$287.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Arturo Rivas-Perales (father)  
In Re: K. Stokes (minor)  
Case No(s): 12JA01066

**14-1477**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$387.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Denesha Jeffries (mother)  
In Re: J. Jeffries, N. Secodesilva (minors)  
Case No(s): 10JA00702 & 11JA00231

**14-1478**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$431.25

Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Maurice Higgs (father)  
In Re: L. Higgs & D. Higgs (minors)  
Case No(s): 12JA00285, 12JA00286

**14-1479**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$1,743.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Shantille Swanagain (mother)  
In Re: A. James (minor)  
Case No(s): 12JA00081

**14-1495**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$393.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): M. Woods the minor a GAL  
In Re: M. Woods (minor)  
Case No(s): 11JA00839

**14-1496**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$187.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): N. Cobbs, A. Cobbs (minors/GAL)  
In Re: N. Cobbs, A. Cobbs (minors)  
Case No(s): 14JA059, 14JA060

**14-1497**

Attorney/Payee: Rodney W. Stewart  
Presenter: Same  
Fees: \$300.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): N. Wallace (minor)  
In Re: N. Wallace, (minor)  
Case No(s) 01JA1183

**14-1498**

Attorney/Payee: Rodney W. Stewart  
Presenter: Same  
Fees: \$1,350.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jonathan Dominguez (father)  
In Re: G. Solis, D. Dominguez, L. Dominguez, (minors)  
Case No(s): 11JA079, 11JA080, 11JA082

**14-1499**

Attorney/Payee: Rodney W. Stewart

Presenter: Same  
Fees: \$675.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): J. Brown (minor)  
In Re: J. Brown, (minor)  
Case No(s): 09JA0807

**14-1509**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$600.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): J. Taylor (minor)  
In Re: J. Taylor (minor)  
Case No(s): 10JA00603

**14-1511**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$ 1012.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): I. Clay (minor)  
In Re: I. Clay (minor)  
Case No(s): 12JA01101

**14-1512**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$825.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Steven Pozniak (father)  
In Re: J. Pozniak (minor)  
Case No(s): 10JA01077

**14-1513**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$550.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Ansari McKinney (father)  
In Re: S. McKinney-Rice (minor)  
Case No(s): 12JA00007

**14-1514**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$1,125.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): S. Pierce (minor)  
In Re: S. Pierce (minor)  
Case No(s):10JA00761

**14-1516**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$712.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Sharriae West (mother)  
In Re: L. Givens (minor)  
Case No(s): 12JD05083

**14-1517**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$400.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jerry Jason Williams (father)  
In Re: A. Williams (minor)  
Case No(s): 12JA00920

**14-1518**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$756.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Reneshia King (mother)  
In Re: J. Morton, I. King (minors)  
Case No(s): 12JA00984, 13JA00463

**14-1519**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$200.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Yvonne Chapman (mother)  
In Re: M. Armfield (minor)  
Case No(s): 09JA00160

**14-1520**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$387.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Dontae Milton (father)  
In Re: S. Milton (minors)  
Case No(s): 13JA00877

**14-1522**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$268.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): A. & A. Wright (minors as GAL)  
In Re: A. Wright & A. Wright (minors)  
Case No(s): 09JA01120, 09JA01121



**14-1523**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$2,068.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): N. Nwagwu, E. Nwagwu, N. Watkins (minors)  
In Re: N. Nwagwu, E. Nwagwu, Noah Watkins (minors)  
Case No(s): 12JA00201, 12JA00202, 12JA00203

**14-1524**

Attorney/Payee: Sherri Williams  
Presenter: Same  
Fees: \$1,162.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): K. Wright (minor)  
In Re: K. Wright (minor)  
Case No(s): 10JA00596

**14-1525**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$293.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Lucerna Diaz (mother)  
In Re: L. Diaz (minor)  
Case No(s): 07JA00578

**14-1526**

Attorney/Payee: Dean N. Bastounes  
Presenter: Same  
Fees: \$225.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Melissa Casey (mother)  
In Re: G. Stolzenbach (minor)  
Case No(s): 10JA00143

**14-1529**

Attorney/Payee: Theodore J. Adams  
Presenter: Same  
Fees: \$642.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): L. Calvin & S. Moore (minors)  
In Re: L. Calvin & S. Moore (minors)  
Case No(s): 10JA811, 10JA812

**14-1533**

Attorney/Payee: Theodore J. Adams  
Presenter: Same  
Fees: \$517.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Tiffany Taylor (mother)  
In Re: H. Taylor (minors)

Case No(s): 13JA654

**14-1534**

Attorney/Payee: Theodore J. Adams

Presenter: Same

Fees: \$397.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Fredrick Smith, Sr. (father)

In Re: F Smith, Jr, D Smith, J Smith (minors)

Case No(s):11JA136, 11JA137, 11JA138

**14-1535**

Attorney/Payee: Theodore J. Adams

Presenter: Same

Fees: \$162.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Jerry Pirtle (father)

In Re: L Pirtle (minor)

Case No(s):94JA8508

**14-1537**

Attorney/Payee: Adam J. Jaffe

Presenter: Same

Fees: \$557.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Starlet Sykes & Lawrence Sloan (parents)

In Re: L. Sloan (minor)

Case No(s): 09JA1119

**14-1539**

Attorney/Payee: Robert A. Horwitz

Presenter: Same

Fees: \$600.00

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Jason Austin, (father)

In Re: M. Stocklaufer (minor)

Case No(s): 11JA832

**14-1540**

Attorney/Payee: Robert A. Horwitz

Presenter: Same

Fees: \$312.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Joyce Gipson, (mother)

In Re: L. Gipson (minor)

Case No(s): 12JA1027

**14-1541**

Attorney/Payee: Robert A. Horwitz

Presenter: Same

Fees: \$262.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): D. Blackman, D. Blackman, D. Blackman, D. Blackman, (minors)  
In Re: ): D. Blackman, D. Blackman, D. Blackman, D. Blackman ( minors)  
Case No(s): 12JA1024, 12JA1025, 12JA1026, 13JA22

**14-1542**

Attorney/Payee: Robert A. Horwitz  
Presenter: Same  
Fees: \$587.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): William Adams, (father)  
In Re: D. Adams (minor)  
Case No(s): 13JA979

**14-1543**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$462.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Nathaniel Flowers (father)  
In Re: W. Flowers, (minor)  
Case No(s): 08JA252

**14-1544**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$1,637.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Michelle Washington (mother)  
In Re: L. Freeman, D. Freeman (minors)  
Case No(s): 12JA672, 12JA673

**14-1545**

Attorney/Payee: Francine N. Green-Kelner  
Presenter: Same  
Fees: \$750.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Marketer Hampton (mother)  
In Re: D. Johnson (minor)  
Case No(s): 00JA2031

**14-1548**

Attorney/Payee: Francine N. Green-Kelner  
Presenter: Same  
Fees: \$1,136.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Demetrius Hopper (father)  
In Re: T. Hopper (minor)  
Case No(s): 12JA803

**14-1549**

Attorney/Payee: Francine N. Green-Kelner  
Presenter: Same

Fees \$2,079.75

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): George Brown (father)

In Re: R. Brown (minor)

Case No(s): 10JA0029

**14-1550**

Attorney/Payee: Melinda MacGregor

Presenter: Same

Fees: \$662.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Terrell Metcalf (father)

In Re: S. Cannady, D. Cannady (minors)

Case No.: 11JA619, 11JA620

**14-1551**

Attorney/Payee: Adam J. Jaffe

Presenter: Same

Fees: \$736.75

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Theresa McCoy (Adoptive Parent)

In Re: J. McCoy (minor)

Case No(s): 07JA498

**14-1552**

Attorney/Payee: Patrick Schlee

Presenter: Same

Fees: \$237.50

Services rendered for court-appointed representation of minors: legal representation

Name(s) of respondent(s): Lisa Deja (adoptive mother)

In Re.: C. Deja, M. Deja, D. Deja, A. Deja, (minors)

Case No(s): 11JA804, 11JA805, 11JA806, 11JA807

**14-1553**

Attorney/Payee: Mark H. Kusatzky

Presenter: Same

Fees: \$390.00

Services Rendered for court-appointed representation of indigent respondent: legal representation

Name of Respondent: A. Garcia & J. Garcia (minor)

In re: A. Garcia & J. Garcia (minor)

Case Numbers: 04JA1031, 04JA1032

**14-1554**

Attorney/Payee: Robert A. Horwitz

Presenter: Same

Fees: \$581.25

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Jared Steverson, (father)

In Re: I. Steverson (minor)

Case No(s): 12JA288

**14-1563**

Attorney/Payee: Paul Karoll  
Presenter: Same  
Fees: \$612.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Annette Miller (adoptive mother)  
In Re: Shamica Barnes, minor  
Case No(s): 13JA961

**14-1570**

Attorney/Payee: Douglas J. Rathe  
Presenter: Same  
Fees: \$556.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jaime Perez Lopez (father)  
In Re: M. Molina (minor)  
Case No(s): 09JA00128

**14-1571**

Attorney/Payee: Douglas J. Rathe  
Presenter: Same  
Fees: \$768.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Newgene Anderson (father)  
In Re: J. Anderson, E. Anderson (minors)  
Case No(s): 13JA00790, 13JA00791

**14-1573**

Attorney/Payee: Dean N. Bastoues  
Presenter: Same  
Fees: \$325.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Salih Baker (father)  
In Re: S. Baker Jr. (minor)  
Case No(s): 12JA01079

**14-1574**

Attorney/Payee: Dean N. Bastoues  
Presenter: Same  
Fees: \$287.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Erick Moon (father)  
In Re: E. Moon (minor)  
Case No(s): 08JA00493

**14-1575**

Attorney/Payee: Donna L. Ryder  
Presenter: Same  
Fees: \$477.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Frederick Davis, (father)  
In Re: D. Davis (minor)  
Case No(s): 02JA794

**14-1576**

Attorney/Payee: Paul D. Katz, Attorney at Law  
Presenter: Same  
Fees: \$1,531.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): B. Bailey, O. Schwedler, J. Schwedler, (minor)  
In Re: B. Bailey, O. Schwedler, J. Schwedler (minors)  
Case No(s): 09JA00943, 09JA00944, 09JA00945

**14-1577**

Attorney/Payee: Paul D. Katz, Attorney at Law  
Presenter: Same  
Fees: \$575.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Robert Black and Clayton Brown (fathers)  
In Re: U. Black, B. Brown (minors)  
Case No(s): 11JA00877, 11JA00879

**14-1578**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$1,043.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Leo Harvey, (father)  
In Re: L. Harvey, J. Harvey, D. Harvey, (minors)  
Case No(s): 07JA744, 07JA745, 07JA747

**14-1579**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$687.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jesse Woods, (father)  
In Re: N. Woods, (minor)  
Case No(s): 12JA1226

**14-1580**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$1,137.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): N. Clark, E. McGhee, N. Hawkins, K. Jackson (minors/GAL)  
In Re: N. Clark, E. McGhee, N. Hawkins, K. Jackson (minors)  
Case No(s): 05JA343, 05JA801, 08JA001, 09JA776

**14-1581**

Attorney/Payee: Stephen Jaffe  
Presenter: Same  
Fees: \$325.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Nicole Mahone (mother)  
In Re: K. Redmond, J. Redmond (minors)  
Case No(s): 05JA662, 05JA663

**14-1582**

Attorney/Payee: Steven O. Ross, P.C.  
Presenter: Same  
Fees: \$392.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation,  
Name(s) of respondent(s): S. Blake, (minor)  
In Re: S. Blake (minor)  
Case No(s): 09JA589

**14-1584**

Attorney/Payee: Darlene L Redmond  
Presenter: Same  
Fees: \$343.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Marcus Agnew, (father)  
In Re: M. Agnew  
Case No(s): 13JA208

**14-1587**

Attorney/Payee: Ray Morrissey  
Presenter: Same  
Fees: \$275.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): J. Walker (minor)  
In Re: J. Walker (minor)  
Case No(s): 10JA774

**14-1588**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$937.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Darrell Fourte, (putative father)  
In Re: K. McDonald (minor)  
Case No(s): 11JA293

**14-1589**

Attorney/Payee: Rodney W. Stewart  
Presenter: Same  
Fees: \$681.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): A. Escamilla  
In Re: A. Escamilla, (minor)  
Case No(s): 04JA1587

**14-1592**

Attorney/Payee: Rodney W. Stewart  
Presenter: Same  
Fees: \$562.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Latrice Fair (mother)  
In Re: Z. Johnson, Z. Fair and Z. Fair, (minors)  
Case No(s): 11JA751, 11JA752, 11JA753

**14-1593**

Attorney/Payee: Rodney W. Stewart  
Presenter: Same  
Fees: \$687.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): S. Waterman (minor)  
In Re: S. Waterman, (minor)  
Case No(s): 01JA1846

**14-1594**

Attorney/Payee: Elizabeth Butler  
Presenter: Same  
Fees: \$405.00  
Service Rendered for court-appointed representation of indigent respondent: legal representation  
Name of Minor: Rahsul Valentine (minor)  
In Re: R. Valentine (minor)  
Case No. 11JA341

**14-1596**

Attorney/Payee: Elizabeth Butler  
Presenter: Same  
Fees: \$591.25  
Service Rendered for court-appointed representation of indigent respondent: legal representation  
Name(s) of respondent(s): J. Phelps (minor)  
In Re: J. Phelps (minor)  
Case No.: 12JA1256

**14-1597**

Attorney/Payee: Thomas O'Connell  
Presenter: Same  
Fees: \$212.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Sylvia Begay (mother)  
In Re: K. Begay (minor)  
Case No(s): 06JA690

**14-1598**

Attorney/Payee: Thomas O'Connell  
Presenter: Same  
Fees: \$415.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Robert Tigner (father)  
In Re: D. Tigner (minor)  
Case No(s): 10JA846

**14-1599**

Attorney/Payee: Thomas O'Connell  
Presenter: Same



Fees: \$692.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Lucinda Cassell (mother)

In Re: K. Cassell (minor)

Case No(s): 11JA981

**14-1601**

Attorney/Payee: Thomas O'Connell

Presenter: Same

Fees: \$675.00

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Shanae Wright (mother)

In Re: M. Davis (minor)

Case No(s): 12JA1029

**14-1602**

Attorney/Payee: Thomas O'Connell

Presenter: Same

Fees: \$712.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Katrina Caldwell (mother)

In Re: A. Jaudon (minor)

Case No(s): 11JA439

**14-1603**

Attorney/Payee: Thomas O'Connell

Presenter: Same

Fees: \$901.25

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): T. Fernandez (minor)

In Re: T. Fernandez (minor)

Case No(s): 01JA1845

**14-1604**

Attorney/Payee: Thomas O'Connell

Presenter: Same

Fees: \$587.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Jammie Tate (father)

In Re: M. Woods (minor)

Case No(s): 11JA839

**14-1605**

Attorney/Payee: Thomas O'Connell

Presenter: Same

Fees: \$576.25

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Patrick Shaw (father)

In Re: D. Mullins (minor)

Case No(s): 11JA467

**14-1606**

Attorney/Payee: Thomas O'Connell

Presenter: Same  
Fees: \$581.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Sandra Washington (mother)  
In Re: L. Washington (minor)  
Case No(s): 12JA687

**14-1607**

Attorney/Payee: Thomas O'Connell  
Presenter: Same  
Fees: \$626.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Isaiah Jones (father)  
In Re: E. Jones (minor)  
Case No(s): 12JA851

**14-1608**

Attorney/Payee: Thomas O'Connell  
Presenter: Same  
Fees: \$455.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Deanna Luciw (mother)  
In Re: J. Luciw, M. Luciw, R. Luciw, A. Luciw (minors)  
Case No(s): 09JA726, 09JA727, 09JA728, 09JA729

**14-1609**

Attorney/Payee: Thomas O'Connell  
Presenter: Same  
Fees: \$362.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): K. Redmond, J. Redmond (minors)  
In Re: K. Redmond, J. Redmond (minors)  
Case No(s): 05JA662, 05JA663

**14-1610**

Attorney/Payee: Thomas O'Connell  
Presenter: Same  
Fees: \$541.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Derrick Ott (father)  
In Re: J. Johnson (minor)  
Case No(s): 96JA2362

**14-1611**

Attorney/Payee: Thomas O'Connell  
Presenter: Same  
Fees: \$175.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Rackel Matthews (mother)  
In Re: T. Matthews (minor)  
Case No(s): 13JA823

**14-1612**

Attorney/Payee: Gilbert C. Schumm  
Presenter: Same  
Fees: \$587.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Adrena Jarrett, (mother)  
In Re: K. Charless (minor)  
Case No(s): 08JA1078

**14-1613**

Attorney/Payee: Gilbert C. Schumm  
Presenter: Same  
Fees: \$487.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Roberto Palacios (father)  
In Re: M. Watley, E. Watley (minors)  
Case No(s): 12JA1190, 12JA1191

**14-1614**

Attorney/Payee: Gilbert C. Schumm  
Presenter: Same  
Fees: \$493.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Daniel Pollworth (father)  
In Re: A. Poleworth, A. Poleworth, L. Poleworth (minors)  
Case No(s): 09JA347, 09JA348, 09JA349

**14-1615**

Attorney/Payee: Gilbert C. Schumm  
Presenter: Same  
Fees: \$381.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Ramiro Ramirez (father)  
In Re: G. Ramirez (minor)  
Case No(s): 11JA798

**14-1623**

Attorney/Payee: Stuart Holt  
Presenter: Same  
Fees: \$2,293.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Erika Rodriguez (mother)  
In Re: M. Molina (minor)  
Case No(s): 09JA00128

**14-1627**

Attorney/Payee: Brian Danloe  
Presenter: Same  
Fees: \$687.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Gregory Freeman (father)  
In Re: L. Freeman, D. Freeman (minors)  
Case No(s): 12JA672, 12JA673

**14-1628**

Attorney/Payee: Brian Danloe  
Presenter: Same  
Fees: \$612.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): D. Randle, S. Randle, D. Randle, (minors)  
In Re: D. Randle, S. Randle, D. Randle (minors)  
Case No(s): 10JA448, 10JA449, 10JA550

**14-1629**

Attorney/Payee: Brian Danloe  
Presenter: Same  
Fees: \$531.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): A. Simmons, J. Hopkins, M. Watkins, (minors)  
In Re: A. Simmons, J. Hopkins, M. Watkins (minors)  
Case No(s): 09JA529, 09JA530, 09JA532

**14-1630**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$975.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Harmony Little (minor)  
In Re: H. Little (minor)  
Case No(s): 12JA245

**14-1631**

Attorney/Payee: Steven Silets  
Presenter: Same  
Fees: \$512.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): H. Whitehead-Reynolds, (minor)  
In Re: H. Whitehead-Reynolds (minor)  
Case No(s): 09JA171

**14-1635**

Attorney/Payee: Darlene Redmond  
Presenter: Same  
Fees: \$112.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Zoran Savic (father)  
In Re: M. Savic, N. Savic (minors)  
Case No(s): 10JA550, 10JA551

**14-1636**

Attorney/Payee: Darlene Redmond  
Presenter: Same  
Fees: \$112.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): William Bagain (father)  
In Re: L. Bagain (minor)  
Case No(s): 09JA859

**14-1637**

Attorney/Payee: Darlene Redmond  
Presenter: Same  
Fees: \$200.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Danielle Craig, (mother)  
In Re: Deijah Craig (minor)  
Case No(s): 12JA625

**14-1638**

Attorney/Payee: Darlene Redmond  
Presenter: Same  
Fees: \$1,654.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Dorothy Jordan (mother)  
In Re: Nevaeh Boswell (minor)  
Case No(s): 11JA361

**14-1639**

Attorney/Payee: Paul D. Katz  
Presenter: Same  
Fees: \$1,418.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): K. Fisher, K. Fisher (minors-respondents)  
In Re: K. Fisher, K. Fisher (minors)  
Case No(s): 05JA00671, 10JA00510

**14-1640**

Attorney/Payee: Paul D. Katz  
Presenter: Same  
Fees: \$575.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): W. Holman, N. Holman (minors-respondents)  
In Re: W. Holman, N. Holman (minors)  
Case No(s): 98JA01491, 98JA01492

**14-1641**

Attorney/Payee: Timothy F. Moran  
Presenter: Same  
Fees: \$962.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Tina Dauphinais (mother)  
In Re: L. Dauphinais (minor)  
Case No(s): 10JA593

**14-1654**

Attorney/Payee: Darlene Redmond  
Presenter: Same  
Fees: \$477.08  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Sean Young (father), Laura Garcia (mother)  
In Re: E. Young (minor)

Case No(s): 12JA1284

**14-1669**

Attorney/Payee: Steven Silets

Presenter: Same

Fees: \$412.50

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Keisha Summeries (mother)

In Re: M. Wood, A. Summeries, J. Summeries, J. Summeries, (minors)

Case No(s): 11JA839, 11JA840, 11JA841, 11JA842

**14-1670**

Attorney/Payee: Rodney W. Stewart

Presenter: Same

Fees: \$1,025.00

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Tony Williams (father)

In Re: A. Williams, T. Williams (minors)

Case No(s): 08JA041, 08JA042

**14-1671**

Attorney/Payee: Ezra Hemphill Attorney at Law

Presenter: Same

Fees: \$200.00

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Roosevelt Moore (father)

In Re: S. Moore (minor)

Case No(s): 10JA00812

**14-1672**

Attorney/Payee: Ezra Hemphill

Presenter: Same

Fees: \$200.00

Service Rendered for court-appointed representation of indigent respondent(s): legal representation

Name(s) of respondent(s): Roosevelt Moore (father)

In Re: S. Moore (minor)

Case No(s): 10JA00812

**CHILD PROTECTION CASES APPROVED FISCAL YEAR 2014 TO PRESENT: \$482,144.38**

**CHILD PROTECTION CASES TO BE APPROVED: \$112,518.46**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, that the Child Protection Case Payments be Recommended for approval. The motion carried.**

**JUVENILE JUSTICE DIVISION**

**14-1339**

Attorney/Payee: Matthew A. Ingram Esq.  
Presenter: Matthew A. Ingram  
Fees: \$1,031.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): J. Brown (minor)  
Case No(s): 13JD50023

**14-1340**

Attorney/Payee: Matthew A. Ingram Esq.  
Presenter: Matthew A. Ingram  
Fees: \$112.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): G. Trojanowski (minor)  
Case No(s): 13JD01034

**14-1342**

Attorney/Payee: Matthew A. Ingram Esq.  
Presenter: Matthew A. Ingram  
Fees: \$93.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): J. Simpson (minor)  
Case No(s): 11JD60501

**14-1343**

Attorney/Payee: Matthew A. Ingram Esq.  
Presenter: Same  
Fees: \$93.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): G. Trojanowski (minor)  
Case No(s): 09JD60833, 09JD60940

**14-1345**

Attorney/Payee: Matthew A. Ingram Esq.  
Presenter: Same  
Fees: \$296.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): F. Edmond (minor)  
Case No(s): 13JD60334

**14-1387**

Attorney/Payee: Samuel Warsawsky  
Presenter: Same  
Fees: \$387.50  
Services Rendered for court-appointed representation of indigent respondents(s): legal representation  
Names(s) of Respondent(s): M. Owens, Z. Owens (minors)  
Case No(s) 13JA1147, 13JA1148

**14-1443**

Attorney/Payee: Sheldon B. Nagelberg

Presenter: Same  
Fees: \$831.25  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Jesus Edgar Sosa (father)  
Case No(s): 12JD04948

**14-1642**

Attorney/Payee: Timothy F. Moran  
Presenter: Same  
Fees: \$712.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Marshell Harris Sr. (parent)  
Case No(s): 10JD3369

**14-1643**

Attorney/Payee: Timothy F. Moran  
Presenter: Same  
Fees: \$600.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): John Brown Sr. (parent)  
Case No(s): 12JD135

**14-1646**

Attorney/Payee: Patrick K. Schlee  
Presenter: Same  
Fees: \$568.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): T. Jones, K. Jones, D. Jones, A. Tylor (minors)  
Case No(s): 12JA00811, 11JA448, 09JA257, 11JA677

**14-1658**

Attorney/Payee: Timothy F. Moran  
Presenter: Same  
Fees: \$675.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Rena Carlock (parent)  
Case No(s): 07JD3292

**14-1659**

Attorney/Payee: Timothy F. Moran  
Presenter: Same  
Fees: \$1,050.00  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): R. Muhammad (minor)  
Case No(s): 12JD4631, 13JD3394

**14-1663**

Attorney/Payer: Samuel N. Warsawsky  
Presenter: Same  
Fees: \$1,025.00  
Services Rendered for court-appointed representation of indigent respondent (s):  
legal representation Helen Ford (legal guardian)  
Name(s) of respondent(s): C. Rogers, Z. Winters (minors)  
Case no(s): 13JA00649, 13JA00650



**14-1666**

Attorney/Payer: Samuel N. Warsawsky  
Presenter: Same  
Fees: \$1,400.00  
Services rendered for court-appointed representation of indigent respondent (s):  
legal representation Joevelyn Edwards (mother)  
Name(s) of respondent(s): A. Marzette (minor)  
Case No(s):13JA686

**14-1667**

Attorney/Payer: Samuel N. Warsawsky  
Presenter: Same  
Fees: \$1,375.00  
Services rendered for court-appointed representation of indigent respondent(s):  
legal representation, Daniel Mengoni (father)  
Name(S) of respondent(S): Daniel Mengoni (minor)  
Case NO(S): 10JA998

**14-1668**

Attorney/Payer: Samuel N. Warsawsky  
Presenter: Same  
Fees: \$750.00  
Services rendered for court-appointed representation of indigent respondent(s):  
legal representation, Shedrick Duling (father)  
Name(s) of respondent(s): A. Duling (minor)  
Case NO(S):13JA00621

**14-1685**

Attorney/Payee: Christopher J. Swanson  
Presenter: Same  
Fees: \$362.50  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): V. B. Brown (minor)  
Case No(s): 12JD50122

**14-1895**

Attorney/Payee: Maureen T. Murphy  
Presenter: Same  
Fees: \$1,018.75  
Service Rendered for court-appointed representation of indigent respondent(s): legal representation  
Name(s) of respondent(s): Dominique Ross (mother)  
Case No(s): 13JD81

**JUVENILE JUSTICE CASES APPROVED FISCAL YEAR 2014 TO PRESENT: \$55,527.19**

**JUVENILE JUSTICE CASES TO BE APPROVED: \$12,383.75**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, that the Juvenile Justice Case Payments be Recommended for approval. The motion carried.**

**SPECIAL COURT CASES**

**14-1834**

Compliance/Complaint Administrator: Clifford L. Meacham

Case Name: Shakman, et al, v. Cook County Assessor

Case No.(s): 69 C 2145

Date of This Order: 01/31/2014

Unopposed Petition Number: 32

This Court Ordered Amount of this petition: \$6,592.10

Paid to Date: \$620,133.98

Notes: N/A

**COMMISSIONER MURPHY AND VICE CHAIRMAN SIMS VOTED NO ON THE ABOVE ITEM.**

**14-1838**

Compliance/Complaint Administrator: Cardelle Spangler, Compliance Administrator  
Case Name: Shakman, et al. v. Cook County Recorder of Deeds  
Case No.(s): 69 C 2145  
Date of This Order: 01/27/2014  
Unopposed Petition Number: 82  
This Court Ordered Amount of this petition: \$7,621.80  
Paid to Date: \$1,028,735.80  
Notes: N/A

**COMMISSIONER MURPHY AND VICE CHAIRMAN SIMS VOTED NO ON THE ABOVE ITEM.**

**14-1849**

Compliance/Complaint Administrator: Cardelle Spangler, Cook County Recorder of Deeds,  
Compliance Administrator  
Case Name: Shakman, et al. v. Cook County Recorder of Deeds  
Case No.(s): 69 C 2145  
Date of This Order: 01/31/2014  
Unopposed Petition Number: 83  
This Court Ordered Amount of this petition: \$5,559.82  
Paid to Date: \$1,034,295.62  
Notes: N/A

**COMMISSIONER MURPHY AND VICE CHAIRMAN SIMS VOTED NO ON THE ABOVE ITEM.**

**14-1851**

Compliance/Complaint Administrator: Mary T. Robinson, Compliance Administrator  
Case Name: Shakman, et al. v. Democratic Organization of Cook County, et al.  
Case No.(s): 69 C 2145  
Date of This Order: 01/29/2014  
Unopposed Petition Number: 102  
This Court Ordered Amount of this petition: \$32,050.81  
Paid to Date: \$6,639,492.71  
Notes: N/A

**COMMISSIONER MURPHY AND VICE CHAIRMAN SIMS VOTED NO ON THE ABOVE ITEM.**

**14-1852**

Compliance/Complaint Administrator: Mary T. Robinson, Compliance Administrator  
Case Name: Shakman, et al. v. Democratic Organization of Cook County  
Case No.(s): 69 C 2145  
Date of This Order: 02/13/2014

Unopposed Petition Number: 103  
This Court Ordered Amount of this petition: \$59,549.83  
Paid to Date: \$6,699,042.54  
Notes: N/A

**COMMISSIONER MURPHY AND VICE CHAIRMAN SIMS VOTED NO ON THE ABOVE ITEM.**

**14-1853**

Compliance/Complaint Administrator: Clifford L. Meacham, Compliance Administrator  
Case Name: Shakman, et al. v. Cook County Assessor  
Case No.(s): 69 C 2145  
Date of This Order: 02/11/2014  
Unopposed Petition Number: 33  
This Court Ordered Amount of this petition: \$17,533.40  
Paid to Date: \$637,667.38  
Notes: N/A

**COMMISSIONER MURPHY AND VICE CHAIRMAN SIMS VOTED NO ON THE ABOVE ITEM.**

**SPECIAL COURT CASES APPROVED FISCAL YEAR 2014 TO PRESENT: \$322,156.63**

**SPECIAL COURT CASES TO BE APPROVED: \$128,907.76**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, that the Special Court Case Payments be Recommended for approval. The motion carried.**

**SPECIAL CRIMINAL COURT CASE**

**14-1833**

Firm: Office of the Special Prosecutor  
Special State's Attorney(s): Stuart A. Nudelman, Myles P. O'Rourke, Andrew N. Kevine, Rafael A. Bombino, Debbie Cohen, Brian J. Stefanich  
Case Name: Appointment of Special Prosecutor  
Case No.(s): 2003 Misc. 4  
Time period: Month of December, 2013  
This Court Ordered Amount for fees and expenses: \$87,365.59  
Paid to Date: \$2,307,304.77

**SPECIAL CRIMINAL COURT CASES APPROVED FISCAL YEAR 2014 TO PRESENT: \$234,168.36**

**SPECIAL CRIMINAL COURT CASE TO BE APPROVED: \$87,365.59**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, that the Special Criminal Court Case Payments be Recommended for approval. The motion carried.**

**WORKERS' COMPENSATION CLAIMS**

**14-1154**

Employee: Roxanne Samuel  
Job Title: Billing Clerk  
Department: Stroger Hospital  
Date of Incident: 8/17/2011  
Incident/Activity: Slipped on water and fell  
Accidental Injuries: Fracture of the left wrist  
Petition and Order No: 11 WC 42752  
Claim Amount: \$28,309.47  
Attorney: George Gaines of the Law Offices of Gaines & Gaines, 39 South LaSalle, Suite 1215, Chicago, Illinois 60603  
Date of Subcommittee Approval: 2/18/2014  
Prior/pending claims: None

**14-1155**

Employee: John Bickel  
Job Title: Deputy Sheriff  
Department: Sheriff's Court Services  
Date of Incident: 3/5/2012  
Incident/Activity: Injured right knee while participating in riot training exercises  
Accidental Injuries: Torn right medial meniscus  
Petition and Order No: 12 WC 12417  
Claim Amount: \$70,867.66  
Attorney: Karin K. Connelly of Ridge & Downes, 101 N. Wacker Drive, Suite 200, Chicago, Illinois 60606-7307  
Date of Subcommittee Approval: 2/18/2014  
Prior/pending claims: 6/2/2000 settled for \$4,650.00; 2/26/2007 settled for \$12,399.40 and 9/17/2008 settled for \$39,700.00

**14-1422**

Employee: Danilo Blancada  
Job Title: Nurse  
Department: Oak Forest Hospital  
Date of Incident: 7/18/2006 and 2/19/2008  
Incident/Activity: The 2006 incident involved the Petitioner lifting an oxygen tank. The 2008 incident involved the Petitioner restraining a combative patient.  
Accidental Injuries: Left biceps tendon tear and right rotator cuff tear, both requiring surgery.  
Petition and Order No: 08 WC 52667 and 08 WC 52668  
Claim Amount: \$99,697.63  
Attorney: Wayne L. Newman, of Horwitz, Horwitz & Associates, Ltd  
Date of Subcommittee Approval: 10/2/2012  
Prior/pending claims: None

**14-1424**

Employee: Tambra Crawford  
Job Title: Custodian  
Department: Sheriff's Custodial Services  
Date of Incident: 10/8/2008 and 5/19/2010  
Incident/Activity: The 2008 incident involved the Petitioner lifting a heavy bucket of water. In the 2010 incident, the Petitioner slipped and fell on water on the bathroom floor.  
Accidental Injuries: Lumbar sacral sprain  
Petition and Order No: 08 WC 51980 and 12 WC 20055  
Claim Amount: \$24,100.00  
Attorney: Patrick J. Durkin of Cullen, Haskins, Nicholson & Menchetti, P.C.  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1425**

Employee: Patricia Ballard  
Job Title: Real Estate Indexer  
Department: Recorder of Deeds  
Date of Incident: 7/30/2009  
Incident/Activity: Tripped on an uneven rug and fell.  
Accidental Injuries: Dislocated wrist and tear that required surgery.  
Petition and Order No: 09 WC 36643  
Claim Amount: \$98,878.00  
Attorney: James Coogan of Dwyer, McCarthy & Associates, Ltd.  
Date of Subcommittee Approval: 1/14/2014  
Prior/pending claims: None

**14-1426**

Employee: Richard Dagen  
Job Title: Laboratory Assistant  
Department: Stroger Hospital  
Date of Incident: 6/1/2009  
Incident/Activity: Lifting boxes of chemicals  
Accidental Injuries: Back injury  
Petition and Order No: 11 WC 28404  
Claim Amount: \$17,712.00  
Attorney: Howard H. Ankin of Ankin Law Office, L.L.C.  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1427**

Employee: John Hopkins  
Job Title: Police Lieutenant  
Department: Sheriff Police Department

Date of Incident: 12/10/2009  
Incident/Activity: Slipped and fell on ice  
Accidental Injuries: Left leg ruptured tendon  
Petition and Order No: 11 WC 38562  
Claim Amount: \$35,728.70  
Attorney: Karin K. Connelly of James M. Ridge & Associates, P.C.  
Date of Subcommittee Approval: 1/14/2014  
Prior/pending claims: None

**14-1429**

Employee: Doris Jackson  
Job Title: Clerk  
Department: Public Defender's Office  
Date of Incident: 12/6/2007  
Incident/Activity: Slipped and fell on ice  
Accidental Injuries: Head, back and left shoulder  
Petition and Order No: 08 WC 12241  
Claim Amount: \$4,406.00  
Attorney: Daniel Periaswamy of Kenneth B. Gore, Ltd.  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1434**

Employee: Marc M. Jens  
Job Title: Police Officer  
Department: Sheriff Police Department  
Date of Incident: 8/23/2007  
Incident/Activity: Motor vehicle accident  
Accidental Injuries: Disc bulge and disc herniation with a posterior annular tear that required surgery.  
Petition and Order No: 08 WC 00995  
Claim Amount: \$132,294.53  
Attorney: Stuart H. Galesburg  
Date of Subcommittee Approval: 1/14/2014  
Prior/pending claims: 12/18/1993 (38,500.00)

**14-1436**

Employee: Farahat Levy  
Job Title: Police Officer  
Department: Sheriff's Police Department  
Date of Incident: 9/26/2007  
Incident/Activity: Motor vehicle collision  
Accidental Injuries: Right elbow fracture that required surgery  
Petition and Order No: 10 WC 37010  
Claim Amount: \$104,196.66  
Attorney: Brian McManus, Jr. of Brian McManus & Associates, Ltd.  
Date of Subcommittee Approval: 1/14/2014  
Prior/pending claims: None

**14-1440**

Employee: Michelle Mentz  
Job Title: Deputy Sheriff  
Department: Sheriff Court Services  
Date of Incident: 9/25/2012  
Incident/Activity: Stepped in a hole performing an outside security check.  
Accidental Injuries: Left foot  
Petition and Order No: 12 WC 33536  
Claim Amount: \$10,000.00  
Attorney: Karin Connelly of Ridge & Downes  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1441**

Employee: Jose Morales  
Job Title: Clerk  
Department: Stroger Hospital  
Date of Incident: 10/2/2012  
Incident/Activity: Moving a pallet of supplies  
Accidental Injuries: Right shoulder injury  
Petition and Order No: 12 WC 38429  
Claim Amount: \$24,990.00  
Attorney: Al Koritsaris of Argionis & Associates, L.L.C.  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1468**

Employee: Brian Rich  
Job Title: Probation Officer  
Department: Office of the Chief Judge  
Date of Incident: 10/19/2010  
Incident/Activity: Altercation training  
Accidental Injuries: Rib fractures  
Petition and Order No: 10 WC 47508  
Claim Amount: \$5,022.30  
Attorney: Jeffrey M. Alter of Anesi, Ozmon, Rodin, Novak & Kohen, Ltd.  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1469**

Employee: Hazel Rogers  
Job Title: Administrative Aide  
Department: Cermak Health Services  
Date of Incident: 6/27/2009  
Incident/Activity: Lifting heavy boxes of documents



Accidental Injuries: Left hand

Petition and Order No: 07 WC 35497

Claim Amount: \$4,000.00

Attorney: Domenic Maciariello of Dworkin & Maciariello

Date of Subcommittee Approval: N/A

Prior/pending claims: None

**14-1471**

Employee: Salitria Smith  
Job Title: Counselor  
Department: Juvenile Temporary Detention Center  
Date of Incident: 7/27/2012  
Incident/Activity: Restraining combative residents  
Accidental Injuries: Back  
Petition and Order No: 12 WC 34848  
Claim Amount: \$8,755.20  
Attorney: Angela Nardi-Quigley of George L. Tamvakis, Ltd.  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1472**

Employee: Elbert Thomas  
Job Title: Youth Development Specialist  
Department: Juvenile Detention Center  
Date of Incident: 9/11/2011 and 11/21/2011  
Incident/Activity: Intervening in an altercation and restraining a detainee  
Accidental Injuries: left hip and groin  
Petition and Order No: 11 WC 41669 and 11 WC 46964  
Claim Amount: \$9,800.07  
Attorney: Zbigniew J. Bednarz of Ridge & Downes  
Date of Subcommittee Approval: N/A  
Prior/pending claims: None

**14-1536**

Employee: Richard Dobbs  
Job Title: Recreation Specialist  
Department: Juvenile Temporary Detention Center  
Date of Incident: 5/2/2011  
Incident/Activity: Intervening in an altercation  
Accidental Injuries: Herniated disc, left rotator cuff tear and tendon rupture of the right little finger  
Petition and Order No: 12 WC 01811  
Claim Amount: \$81,433.85  
Attorney: Michael S. Rolenc, of Lannon, Lannon & Barr, Ltd.  
Date of Subcommittee Approval: 12/3/2013  
Prior/pending claims: 3/30/2011 (\$0.00); 11/27/2011 (\$0.00); 1/3/2012 (\$0.00)

**14-1626**

Employee: Lawrence, Larry  
Job Title: Youth Development Specialist  
Department: Juvenile Temporary Detention Center  
Date of Incident: 6/4/2012

Incident/Activity: Injured in a training class

Accidental Injuries: Fractured right ankle

Petition and Order No: 12 WC 22278

Claim Amount: \$26,807.26

Attorney: Jay Johnson of Woodruff, Johnson & Palermo, 4234 Meridian Parkway, Suite 134, Aurora, Illinois 60504

Date of Subcommittee Approval: 2/18/2014

Prior/pending claims: None

**WORKERS' COMPENSATION CLAIMS APPROVED FISCAL YEAR 2014  
TO PRESENT:**

**\$1,567,660.81**

**WORKERS' COMPENSATION CLAIMS TO BE APPROVED:**

**\$786,999.33**

**A motion was made by Commissioner Schneider, seconded by Commissioner Steele, that the Workers' Compensation Claims be Recommended for approval. The motion carried.**

**SUBROGATION RECOVERIES**

**14-1337**

Responsible Party: Teresa Watkins (owner and driver), 11470 S. Davol Street, Chicago, Illinois 60643

Damage: Sheriff's Police Department vehicle

Date of Accident: 12/12/2013

Location: 7600 S. Harvard Avenue, Chicago, Illinois

Amount: \$2,513.06

Claim Number: 20050811

Department: Sheriff's Police Department

Account: (231-444)

**14-1363**

Responsible Party: Michael Ostrar (owner) and Ilana Ostrar (driver), 8041 N. Kedvale, Skokie, Illinois 60076

Damage: Highway Department Traffic Control Sign

Date of Accident: 01/07/2014

Location: 9000 Crawford Avenue, Skokie, Illinois

Amount: \$659.00

Claim Number: 20050814

Department: Highway Department

Account: (500-444)

**14-1621**

Responsible Party: Ryder Truck Rental, Inc.,(Owner) and Timothy Williams (Driver), 17080 S. Lathrop, Harvey, Illinois 60426

Damage: Guardrail

Date of Accident: 01/22/2011

Location: 171st & Park Avenue, East Hazel Crest, Illinois  
Amount: \$2,350.00  
Claim Number: 20050812  
Department: Highway  
Account: (500-444)

**14-1650**

Responsible Party: Lamar Johnson, (Owner) and Terrance Robinson, (Driver), 1132 New Castle, Westchester, Illinois  
Damage: Viaduct Clearance Sign  
Date of Accident: 01/07/2014  
Location: Vollmer Road near Oak Lane Road, Flossmoor, Illinois  
Amount: \$553.59  
Claim Number: 20050813  
Department: Highway  
Account: (500-444)

**SUBROGATION RECOVERIES APPROVED FISCAL YEAR 2014 TO PRESENT:**

**\$27,559.28**

**SUBROGATION RECOVERIES TO BE APPROVED:**

**\$6,075.65**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Murphy, that the Subrogation Recoveries be Recommended for approval. The motion carried.**

**SELF-INSURANCE CLAIMS**

**14-1406**

Claimant: Progressive Insurance a/s/o Laura Vaughn  
Claim Payment: \$2,200.00  
Claim Number: 97010492  
Department: Court Services Division  
Property Damage: 2009 Nissan Versa  
Our Driver: Robert Moon  
Unit/Plate No: 9507  
Prior Accidents: 3  
Date of Accident: 10/18/2013  
Location: 3443 South Hoyne Avenue, Chicago, IL  
Incident/Activity: Cook County Sheriff's vehicle was making a right turn into an alley near Hoyne Avenue and 34th Street in Chicago and struck the claimant's vehicle causing damage to its left front corner.  
Investigated by: CCMSI  
Account: 542-846

**14-1572**

Claimant: Joshua Mark

Claim Payment: \$50.00  
Claim Number: 97010575  
Department: Department of Transportation and Highways  
Property Damage: 2010 Honda Fit  
Date of Accident: 01/12/2014  
Location: Crawford Avenue near Janis Street, Skokie, Illinois  
Incident/Activity: Claimant was driving along Crawford Avenue near Janis Street in Skokie, Illinois and struck a pothole causing damage to his vehicle's front left tire.  
Investigated by: CCMSI  
Account: 542-846

**SELF-INSURANCE CLAIMS APPROVED FISCAL YEAR 2014 TO PRESENT: \$17,997.20**

**SELF-INSURANCE CLAIMS TO BE APPROVED: \$2,250.00**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Murphy, that the Self Insurance Claims be Recommended for approval. The motion carried.**

**PROPOSED SETTLEMENTS**

**14-1320**

Case: Lawrence v. Dart, et al.  
Case No: 13 C 2053  
Settlement Amount: \$16,000.00  
Payable to: Kenneth Flaxman  
Litigation Subcommittee Approval: N/A  
Subject matter: Allegation of civil rights violations.

**14-1321**

Case: Evans v. Dart, et al.  
Case No: 13 C 4200  
Settlement Amount: \$12,500.00  
Payable to: Kenneth Flaxman  
Litigation Subcommittee Approval: N/A  
Subject matter: Allegation of civil rights violations.

**14-1386**

Case: Allen v. Office of the State's Attorney  
Case No: 440-2013-00756  
Settlement Amount: \$53,557.84  
Payable to: Jerome Allen  
Litigation Subcommittee Approval: N/A  
Subject matter: This matter involves allegations under the Government Employee Rights Act arising out of Plaintiff's employment with the State's Attorney's Office.

**14-1616**

Case: Miranda v. Cook County, et al.  
Case No: 13 L 6107  
Settlement Amount: \$15,000.00  
Payable to: Claudia Miranda and Goldsmith Law Firm, PC  
Litigation Subcommittee Approval: N/A  
Subject matter: Premises liability

**14-1652**

Case: Gay v. Cook County  
Case No: Pre-litigation  
Settlement Amount: \$6,000.00  
Payable to: Estate of Ashley Gay, deceased, and Gregory E. Kulis & Associates, Ltd.  
Litigation Subcommittee Approval: N/A  
Subject matter: Allegations of a civil rights violation.

**14-1653**

Case: Smith v. Cook County Sheriff's Department  
Case No: 13 C 1450  
Settlement Amount: \$12,000.00  
Payable to: Danny Smith, Sr.  
Litigation Subcommittee Approval: N/A  
Subject matter: Allegation of a civil rights violation.

**14-1764**

Case: Sanchez v. Dart, et al.  
Case No: 13 C 3558  
Settlement Amount: \$2,750.00  
Payable to: Mr. William Sanchez  
Litigation Subcommittee Approval: N/A  
Subject matter: Allegation of a civil rights violation.

**14-1765**

Case: Casiano v. Dart, et al.  
Case No: 13 C 2722  
Settlement Amount: \$2,000.00  
Payable to: Dennis Casiano  
Litigation Subcommittee Approval: N/A  
Subject matter: Allegation of civil rights violations.

**14-1770**

Case: Adam Kaupert, Administrator v. Cook County et al.

Case No: 12-CV-6744

Settlement Amount: \$45,000.00

Payable to: Adam Kaupert, Administrator and Kenneth N. Flaxman, his Attorney

Litigation Subcommittee Approval: N/A

Subject matter: Allegation of a civil rights violation

**PROPOSED SETTLEMENTS APPROVED FISCAL YEAR 2014  
TO PRESENT:**

**\$8,524,762.86**

**PROPOSED SETTLEMENTS TO BE APPROVED:**

**\$164,807.84**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Murphy, that the Proposed Settlements be Recommended for approval. The motion carried.**

**EMPLOYEES' INJURY COMPENSATION CLAIMS:**

**14-1633**

The Department of Risk Management is submitting invoices totaling \$482,434.89 for payment of workers compensation costs incurred by employees injured on duty including settlements within the grant of authority conveyed by the Cook County Board of Commissioners to the Department of Risk Management. Individual checks will be issued by the Comptroller in accordance with the submitted report prepared by the Department of Risk Management.

**EMPLOYEES' INJURY COMPENSATION CLAIMS APPROVED FISCAL YEAR  
2014 TO PRESENT:**

**\$1,632,444.16**

**EMPLOYEES' INJURY COMPENSATION CLAIMS TO BE APPROVED:**

**\$482,434.89**

**A motion was made by Commissioner Silvestri, seconded by Commissioner Murphy, that the Employees' Injury Compensation Claims be Recommended for approval. The motion carried.**

**REVENUE REPORT**

**14-1675**

**Department:** Comptroller's Office

**Request:** Receive and File

**Report Title:** Revenue Report

**Report Period:** Period Ended 1/31/2014

**Summary:** Submitting for your information, the Revenue Report for the period ended 1/31/2014 for the Corporate, Public Safety and Health Funds, as presented by the Bureau of Finance.

**A motion was made by Commissioner Goslin, seconded by Commissioner Steele, moved to Receive and File the Revenue Report The motion carried.**

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**14-1232**

**Presented by:** JACQUELINE GOMEZ, Director, Office of Contract Compliance, SHANNON E. ANDREWS, Chief Procurement Officer

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners, JERRY BUTLER, JESÚS G. GARCÍA, GREGG GOSLIN, STANLEY MOORE, EDWIN REYES, ROBERT STEELE, JEFFREY R. TOBOLSKI, County Commissioners JOHN P. DALEY, JOAN PATRICIA MURPHY, PETER N. SILVESTRI and DEBORAH SIMS, County Commissioners

**PROPOSED ORDINANCE AMENDMENT REVISING PROCUREMENT CODE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 FINANCE, Article IV PROCUREMENT CODE, Division 1 GENERAL PROVISIONS through Division 10 INVOICES FOR SERVICES RENDERED of the Cook County Code, is hereby amended as follows:

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 34-120. Short title.**

Chapter 34, Article IV of this Code shall be known and may be cited as the "Cook County Procurement Code."

**Sec. 34-121. Definitions.**

Unless defined elsewhere in this Procurement Code or in Chapter 1, Section 1-3 of the County Code, capitalized terms used in this Procurement Code shall have the meanings set forth below.

*Affiliate.* An "Affiliate" of, or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person specified.

Applicant means a person who submits documents and information seeking certification, continued certification, or re-certification as an MBE, WBE, VBE, or SDVBE to the Office of Contract Compliance.

*Assessor* means the Assessor of Cook County.

*Auditing Services* means the formal examination of accounting records or financial statements for compliance with financial accounting standards applicable to governmental entities, which functions are generally exclusively performed or supervised by Persons licensed and authorized to do business as public accountants in the State. The term "Auditing Services" shall also include any independent reports and management recommendations derived or resulting from the performance of auditing services and which reports and recommendations are included within the scope of the Contract for Auditing Services.

*Bid* means a response to a Bid Notice containing all Bid Documents and any other documents or information the Bidder is required to provide.



*Bid Documents* means the documents, specifications, forms and other information necessary required for a Bid.

*Bid Notice* means the notice from the CPO regarding a Procurement which shall include: a general description of the Procurement; information necessary to obtain the Bid Documents; and the date, time and place for both the submission of Bids and the opening of the Bids.

*Bid Price* means the dollar amount set forth in a Bid.

*Bidder* means any Person who submits a Bid.

*Certified or Certification* means the granting of Minority Business Enterprise (“MBE”), Women's Business Enterprise (“WBE”), Veteran Business Enterprise (“VBE”), or Service Disabled Veteran Business Enterprise (“SDVBE”) status to a Person.

*Chief Financial Officer* or *CFO* means the Chief Financial Officer of Cook County.

*Chief Information Officer* or *CIO* means the Chief Information Officer of Cook County.

*Chief Procurement Officer* or *CPO* means the Chief Procurement Officer of Cook County. References in this Procurement Code to actions required to be taken by the CPO shall be deemed to include designees or staff of the CPO.

*Consulting Services* means the rendering of analysis and advice requiring specialized expertise in a particular subject area or field. Such expertise may have been gained by education or experience in the area or field. The term "Consulting Services" expressly excludes auditing services.

*Contract* shall include any written document to make Procurements by or on behalf of Cook County.

*Contract Compliance Director* or *CCD* means the County Contract Compliance Director.

*Contractor* means the Person that enters into a Contract with the County.

~~*Control.* The term "Control", "is Controlled by", or is "under common Control with" shall mean a Person that has the power to directly or indirectly affect the management or the policies of the other through ownership of voting securities or voting rights, by contract or otherwise. means the unfettered authority to directly or indirectly manage governance, administration, work, and all other aspects of a business. exclusive, ultimate, majority, or sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operation responsibilities, cost control matters, income and dividend matters, financial transactions, and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day to day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.~~

*Court Ordered Child Support Arrearage* means that the Circuit Court of Cook County has issued an order declaring the respondent in arrearage on child support obligations in a specific amount as of the date of that order, or that another Illinois or non-Illinois court of competent jurisdiction has issued such an order.

*Covered Services* means janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services.

*Distributor* means a Person supplying a product with written confirmation of its authorized distributor relationship with a manufacturer. Such distributor may be stocking (maintaining inventory) or non-stocking.

*Elected Official* means the President and Commissioners of the Cook County Board, Assessor, Board of Review, Chief Judge, Clerk of the Circuit Court, County Clerk, Recorder of Deeds, Sheriff, State's Attorney, Treasurer, and any other elected official included in the Cook County Appropriations Ordinance.

*Employee* means any individual working on a full-time basis, and providing services for an Employer under a Contract. "Employees" shall not include workers required to be paid the prevailing wage pursuant to Section 34-161.

*Employer* means any Person that employs one or more full-time Employees.

*Execution* means to sign a Contract, after it has been approved by the CPO or the Board, as required by this Procurement Code.

*Joint Venture* means an association of two or more Persons proposing to perform a for-profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationship between the partners and their relationship and respective responsibility for the Contract.

*Living Wage* means those amounts established from time to time by the CFO, and posted on the CPO's website pursuant to Section 34-160.

*Local business* means a Person, including a foreign corporation authorized to transact business in Illinois, having a bona fide establishment located within the County at which it is transacting business on the date when a Bid is submitted to the County, and which employs the majority of its regular, full-time work force within the County. A Joint Venture shall constitute a Local Business if one or more Persons that qualify as a "Local Business" hold interests totaling over 50 percent in the Joint Venture, even if the Joint Venture does not, at the time of the Bid submittal, have such a bona fide establishment within the County.

*Local Small Business* means a Local Business which is also a Small Business.

*Not-for-Profit Organization* means an entity having tax exempt status under the United States Internal Revenue Code.

*Person* or *Persons* means any individual, corporation, partnership, Joint Venture, trust, association, limited liability company, sole proprietorship or other legal entity.

*Procurement.* The term "Procurement", "Procurements" or "Procuring" means obtaining supplies, equipment, goods, or services of any kind.

*Professional Social Service Contracts* or *Professional Social Service Agreements* means any contract or agreement with a social service provider, including other governmental agencies, nonprofit organizations, or for profit business enterprises engaged in the field of and providing social services, juvenile justice, mental health treatment, alternative sentencing, offender rehabilitation, recidivism reduction, violence reduction, foster care, substance abuse treatment, domestic violence services, community transition services, intervention, or such other similar services which provide mental, social or physical treatment and services to individuals. Said Professional Social Service Contracts or Professional Social Service Agreements do not include CCHHS managed care contracts that CCHHS may enter into with health care providers.

*Procurement Code* means Chapter 34, Article IV.

*Proposal* means a response to an RFP.

*Proposer* means a Person submitting a Proposal.

*Public Works* means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multifamily residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*Response* means response to an RFQ.

*Respondent.* The term "Respondent" means a Person responding to an RFQ.

*Responsible* means a Person that has the capability in all respects to perform fully a Contract or to provide the required supplies, equipment, goods or services to the County, and the integrity and reliability that will assure good faith performance. Factors taken into consideration in determining whether a Person is Responsible may include quality, financial capacity, past performance, experience, adequacy of staff, equipment, and the ability to perform within the time frame required for the Procurement.

*Responsive* means a Bid, a Response or a Proposal is in compliance in all material respects with all the terms, conditions and requirements set forth in the Bid Documents, RFP, RFQ, request for quotations or other terms required for a Procurement, including, but not limited to, completion and timely submittal of all required affidavits, statements, certifications, bid deposits, insurance, performance and payment bonds and other County requirements.

*RFP* means a Request for Proposals issued pursuant to this Procurement Code.

*RFQ* means a Request for Qualifications issued to obtain the qualifications of interested parties.

*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, as related to the nature of the work the Person seeks to perform on Contracts. A Person is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the Person's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

*Using Agency* means the departments or agencies within Cook County government, including Elected Officials.

*Utilization Plan* means a plan for utilization of VBE's, SDVBE's, and PCEs.

*Wage.* The term "Wage" means compensation due to an Employee by reason of employment, including allowances for gratuities and for meals and lodging that are furnished by the Employer and actually used by the Employee.

### **Sec. 34-122. Procurements and contracts.**

All Procurements for or by any Using Agency of Cook County, regardless of the source of the funds used to pay for such Procurement, shall be made by the CPO, and in accordance with this Procurement Code and the procedures promulgated pursuant hereto. All Contracts shall be in a form determined by the CPO. Contracts shall be approved and executed as set forth in the procedures promulgated pursuant to and in this Procurement Code. Notwithstanding, the above provision or any other provision in this Procurement Code, the Board of Directors of

the Cook County Health and Hospitals System ("System Board") shall have the authority over Procurements and Contracts for the Cook County Health and Hospitals System as provided in the ordinance establishing the CCHHS. The System Board shall adopt written rules, regulations and procedures in accordance and consistent with this Procurement Code and provisions set forth herein.

**Sec 34-123. No power to act for procurements or expenditures of \$150,000.00 or more.**

The CPO shall have the authority to approve Procurements, execute Contracts and execute Contract amendments up to an amount less than \$150,000.00 without Board approval; provided, however, that Board approval shall be required for any Procurement of the same or similar supplies, goods, equipment or services which would result in the aggregate amount of such Procurements from the same vendor by the same Using Agency equaling or exceeding \$150,000.00 in any fiscal year. Notwithstanding, the CPO shall have the authority to execute Contract amendments on Contracts approved by the Board; provided, however, that the total of such amendments does not increase the original amount of such Contract by more than \$150,000.00 during the term of the Contract. The "amount" of a Contract shall mean the maximum amount payable under such Contract.

No Person has the power or authority to approve, authorize or execute a Procurement, a Contract, Contract amendment or the expenditure of public money in the amount of \$150,000.00 or more without approval of the County Board, except in the following instances: the payment of public utility bills, the payment of rent pursuant to the provisions of a lease previously approved by the County Board, payment of insurance premiums, payment of any amount pursuant to the provisions of a Contract, the execution of which was approved by the Board pursuant to this Section 34-123 above, or other Board-authorized transactions. Any action in violation of this section shall be null and void.

**Sec. 34-124. Chief Procurement Officer.**

The President, with the consent of the Board, shall appoint a Chief Procurement Officer who shall serve as the purchasing agent for Cook County and shall be responsible for making all Procurements for all Using Agencies and for managing the County's Procurement Process in accordance with this Procurement Code. Any individual so appointed shall have at least three years' experience in an executive capacity in the purchasing office of a private or public entity with procurements reasonably comparable in size and nature to those of the County.

**Sec. 34-125. Powers and duties of the Chief Procurement Officer.**

The Chief Procurement Officer shall:

- (a) Make all Procurements and conduct all activities related to the Procurement Process in accordance with the Procurement Code and any procedures promulgated pursuant hereto;
- (b) Establish and maintain procurement policies and procedures, and standardized documents and forms to implement the Procurement Code;
- (c) Cooperate with the Contracts Compliance Director to coordinate the procurement process with the Minority- and Women-Owned Business Program established pursuant to Division 8 of this Procurement Code;
- (d) Develop and maintain procedures for disseminating information and notice of procurement opportunities;
- (e) Have authority to implement innovative procurement methods and processes pursuant to this Procurement Code;
- (f) Have authority to approve and execute an assignment of or an amendment to a Contract; provided that any such amendment does not extend the Contract by more than one year, and further provided that the total cost

of all such amendments does not increase the amount of the Contract beyond the authority of the CPO granted in Section 34-123;

- (g) Have authority to establish the commencement and expiration dates of any Contract as necessary to permit the Contract period to commence upon the date of Execution of the Contract by the County, unless another commencement date is specified in the Contract;
- (h) ~~Within the CPO's authority, a~~ Approve and execute Contracts within his or her authority, or as directed by the Board;
- (i) Ensure that all certifications, statements and affidavits required by this Procurement Code are submitted;
- (j) Determine when supplies, materials and equipment are obsolete or unusable, and trade in, sell or dispose of such property, except for such property which is the responsibility of the Cook County Health and Hospitals System;
- (k) Compile and maintain information for all Procurements, including those Procurements and Contract amendments which do not require Board approval. The CPO shall submit a report to the Board on a monthly basis listing the Procurements and Procurement amendments executed by the CPO that do not require Board approval, including a list of each Person from whom the County makes such a Procurement and the method of Procurement applied, as well as Procurements that authorize the advance payment for services. Such reports shall include:
  - (1) The name of the Vendor;
  - (2) A brief description of the product or service provided;
  - (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
  - (4) The amount and term of the Procurement; and
  - (5) The amount and/or extension period of the amendment, if applicable.

Such report shall be provided to the Board of Commissioners in an electronic format-;

- (l) ~~The CPO shall w~~ Work with the Comptroller to provide a monthly report of the individual and total aggregate amount disbursements made for Procurements that do not require Board approval. The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of \$150,000.00 or more, within two weeks of being made. Such reports shall include:
  - (1) The name of the Vendor;
  - (2) A brief description of the product or service provided;
  - (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
  - (4) The contract number under which the payment is being made.

Such report shall be provided to the Board of Commissioners in an electronic format-;

- (m) Make available on the County's website information related to all Procurements, including, but not limited to, a list of Contracts and a list of Contractors and subcontractors;
- (n) Keep a record of any Person who has been disqualified under Division 4, Disqualification; Penalties, and shall provide such record to the Cook County Health and Hospitals System;
- (o) Have authority to terminate a Contract in accordance with its terms;

- (p) Issue notices of violation to enforce the provisions of this Code, as applicable, and institute enforcement proceedings under Chapter 2, Article IX, as appropriate;
- (q) Work with the Comptroller to assure that Contractors are not paid in advance of performance, unless such advance payment is provided for and properly justified in the Contract; ~~and~~
- (r) Have charge of such other Procurement activities as may be assigned by the President or the Board; and
- (s) Have the authority to require the CIO to review and approve all technology related Procurements, Contracts or Contract amendments in advance of CPO and/or Board approval; notice of the CIO's approval or disapproval shall be provided by the CIO to the CPO and/or Board prior to approval in order for the CPO and/or Board to make an informed decision on the requested technology related Procurement, Contract or Contract amendment; technology related Procurements, Contracts or Contract amendments include but are not limited to computer hardware, software, software and hardware maintenance, software and hardware service costs, information technology services, telecommunications services and telecommunications equipment Procurements, Contracts or Contract amendments.

**Secs. 34-126—34-134. Reserved.**

## **DIVISION 2. PROCUREMENT PROCEDURES**

### **Sec. 34-135. Procurement methods.**

All County Procurements shall be made pursuant to the appropriate procurement method set forth below and described in the applicable Section.

Sec. 34-136. Competitive Bidding;

Sec. 34-137. Small Procurements;

Sec. 34-138. Requests for Qualifications or Proposals;

Sec. 34-139. Sole Source Procurements;

Sec. 34-140. Comparable Government Procurement;

Sec. 33-141. Emergency Procurements;

Sec. 34-142. Joint Procurements;

Sec. 34-143. Consortium and Group Procurements;

Sec. 34-144. Innovative Procurement;

Sec. 34-145. Responsible Bidder Process for Public Works Construction, Maintenance and Repair Contracts.

### **Sec. 34-136. Competitive bidding.**

Procurements of supplies, materials, equipment, and services shall be made by the competitive bidding process as set forth in this section, unless such Procurements meet the criteria for another procurement method set forth in this division. The CPO shall follow the procedures set forth below for competitive bidding.

- (a) *Development and approval of Bid Documents.* The Using Agency shall provide to the CPO all information required by the CPO to prepare the Bid Documents, including minimum qualifications, specifications and any special conditions.
- (b) *Bid Notice.* Upon request by a Using Agency, the CPO shall publish a Bid Notice on the County's website at least five days before the date for the submission of Bids.
- (c) *Pre-Bid conference or site inspection.* The Bid Documents shall include details of any pre-Bid conference or site inspection, including whether any such pre-Bid conference or site inspection is mandatory. The CPO

shall keep a record of all Persons who request Bid Documents. The CPO will notify all Persons recorded as having requested Bid Documents of any changes with respect to such conference or inspection no later than at least 24 hours prior to the original scheduled date and no less than two business days prior to any newly scheduled date for such conference or inspection.

- (d) *Communications with the County regarding competitive bidding process.* From the time the Bid Notice is issued until the successful Bidder has been recommended to the Board by the CPO, all communications to the County relating to the Bid must be directed in writing (which may be electronic) only to the CPO, or as otherwise specified in the Bid Documents. Upon receipt of such a request, the CPO will determine if a response will be provided. Any such response shall be provided in an addendum to all Persons requesting the Bid Documents. Notwithstanding the foregoing, communications may be made to the Office of Contract Compliance in writing for the purpose of complying with Division 8, Minority and Women-Owned Business Enterprise Program.
- (e) *No changes to Bids.* No Bid may be changed, amended or supplemented in any way after the date and time for submission of Bids.
- (f) *Bid opening.* All Bids shall be opened and a record of such Bids shall be made on the date, and at the time and location as stated in the Bid Notice or as prescribed in an addendum issued by the CPO. All Bids shall be opened, and the name of the Bidder and the Bid Price shall be read publicly. If it is determined that an error was made in the public reading of the Bids, the CPO shall notify all Bidders of such error and reconvene the Bid opening to correct the record as soon as reasonably possible. If the Bids are submitted electronically, no public reading shall be required so long as a record of the Bids opened is publicly available immediately after the Bids are opened.
- (g) *If only one Bid is received.* If only one Bid has been submitted, the CPO will determine whether to open the Bid or return the Bid to the Bidder via certified mail and reissue the Bid Notice or use a different method to make the Procurement. If the Bid was submitted electronically, and is not opened, it shall be deleted from the electronic procurement system.
- (h) *Evaluation of Bids.* The CPO shall review, evaluate and tabulate Responsive Bids. In determining the apparent low Bid, the CPO shall consider the Responsibility of the Bidder and all applicable preferences and incentives provided in this Procurement Code. The CPO shall then direct the Bids along with the tabulation to the Using Agency for review. Upon full review of the Bids and Bid tabulations, the Using Agency shall notify the CPO in writing of its Procurement recommendation, with justification supporting such recommendation. The CPO shall review the recommendation of the Using Agency, and shall post on the County's website the CPO's recommended Bid for award.
- (i) *Bid protest.* Any Bidder who reasonably believes that the recommended Bidder is not the lowest Responsive and Responsible Bidder, or has a complaint about the bid process, may submit a bid protest, in writing, and directed to the CPO. For all Contracts requiring Board approval, any bid protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Bid for award. For all Contracts which can be executed by the CPO, any bid protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Bid for execution. The bid protest must specify why the protester believes the recommended Bidder is not the lowest Responsive and Responsible Bidder, or why the protester believes the bid procedure was unfair, including a statement of how the alleged unfairness prejudiced the protesting Bidder and the action requested of the CPO. A bid protest based on an issue which could have been clarified through a request for clarification or information pursuant to Section 34-136(d), Communications with the County regarding competitive bidding process, will not be considered if the protesting Bidder failed to make such request. When a bid protest has been submitted, no further action

shall be taken on the Procurement until the CPO makes a decision concerning the bid protest, unless the Using Agency responds in writing and sufficiently demonstrates that (i) the item to be procured is urgently required and (ii) failure to make the award promptly will unduly delay delivery or performance or cause other undue harm.

The CPO shall issue a written decision on the bid protest to the protesting Bidder and to any other Bidder affected by such decision as soon as reasonably practicable. If the bid protest is upheld based on a lack of fairness in the bid procedure, the CPO shall re-bid the procurement. If the CPO determines that the recommended Bidder was not Responsive and Responsible, that Bidder shall be disqualified and the CPO may either recommend the lowest Responsive and Responsible Bidder or re-bid.

- (j) *Board Action.* Upon resolution of any bid protests, or expiration of the three-day protest period with no protests, the CPO shall either execute the Contract if within his/her authority, or submit the Contract to the Board, through its Finance Committee, for approval and authorization for the CPO to Execute the Contract. Once the Contract has been approved by the Board, or executed by the CPO, the CPO shall post on the CPO's website information regarding the Procurement.
- (k) *Right to reject Bids.* The County shall have the right to reject any and all Bids. The CPO is authorized to exercise this right on behalf of the Board. The CPO shall include a provision in the Bid Documents reserving the right to reject any and all Bids.
- (l) *Procurements Under \$150,000.00.* The competitive bidding process for procurements greater than \$5,000.00 and less than \$150,000.00 may consist of a solicitation posted on the CPO's website. The CPO shall promulgate policies and procedures to implement such Procurements. The CPO is not required to read or announce such Bids publicly. The CPO shall select the lowest Responsive Bid made by a Responsible Person, and shall post on the CPO's website information regarding the Procurement.

#### **Sec. 34-137. Small procurements.**

Procurements of the same or similar supplies, goods, equipment or services by a Using Agency in an aggregate amount from the same vendor of less than \$5,000.00 in the same fiscal year do not require a competitive method. The CPO shall promulgate policies and procedures to implement such Procurements.

#### **Sec. 34-138. Requests for qualifications or proposals.**

- (a) *Criteria for use of request for qualifications or proposals.* The CPO in consultation with the Using Agency may determine that it is in the best interest of the County to make a Procurement utilizing the Request for Qualifications or Request for Proposals process. Examples of Procurements for which an RFQ or RFP process is appropriate include, but are not limited to: Procurements involving services requiring a high degree of professional skill where the ability or fitness of the Person plays an important part; Procurements where the requirements are not clearly known; Procurements where quality rather than quantity is a primary factor; and Procurements where it is not in the best interest of the County to make price a primary determinative factor. An RFP process is a competitive process under this Procurement Code, and a Person selected through an RFP process is not considered a "sole source."
- (b) *Content of RFQs and RFPs.* The CPO shall determine what provisions RFQs and RFPs should contain in consultation with the requesting Using Agency and will incorporate the necessary details, provisions and requirements for the RFQ or RFP. RFQs and RFPs shall include a provision stating that the County may negotiate a Procurement with one or more Respondents or Proposers.



- (c) *Issuance.* The CPO shall issue an RFQ or RFP after receiving a written request from the Using Agency and approval from the Using Agency regarding the contents of the RFQ or RFP. Notice of all RFQs and RFPs shall be posted on the CPO's website.
- (d) *Opening of Responses.* The Responses or Proposals shall be opened in the presence of one or more witnesses after the designated date and time for submission. A representative of the Using Agency may be present at the opening but shall not be required to attend the opening. The names of the Respondents or Proposers shall be available to the public after the Procurement has been completed.
- (e) *Evaluation and Selection for Contract Negotiation.* The CPO in coordination with the Using Agency shall develop evaluation criteria which are included in the RFQ or RFP. These criteria may include, but are not limited to, experience and qualifications of the Respondent or Proposer, the quality, content and completeness of the Response or Proposal, the demonstrated willingness and ability of the Respondent or Proposer to satisfy the requirements as described in the RFQ or RFP, and, if applicable, the cost proposal. The evaluation shall be performed by a committee chaired by the CPO or a designee of the CPO with representatives of the Using Agency and other persons designated by the CPO. Respondents or Proposers shall be accorded fair treatment with regard to evaluation of their Responses or Proposals. Any or all Respondents or Proposers may be requested to make presentations and/or submit clarifications or revisions to their Responses or Proposals for the purpose of obtaining best and final Responses or Proposals. The Using Agency shall document the results of the evaluation. The contents of the Responses or Proposals shall not be disclosed to competing Respondents or Proposers during the evaluation process or any discussions.
- (f) *Contract negotiation, approval and Execution.* The Using Agency may send its recommendation to the CPO, setting forth the reasons for such recommendation, which shall be based upon the evaluation criteria. Board approval is not required to negotiate a Contract. Negotiation of a Contract's terms shall take place between the prospective Contractor(s) and representatives of the Purchasing Department and the Using Agency. After a Contract is negotiated, the CPO shall either Execute the Contract, if within the CPO's authority, or forward the Contract to the Board for approval and authorization for the CPO to execute the Contract. Such request shall include the justification for the Contract and the selection of the Contractor.
- (g) *RFP or RFQ protest.* Any interested party who has a complaint about the RFP or RFQ process may submit a protest in writing and directed to the CPO. For all Contracts requiring Board approval, any protest must be submitted no later than three business days after the date upon which the CPO posts the recommended contract for award. For all Contracts which can be executed by the CPO, any protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Contract for execution. The subject of the protest for any RFP or RFQ shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process. Any RFP or RFQ protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Response or Proposal for award. The protest must contain a detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process and the action requested of the CPO. A protest based on an issue which could have been clarified through a request for clarification or information, will not be considered if the protestor failed to make such request. When a protest has been submitted, no further action shall be taken on the Procurement until the CPO makes a decision. The CPO shall issue a written decision on the protest to the protestor and to any other Respondent or Proposer affected by such decision as soon as reasonably practicable. If the protest is upheld, the CPO shall consult with the Using Agency, and may exercise any of the following remedies: cancel the procurement; recommend commencing contractual negotiations to the next qualified Respondent or Proposer, or re-issue the RFP or RFQ.
- (h) *Board or CPO related action.* Upon resolution of any protests, or expiration of the three-day protest period with no protests, the CPO shall either execute the contract if within his/her authority, or submit the Contract

to the Board, through its Finance Committee, for approval and authorization for the CPO to Execute the Contract. Once the Contract has been approved by the Board or executed by the CPO, the CPO shall post on the CPO's website information regarding the Procurement.

**Sec. 34-139. Sole source procurements.**

Procurements of supplies, equipment, goods or services may be made without use of one of the competitive processes if there is either only one source or there is a need for the unique or specialized skill, experience, or ability possessed by a particular source. The Using Agency must submit a letter to the CPO justifying the sole source Procurement, and provide any other documents or information required by the CPO.

**Sec. 34-140. Comparable government procurement.**

If a governmental agency has awarded a contract through a competitive method for the same or similar supplies, equipment, goods or services as that sought by the County, the Procurement may be made from that vendor at a price or rate at least as favorable as that obtained by that government agency without utilizing a competitive procurement method set forth in this Procurement Code.

**Sec. 34-141. Emergency procurements.**

The CPO may make Procurements and execute Contracts without use of one of the competitive processes set forth in this Procurement Code and without prior approval of the Board, when such Procurements are necessary (i) due to a threat to public health or safety, (ii) for repairs to County property in order to protect against further loss or damage, (iii) to prevent or minimize serious disruption in County services, (iv) to ensure the integrity of County records, or (v) in the reasonable opinion of the CPO, for the best interests of the County. If practicable under the circumstances, the CPO shall obtain quotations or Proposals from at least three Persons. The CPO shall report the basis for the emergency Procurement and reasons for the selection of the Contractor to the Finance Committee of the Board within five business days of making an emergency Procurement.

**Sec. 34-142. Joint procurements.**

Procurements may be made pursuant to the Governmental Joint Purchasing Act, 30 ILCS 525.

**Sec. 34-143. Consortium and group procurements.**

Procurements may be made pursuant to the County's membership or participation in a purchasing consortium, provided that the Board has approved such membership or participation, for, at least in part, the purpose of obtaining advantageous pricing and other efficiencies for the County. Procurements made through a purchasing consortium shall be approved and executed as set forth in this Procurement Code.

**Sec. 34-144. Innovative procurement.**

- (a) The CPO may make a Procurement using innovative methods of procurement, including, but not limited to, electronic procurement, reverse auctions, electronic bidding, electronic auctions, prequalification and pilot procurement programs that have no cost to the County. In order to implement innovative methods of procurement, either directly or through a service provider, the CPO must make a determination that such process is competitive and in the best interest of the County.
- (b) As an alternative or in addition to directly conducting procurement using innovative methods, the CPO may make a Procurement of electronic procurement services for conducting reverse auctions, electronic auctions, or provide an on-line or electronic forum for competitive Bids, Requests for Qualifications and Requests for Proposals and other types of innovative methods of procurement on the County's behalf. The Contract for such Procurement may contain such terms as the CPO deems necessary, including, but not limited to, terms

that specify the source and amount of the compensation. With respect to Procurements made pursuant to this section, the CPO is authorized to charge a reasonable service fee to the Contractors from which Procurements are made in order to cover part or all of the County's costs associated with such electronic procurement, including the costs of engaging a service provider. Such service fee shall be paid as directed by the CPO.

- (c) The CPO shall have authority to adopt rules and regulations for the proper administration and enforcement of the provisions of this section, including the authority to modify the requirements of this Procurement Code as necessary to implement such innovative or electronic procurement method.
- (d) Any document, affidavit, certification or form required by the Procurement Code or submitted in connection with any Procurement may be accepted by the CPO in electronic format subject to compliance with accepted means and methods of verification and authentication of electronic signatures.

**Sec. 34-145. Responsible bidder process for public works construction, maintenance and repair contracts.**

For purposes of evaluating whether a Bidder for a Public Works Contract is Responsible, the CPO shall determine that the Bidder:

- (a) Is authorized to do business in Illinois and the County;
- (b) Has, as applicable, a Federal Employer Identification Number or Social Security Number;
- (c) Meets any applicable insurance requirements in the Bid Document;
- (d) Has certified that it is in compliance with all provisions of the Illinois Prevailing Wage Act, and State and Federal equal employment opportunity laws;
- (e) Has certified that it participates in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract;
- (f) Contractually requires any subcontractor to participate in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract; and
- (g) Has agreed to provide Certified payrolls as specified in the Illinois Prevailing Wage Act.

For purposes of this Section 34-145, the terms, "Public Works" and "Construction" shall have the meanings set forth in the Illinois Prevailing Wage Act, 820 ILCS 130/2.

**Sec. 34-146. Performance and Accountability in Professional Social Service Contracts and Agreements.**

All Professional Social Service Contracts and Professional Social Service Agreements entered into must include within its terms or general conditions a requirement that the contractor or provider of such social services submit an annual performance report to the Using Agency that includes, but is not limited to, relevant statistics, an empirical analysis where applicable, and a written narrative describing the goals and objectives of the contract or agreement and programmatic outcomes. The Chief Procurement Officer shall be responsible for ensuring that this requirement is included in said Professional Social Service Contracts and Professional Social Service Agreements. The annual performance report shall be provided and reported to the Cook County Board of Commissioners by the applicable Using Agency within 45 days of receipt. Failure of the contractor or provider to

provide an annual performance report will be considered a breach of contract or agreement by the contractor or provider, and may result in termination of the contract or agreement.

**Secs. 34-147—34-159. Reserved.**

### **DIVISION 3. WAGE REQUIREMENTS**

#### **Sec. 34-160. Living wage.**

- (a) Unless expressly waived by the Board, any Contract requiring the use of full-time non-County Employees to provide services or labor under the Contract shall include a provision requiring that the Contractor shall pay not less than the Living Wage to such Employees, unless such Employees' Wages are governed by Federal or State law. The Contractor shall require all subcontractors to comply with this section. This Section shall not apply to Contracts with not-for-profit organizations or Contracts funded by Federal grants or loans.
- (b) If a Contractor or any of its subcontractors is found to be in violation of this section, such Contractor be required to pay back pay to each affected Employee, and may also be fined by the County up to \$100.00 for each affected Employee for each day paid at less than the Living Wage. Such penalties will not be imposed on any Person except after a hearing pursuant to Chapter 2, Article IX, Administrative Hearings.
- (c) If a Contractor or any of its subcontractors is found to have retaliated against an affected Employee, the Contractor may be held to be in breach of the Contract and the Contract may be terminated unless such Contractor or the subcontractor appropriately reinstates or compensates such Employee.
- (d) The CPO shall require that any such Contractor certify that it will comply with this section.
- (e) Pursuant to County Code Chapter 2, Article V, Division 3, Subdivision I, Section 2-408, the CFO shall annually determine the Living Wage.
- (f) The CPO shall post the current Living Wage on the CPO's website.
- (g) Every Contractor and subcontractor required to pay the Living Wage shall notify its Employees of the Living Wage requirement and shall notify all of its Employees annually of any adjustment to the Living Wage. In addition, the Employer shall notify its Employees that if any Employee contends that the Employer is not paying a Living Wage or has otherwise violated this section, that Employee may file a complaint with the Cook County Commission on Human Rights ("Commission"). If at the conclusion of the Commission's investigation, the Commission finds that the Employer has violated this section, it shall (1) in the case of an Employer receiving a property tax incentive, notify the Assessor; or (2) in the case of a Contractor or a subcontractor required to pay the Living Wage, notify the CPO, who shall exercise such remedies as are in the best interest of the County, including ordering the Employer to pay back pay and penalties, as provided in this section.

#### **Sec. 34-161. Illinois prevailing wage.**

- (a) To the extent required by the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et seq.) (the "Prevailing Wage Act"), the general prevailing rate of Wages in this locality for laborers, mechanics and other workers engaged in the construction of Public Works coming under the jurisdiction of this County shall be the same as the prevailing rate of Wages for construction work in the Cook County area as determined from time to time by the Department of Labor of the State of Illinois. The definition of any terms used in this section which are also used in the Prevailing Wage Act shall be the same as in said Act.
- (b) Nothing herein contained shall be construed to apply the general prevailing rate of Wages to any work or employment except Public Works of this County and only to the extent required by the Prevailing Wage Act.

- (c) The CPO shall include in the Bid Notice for any Public Works Contract, and shall include in the Bid Documents, a requirement that not less than the prevailing rate of Wages as found by the County or the Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under such Public Works Contract.
- (d) Prior to awarding any Public Works Contract, the CPO shall ascertain whether the Bidder is debarred pursuant to the Prevailing Wage Act.

**Sec. 34-162. Federal prevailing wage.**

If a Procurement will be paid for using federal funds, and if such federal funding requires compliance with the Davis-Bacon Act (40 U.S.C. 276a-276a-7), then the Contract shall contain provisions requiring that the Contractor and any subcontractors shall pay the Federal Prevailing Wage.

**Sec. 34-163. Prevailing wages for covered services.**

- (a) Not less than the prevailing rate of Wages shall be paid and prevailing working conditions shall be provided to any laborer, worker and mechanic providing Covered Services under a Contract.
- (b) In order to be considered a Responsive Bidder for any Contract for Covered Services, the Bidder shall certify that Wages paid to its employees will be no less, and fringe benefits and working conditions of such employees shall be no less favorable, than those prevailing in the locality in which the Covered Services are to be performed, as determined by the Chief of the Bureau of Human Resources and posted on the website.
- (c) The CPO of Cook County shall include in the Bid Notice for any Contract for Covered Services, and shall include in the specifications for any such Contract a provision that (i) not less than the prevailing rate of Wages shall be paid, and prevailing working conditions shall be provided, to all laborers, workers and mechanics performing Covered Services and (ii) all bonds required under such Contract shall include such provisions as will guarantee the faithful performance of such provision in the Contract.

**Sec. 34-164. Prompt payments to subcontractors for non-public works.**

When a Contractor doing business with the County receives any payment from the County for any goods, services, or equipment it has provided to the County pursuant to Contract, the Contractor must make payment to its subcontractors within 15 days after receipt of payment from the County, provided that such subcontractor has satisfactorily provided goods or services or completed its work or services in accordance with the Contract and provided the Contractor with all of the documents and information required of the Contractor. The Contractor may delay or postpone payment to a subcontractor when the subcontractor's work or materials do not comply with the requirements of the Contract, the Contractor is acting in good faith, and not in retaliation for a subcontractor exercising legal or contractual rights.

**Sec. 34-165. Prompt payments to subcontractors and material suppliers for public works.**

When a Contractor doing business with the County receives any payment from the County pursuant to a Public Works Contract, the Contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier less any retention within 15 days after receipt of payment from the County. If the Contractor receives less than the full payment due under the Public Works Contract, the Contractor shall be obligated to disburse on a pro rata basis those funds received with the Contractor, subcontractors and material suppliers, each receiving a prorated portion based on the amount of funds received. When, however, the County does not release the full payment due under the Contract because there are specific areas of work or materials the Contractor is rejecting or because the Contractor has otherwise determined

such areas are not suitable for payment, then those specific subcontractors or suppliers involved shall not be paid for that portion of the work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid on a pro rata basis from the funds received, and shall receive full payment if funds are sufficient.

**Secs. 34-164~~6~~—34-169. Reserved.**

#### **DIVISION 4. DISQUALIFICATION, AND PENALTIES**

##### **Sec. 34-170. Disqualification due to contract default or termination.**

- (a) If a Person has had a Contract terminated for cause by the County, or if a Person has failed to cure a default within any cure period provided by the Contract, such Person shall be ineligible to enter into a Contract with the County for a period of 24 months from the date of termination or notice of default.
- (b) When a Contract has been terminated for cause or when an uncured default exists under a Contract, the Contractor may submit a request to the CPO for a reduction or waiver of the ineligibility period. The request shall be in writing and shall include documentation that one or more of the following actions have been taken:
  - (1) There has been a bona fide change in ownership or Control of the ineligible Person;
  - (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the termination or default; or
  - (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the termination or default.

The CPO shall review the documentation, make any inquiries deemed necessary, and determines whether a reduction or waiver is appropriate.

- (c) A Using Agency may request an exception to such period of ineligibility, by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and ~~determineing~~ whether the request should be approved. If an exception is granted, such exception shall apply to that Procurement only and the period of ineligibility shall continue for its full term as to any other Procurements.

##### **Sec. 34-171. Disqualification ~~for~~ due to County tax or debt delinquency or obligation default.**

- (a) A Person that is (i) delinquent in the payment of any tax (including real estate tax) or fees administered by the County; ~~(ii)~~ delinquent in the payment of any debt to the County; ~~(iii);~~ ~~is~~ in default of any obligation to the County; or (iv) ~~is~~ a "predatory lender," as determined pursuant to the Cook County Predatory Lending Ordinance, shall be ineligible to enter into a Contract with the County. Notwithstanding the foregoing, a Person shall not be ineligible, nor shall the County exercise any rights to set-off or other remedies set forth in this Division~~Section 34-196~~ against a Person, if such Person is contesting liability for the delinquency in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; or if such Person has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.
- (b) The CPO shall obtain a written certification from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of Subsection (a).

- (c) The County shall not be prohibited from making a Procurement from, and shall not exercise rights to set-off or other remedies set forth in ~~this Division~~ Section 34-196 against a Person who is contesting liability for the delinquency, in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; from a Person who has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.
- (d) A Using Agency may request an exception to such ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved.

**Sec. 34-172. Disqualification for due to noncompliance with child support orders.**

- (a) A Person shall be ineligible to enter into a Contract with the County if such Person or a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367) of the County's Code is delinquent in the payment of a Court-Ordered Child Support Arrearage.
- (b) The CPO shall obtain an affidavit from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of Subsection (a).
- ~~(b)~~(c) If the County becomes aware that a Person or Substantial Owner becomes delinquent in payments under a Court-Ordered Child Support Arrearage after the County has entered into a Contract with such Person or Substantial Owner, then, after notice from the County of such noncompliance and a 30-day opportunity to pay such delinquency, such delinquency of such Person or Substantial Owner shall constitute a default under the Contract. Such Person or Substantial Owner shall provide sufficient evidence to the CPO of payment of such delinquency.

**Sec. 34-173. Disqualification for illegal activity.**

- (a) *Disqualifying Acts.* A Person who has been convicted of, entered a plea of *nolo contendere* as to, or made an admission of guilt, pursuant to the laws of any Federal, State or local jurisdiction, for any of the following, shall be ineligible to enter into a Contract for a period of five years from the date of conviction, entry of a plea or admission of guilt:
- (1) Bribing or attempting to bribe;
  - (2) Bid-rigging, attempting to rig bids;
  - (3) Price fixing or attempting to fix prices; or
  - (4) Defrauding or attempting to defraud.
- (b) *Disqualification due to acts of owner, partner or shareholder.* A Person shall be ineligible to enter into a Contract if an individual who Controls such Person would be disqualified under any provision of this section 34-173.

**Sec. 34-174. Disqualification for willful violation of Cook County Independent Inspector General Ordinance.**

A Person found to have willfully failed to cooperate in an investigation by the Cook County Independent Inspector General or to report to the Independent Inspector General any and all information concerning conduct which they know to involve corruption, or other criminal activity, by another County employee or official, which concerns his or her office of employment or County related transaction in accordance with Part I, Chapter 2, Article IV, Division 5, Section 2-285 of the County's Code shall be subject to disqualification as provided in Part I, Chapter 2, Article IV, Division 5, Section 2-291 of the County's Code.

**Sec. 34-175. Penalty for false statements.**

~~Any Person determined by the CPO to have who knowingly makes made a false statement of material fact to Cook County in writing in connection with any aspect of a Procurement is liable to the County for a penalty of \$2,500.00, and may be subject to termination of any Contract and disqualification for a period of up to five years from the date of such finding, in addition to any other remedy provided for in the Procurement Code or at law or in equity, including termination of any Contract or disqualification. Any person determined by the CCD to have made a false statement of material fact to Cook County in writing regarding the status or contractual participation of a MBE, WBE, VBE or SDVBE is liable to the County for a penalty of \$2,500.00, and may be subject to termination of any Contract and disqualification for a period of up to five years from the date of such finding in addition to any other remedy provided for in the Procurement Code or at law or in equity. No fine will be imposed on any Person except after any applicable proceeding pursuant to Chapter 2, Article IX, Administrative Hearings.~~

**Sec. 34-176. Penalty for failure to meet commitments.**

In the event that the CCD determines that a Person failed to fulfill in good faith a project specific goal, including but not limited to MBE, WBE, VBE, or SDVBE participation commitments reflected in a Utilization Plan, as may be amended through change orders or otherwise over the term of the Contract, the CPO may declare said Person to be in material breach of the Contract, and may withhold payments under the Contract, and recover contractual penalties, in addition to disqualification and any other remedy provided for in the Procurement Code at law or in equity. A contractual penalty for failure to meet MBE, WBE, VBE, or SDVBE participation commitments pursuant to this Section shall be in the amount of the discrepancy between actual MBE, WBE, VBE, or SDVBE participation, and the goal set forth in the Utilization Plan, as may be amended through change orders or otherwise over the term of the Contract.

**~~Sec. 34-176.~~ Sec. 34-177. Penalties for failure to pay Cook County taxes and fees.**

The CPO shall include in every Contract a provision that entitles the County to set off and subtract from the Contract price a sum equal to any fines and penalties, including interest, for each tax or fee delinquency and any debt or obligation owed by the Contractor to the County.

**~~Sec. 34-177~~ Sec. 34-178. Uniform penalties, interest and procedures.**

Violations of this Article and the assessment of any fine pursuant to this Article shall be adjudicated pursuant to Part I, Chapter 2, Administration, Article IX, Administrative Hearings, of this Code. The determination as to whether a Person is disqualified under any provision of this Division 4 or has made a false statement, shall be subject to said Person's petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.

**~~Secs. 34-178~~ 179—34-189. Reserved.****DIVISION 5. PROCUREMENT PROCEDURES AND POLICIES FOR CERTAIN PROCUREMENTS****Sec. 34-190. Percentage of work of public works projects to be performed by county residents.**

For any Public Works Contract having an estimated contract price of \$100,000.00 or more, where not otherwise prohibited by Federal or State law, at least 50 percent of the total hours worked on the site by employees of the Contractor and subcontractors shall be performed by residents of the County.

**Sec. 34-191. Green construction.**



For all competitive Bids for Public Works Contracts budgeted for \$2,000,000.00 or more, the Bid Documents shall comply with the requirements of Chapter 30, Environment, Article IX, Green Construction, Section 30-952, Emission Reduction, and any Contract resulting therefrom shall include all provisions required by Chapter 30, Article IX, Section 30-955.

**Sec. 34-192. Predatory lenders.**

With each Bid or Response submitted by a financial institution for any Contract, the following certification shall be signed by the chairman of the board, chief executive officer, or other officer of the financial institution acceptable to the Chief Financial Officer.

We pledge that we are not and will not become a predatory lender as defined in Cook County's Predatory Lending Ordinance. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in this Ordinance. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the County.

**Sec. 34-193. Contracts for consulting and auditing services.**

- (a) The County will not enter into any Contract for Auditing Services, nor shall it consent to a subcontract for such Auditing Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for consulting services for or with the County. Additionally, the County will not enter into any Contract for Consulting Services, nor shall it consent to a subcontract for such Consulting Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for Auditing Services for or with the County. For purposes of this provision, "County" shall refer only to offices which are administered by the President of the County Board and shall not refer to offices which are administered by Elected Officials.
- (b) The County shall not enter into any Contract for Consulting Services on behalf of an Elected Official, nor shall it consent to a subcontract for such Consulting Services on behalf of an Elected Official, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract to provide Auditing Services for the Elected Official.
- (c) The CPO shall require the Contractor in each Contract for Auditing or Consulting Services for the County (as defined in this section) to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Consulting or Auditing Services for the County which is prohibited under Subsection (a) of this section. In addition, the CPO shall require the Contractor in each Contract to provide Consulting Services for an Elected Official to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Auditing Services for the Elected Official which is prohibited under Subsection (b) of this section.

**Secs. 34-194—34-199. Reserved.**

*Subdivision I. Selection of Professional Services for Debt Transactions and Management of Bond Proceeds;  
Continued Participation of MBEs, WBEs, VBEs, and SDVBEs.*

**Sec. 34-200. Definitions.**

The following words, terms and phrases, when used in this subdivision shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Broker-Dealer means a financial services Person who is registered as a broker-dealer with and in good standing with the United States Securities and Exchange Commission and the State of Illinois.

~~Co-managers means underwriting firms responsible for participating in the underwriting and the marketing of bonds issued by the County.~~

Financial advisor means a Person registered and in good standing as a municipal advisor with the United States Municipal Securities Rulemaking Board and the United States Securities and Exchange Commission.

Investment Bank means a Person responsible for participating in the underwriting and the marketing of bonds issued by the County or in the remarketing of short-term securities on behalf of the County.

~~Senior managers means underwriting firms responsible for assisting with the development of the financial plan and managing the underwriting and the marketing of the bonds.~~

### **Sec. 34-201. Competitive process for legal counsel and finance teams for debt transactions.**

(a) The Chief Financial Officer ~~or may request that~~ the CPO, on request of the Chief Financial Officer, may issue an RFQ at least once every three years for selection of legal counsel and finance professionals required for debt transactions, including but not limited to bond counsel, pension disclosure counsel, and underwriters counsel; investment banks; and financial advisors.

(b) The RFQ for legal counsel shall request at least the following information:

- (1) ~~D~~Descriptive information about the law each firm, including the experience of the attorneys within the law firm having expertise in the areas of municipal finance law and ~~or Federal tax law pertaining to tax exempt bonds;~~
- (2) ~~T~~he manner in and degree to which the law firm operates or is otherwise present in the County ~~or State;~~
- (3) Whether and by whom the law firm is certified as a MBE, WBE, VBE or SDVBE;
- (4) ~~T~~he manner in and degree to which the law firm is owned by minority, ~~or female~~ woman, or veteran attorneys;
- (5) ~~T~~he manner in and degree to which the law firm employs minority, ~~or female~~ woman, or veteran attorneys and promotes or incubates the participation of minority, ~~or female~~ woman, or veteran attorneys in public finance initiatives;
- (6) ~~T~~he law firm's written policies regarding sexual harassment; and
- (7) ~~o~~ther special areas of expertise or strength.

A "qualified" list shall be developed by the Chief Financial Officer for each type of financing.

(c) The RFQ for investment banks underwriters and other professionals shall request at least the following information, as applicable:

- (1) Experience and expertise in structuring and marketing bonds and notes, detailing experience with various types of issuances, including general obligation bonds, revenue bonds, variable rate demand bonds, commercial paper, and tax anticipation notes, and other debt instruments being contemplated by the

County, and including examples of similar financings on which the ~~firm~~ investment bank has been senior manager or co-manager;

- (2) Financial strength of the ~~firm~~ investment bank, particularly its capital allocated to underwriting governmental municipal bonds;
- (3) Degree of corporate investment or "presence" in the County ~~and State~~, including the location of corporate offices, brokerage offices, or back-office operations;
- (4) The number and qualifications of personnel associated with efforts to sell municipal bonds, and the regular trading inventory of the investment bank with respect to municipal bonds;
- (5) Whether and by whom the investment bank is certified as a MBE, WBE, VBE or SDVBE;
- (6) ~~(4)~~ The manner in and degree to which the ~~firm~~ investment bank is owned by minorities, ~~or females~~ women, or veterans;
- (7) The manner and degree to which the ~~firm~~ investment bank employs minority, ~~or female~~ woman, or veteran finance professionals;
- (8) The manner in and degree to which the ~~firm~~ investment bank promotes or incubates the participation of minority ~~or female~~ woman, or veteran finance professionals in public finance initiatives; ~~and~~
- (9) The ~~firm~~ investment bank's written policies regarding sexual harassment; and
- (10) ~~(5)~~ Other special areas of expertise or strength.

(d) The RFQ for financial advisors shall request at least the following information, as applicable:

- (1) Experience and expertise in structuring bonds and notes, detailing experience with various types of issuances, including general obligation bonds, revenue bonds, variable rate demand bonds, commercial paper, tax anticipation notes, and other debt transactions being contemplated by the County, including examples of similar financing initiatives as financial advisor.
- (2) Degree of corporate investment or presence in the County, including the location of corporate offices;
- (3) Whether and by whom the financial advisor is certified as a MBE, WBE, VBE or SDBVE;
- (4) The manner in and degree to which the financial advisor is owned by minorities, women, or veterans;
- (5) The manner in and degree to which the financial advisor employs minority, woman, or veteran finance professionals and promotes or incubates the participation of minority, woman, or veteran professionals in public finance initiatives;
- (6) The financial advisor's written policies regarding sexual harassment; and
- (7) Other specialized areas of expertise or strength.

(e) A "qualified" list of law firms, investment banks, ~~underwriters and financial advisors and other professionals~~ shall be developed by the Chief Financial Officer for each type of financing, applicable to a term of no more than three years per each RFQ.

**Sec. 34-202. Selection.**

(a) For each debt transaction or for multiple debt transactions the Chief Financial Officer shall select three or more firms from the qualified list for each of the following, as required for the transaction: bond counsel, ~~co-bond counsel~~, underwriter and ~~co-underwriter~~counsel, special tax counsel, pension-disclosure counsel, ~~senior manager and co-manager~~and financial advisor. ~~The Chief Financial Officer shall request that each of the firms under consideration submit a Proposal which shall include at least the following, as applicable: experience with the particular type of financing; a recommended strategy for identifying and targeting Procurers of the bonds experience with tax issues; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees for the engagement; and the manner in and degree to which female and minority professionals will provide services in connection with the transaction.~~

(b) ~~The Chief Financial Officer shall recommend to the President the selection of counsel, professionals and underwriters based upon the Proposals. In making the recommendation the Chief Financial Officer shall consider a rotation to give each firm a fair opportunity to participate in County bond sales. The selection shall be made by the President upon the recommendation of the Chief Financial Officer, and shall be submitted to the County Board for approval. The President shall report to the County Board the reasons for selection of the firm assigned the work. The Proposals shall be available for review by members of the County Board. The President shall report to the County Board the reasons for making the selections. The Chief Financial Officer shall request that each of the law firms under consideration to provide legal services submit a Proposal which shall include at least the following: experience with the relevant type of financing; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees or fee structure for the engagement; the firm's capacity for, experience in, and commitment to providing continuing legal advice and support in such areas as compliance and taxation; and the manner and degree to which the firm will use an engagement on the contemplated financing initiative to promote or incubate the participation of minorities, women, and veterans as finance professionals, on the potential engagement.~~

(c) The Chief Financial Officer shall request that each of the firms under consideration for investment banking services submit a Proposal which shall include at least the following: experience with the particular type of financing; a recommended strategy for identifying and targeting investors in the bonds or notes; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees or fee structure for the engagement; and the manner in and degree to which the firm will use an engagement on the contemplated financing initiative to promote or incubate the participation of minorities-and women as finance professionals on any potential engagement.

(d) The Chief Financial Officer shall request that each of the financial advisors under consideration provide financial-advisory services submit a Proposal which shall include at least the following: experience with the particular type of financing; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees for the engagement; the firm's capacity for, experience in, and commitment to providing advice and support in such areas as pricing and marketing of municipal bonds; and the manner in and degree to which the firm will use an engagement on the contemplated financing to promote or incubate the participation of minorities, women, and veterans as finance professionals, on the potential engagement.

(e) To redress the historical under-representation of minority and woman-owned firms in the financial services arena, in the selection of law firms, investment banks, and financial advisors associated with bond issuances, it shall be the continued goal of the County that (1) no less than 35 percent of the cumulative remunerated portion of legal services and financial-advisory services associated with a financing initiative shall be provided by law firms that are certified as MBEs or WBEs under Cook County's Minority- and Women-Owned Business Enterprise Ordinance and financial-advisor firms that are at least 51 percent owned, controlled, and managed by one or more persons who are either a minority or a woman and that consistently maintain and staff a functional

commercial presence and office in the County; and (2) 35 percent of the cumulative underwriting liability in a financing initiative shall be undertaken by investment banks that consistently maintain and staff a functional commercial presence and office in the County and are at least 51 percent owned, controlled, and managed by minority individuals or women.

(f) The Chief Financial Officer shall recommend to the President the selection of legal counsel, investment banks, financial advisors, and other professionals based upon the proposals provided per this subdivision. In making the recommendation, the Chief Financial Officer shall consider methods ~~a rotation~~ to give each multiple firms a fair opportunity to compete for and participate in County bond sales. The selection shall be made by the President upon the recommendation of the Chief Financial Officer, and shall be submitted to the County Board for approval. The Chief Financial Officer shall report to the County Board a summary of the rationale of any proposed financing initiative; the financial benefits of a proposed financing approach with regards to the County's long-term fiscal health; a summary of the financing team proposed to work on the financing initiative; an identification of any firms that are certified as MBEs or WBEs or 51 percent owned, controlled, and managed by minority individuals or women; the total estimated participation of such firms as a percentage of professional services (comprised of legal and financial advisory services) and as a percentage of underwriting liability; and, on financing initiatives where circumstances are such that the 35 percent goals set forth in Subsection (e) cannot be prudently reached, an explanation of such circumstances. The Proposals by firms selected to work on a financing initiative shall be available for review by members of the County Board.

**Sec. 34-203. Specific bond underwriter requirements.**

Each Contract between the County and any bond underwriters shall include the following:

- (1) The underwriter shall use its best efforts to assure that the County meets its objectives in the fair and reasonable allocation of bond selling commissions to members of the underwriting syndicate, particularly to Cook County and minority- and women-owned firms;
- (2) The underwriter shall report the allocation of bond selling commissions and fees received by each member of the underwriting syndicate to the Chief Financial Officer within 30 days of closing of the bond issue; and
- (3) The underwriter shall comply with all limitations or disclosure requirements concerning political contributions that are or may be imposed by the Municipal Securities Regulatory Board or the Securities and Exchange Commission. Failure by the underwriter to comply with this provision shall not void the sale, but the underwriter may be subject to disqualification as set forth in Division 54.

**Sec. 34-204. Continued Management of Bond Proceeds.**

(a) When permissible and practicable under related bond ordinances, debt instruments, and debt agreements, the Chief Financial Officer shall maintain investment of bond proceeds in accord with (1) the County Taxpayers' Interest Assurance Ordinance; (2) the Illinois Public Funds Investment Act; or (3) such policies as are promulgated by the Chief Financial Officer, following submission to the County Board.

(b) In selecting financial institutions to serve as broker-dealers in acquiring investments of bond proceeds under this Section, the Chief Financial Officer shall, for each contemplated investment, elicit proposals from at least three broker-dealers deemed qualified under policies and procedures promulgated by the Chief Financial Officer, the State of Illinois, or the City of Chicago.

(c) In the selection of broker-dealers under this Section, it shall be the continued goal of the County that no less than 35 percent of the cumulative value of the proposed investment purchased in a given fiscal year shall be consummated by one or more broker-dealers that consistently maintain and staff a functional commercial

presence and office in the County and are at least 51 percent owned, controlled, and managed by minority individuals or women.

**Secs. 34-2054—34-214. Reserved.**

*Subdivision II. Recycled Products*

**Sec. 34-215. Purpose.**

This subdivision shall be known as the "Cook County Recycled Product Procurement Policy."

Its purpose is to promote market development of recycled products, recyclable products, and equipment capable of using such materials by establishing preferential purchasing programs applicable to all Using Agencies and Contractors, thereby diverting materials from the solid waste stream.

**Sec. 34-216. Policies.**

- (a) All Using Agencies shall whenever practicable use recycled products, recyclable products and reusable products to meet their demands.
- (b) Using Agencies and the CPO shall, whenever practicable, specify in the Contract Documents the use of recycled products and recyclable products.
- (c) In procuring designated products pursuant to this division, the CPO shall require recovered material and/or post-consumer material content to be factors in determining the lowest Responsive Bid in any competitive bidding procurement process.

**Sec. 34-217. Definitions.**

The following words, terms and phrases, when used in this subdivision shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Chlorine-free paper or paper products* means recycled paper in which the virgin content is unbleached or bleached without chlorine or chlorine derivatives, or virgin paper which is unbleached or processed with a sequence that includes no chlorine or chlorine derivatives.

*Designated products* means all products that have been or may be identified pursuant to Section 34-218 as products that can be procured with significant levels of recovered materials.

*Minimum content standards* means standards set by the County Board, or in its absence, standards or guidelines currently promulgated by the United States Environmental Protection Agency, specifying the minimum level of recovered materials and/or post-consumer material necessary for designated products to qualify as recycled products.

*Paper and paper products* means all items manufactured from paper or paperboard.

*Post-consumer material* means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling, and disposition.

*Post-consumer paper material* means paper, paperboard, and fibrous waste including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage after the point at which they have passed through their end use as consumer items.

*Practicable* means:

- (1) Able to perform in accordance with applicable specifications;
- (2) Offered as the low Bid under the procedures in Section 34-219(b), herein;
- (3) Available within a reasonable period of time; and
- (4) Maintaining a satisfactory level of competition.

*Recovered material* means material and byproducts which have been recovered or diverted from solid waste, but does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process (such as mill broke or home scrap).

*Recovered paper material* means paper waste generated after the completion of a paper making process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material, however, shall not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

*Recyclable* means that the product is technically capable of being recycled, and that economic markets for collecting and recycling the product exist within a reasonable distance, including steel and plastic.

*Recycle or recycling* means any process by which materials that would otherwise become municipal waste are collected, separated or processed and returned to the economic mainstream in the form of new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or energy production processes. For lubricating oil, the term recycling is to be synonymous with re-refining. For toner cartridges, the term recycling is to be synonymous with re-manufacture.

*Recycled designated product* means a product designated in or pursuant to Section 34-218 that meets or surpasses the County's minimum content standards, and all other criteria for qualification as specified in this division.

*Reusable product* means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ball point pen.

### **Sec. 34-218. Designated products and recycled designated products.**

For all purposes of this subdivision, the products listed in this section or added pursuant to it are designated as products that can be readily procured with significant levels of recovered materials. Designated products shall qualify as recycled designated products if they meet minimum content standards established in this subdivision. Designated products shall include:

- (1) Paper and paper products.
- (2) Compost products.
- (3) Horticultural mulch made with recycled land clearing and other wood debris.
- (4) Construction aggregates made with recycled cement concrete, tire rubber, glass or asphalt.
- (5) Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, or tire rubber.
- (6) Antifreeze.

- (7) Recycled plastic products, including lumber shapes, refuse carts, traffic cones, insulation, receptacle liners and recycling bins, traffic barriers and office products.
- (8) Retreaded tires and products made from recycled tire rubber, including rubber mats and playfield surfaces.
- (9) Toner cartridges for computer printers.
- (10) Lubricating oil and hydraulic oil with re-refined oil content.
- (11) Insulation products.
- (12) Paint.
- (13) Wood products containing 50 percent or more reused or deconstructed wood.
- (14) Carpeting made from recycled fibers.
- (15) Office furniture.
- (16) All steel products.
- (17) Other products as designated by the CPO.

**Sec. 34-219. Requirements for procurements.**

- (a) Bid Notices and requests for Quotations for the procurement of tangible supplies, equipment, or goods shall contain no terms, requirements or specifications prohibiting or discouraging post-consumer or recovered material content, unless a Using Agency provides the CPO with satisfactory evidence that, for technical reasons and for a particular end use, a product containing such materials will not meet reasonable performance standards.
- (b) In determining the lowest Responsive and Responsible Bid for the Procurement of designated products, the CPO shall use the procedures and evaluation criteria specified in this subdivision. If the lowest price offered for a recycled designated product is not more than the specified percentage higher than the lowest offered price for that same designated product that is not recycled, the offered price for the recycled designated product shall be considered the low Bid if such Bidder is otherwise Responsive and Responsible. The specified percentage will not be less than ten percent. However, nothing contained in this division shall preclude Using Agencies from requiring post-consumer or recovered material content as a bid specification.
- (c) Each Contractor supplying the County with recycled designated products shall provide acceptable certification from all product manufacturers that the products being supplied meet or surpass County minimum content standards, and shall agree to reasonable verification procedures specified by the CPO.
- (d) Bid Notices for designated products, whether recycled or not, shall require the successful Bidder to provide quarterly summaries of the quantities Procured by Using Agencies, unless the CPO determines that this requirement would significantly reduce the number of Bids received by Cook County.
- (e) The County shall not Procure any item whose original manufacturer places restrictions on the remanufacturing of such item by other businesses.

**Sec. 34-220. Procurement of paper and printing services.**

- (a) The County recycled paper procurement goal for Using Agencies (expressed as percentage of the total volume of paper Procured) shall be 60 percent. Each department shall be responsible for making its best effort to meet or surpass these goals.
- (b) All paper Procured by the County shall be recycled paper, and all printed materials Procured by the County shall be on recycled paper, containing at least 30 percent post-consumer content, unless use of such recycled paper is not practicable. For all other paper products, the CPO shall adopt minimum content standards for recycled paper products which shall, at minimum, be consistent with standards presently promulgated by the United States Environmental Protection Agency.



(c) Printing services provided by the County or Procured by the County from an outside vendor shall utilize soy or other vegetable-based inks. If lithographic ink is used in printing performed by the County or in printing services Procured by the County from an outside vendor, the ink shall contain not less than the following percentages of vegetable oil:

- (1) News ink, 40 percent;
- (2) Sheet-fed and forms ink, 20 percent;
- (3) Heat-set ink, ten percent.

High quality color process printing on high speed heat-set presses is excepted when slow drying time significantly increases production costs.

- (d) Departments shall publicize the County's use of recycled paper by printing the words "Printed on Recycled Paper" on all letterhead paper and on the title page of all reports printed on recycled paper.
- (e) To reduce the volume of paper Procured, departments shall use both sides of paper sheets whenever practicable. If possible, copies shall be made by photo-copying from one computer-generated original, such that two-sided copies can be produced, rather than printing multiple one-sided originals.
- (f) The CPO may enter into joint purchasing with other local and State agencies to reduce the cost of recycled paper product Procurements.
- (g) All Bids for new equipment and services shall include language that will encourage the use of recycled paper and paper products, wherever practicable.
- (h) Contracts shall contain provisions requiring all reports submitted by the Contractor shall use recycled paper, except where the specialized nature of certain materials (such as photographs) requires otherwise, and shall be printed two-sided unless two-sided printing is not practicable.

**Sec. 34-221. Responsibilities and reporting requirements CPO.**

The CPO is responsible for:

- (1) Revising or amending standard Bid Documents and contract language where necessary to implement this division.
- (2) Working with Using Agencies and the Department of Environmental Control, adopt and update minimum content standards or other specifications for designated recycled products.

**Sec. 34-222. Exemptions.**

Nothing in this division shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time.

**Secs. 34-223—34-2289. Reserved.**

**DIVISION 6. BID INCENTIVES AND PREFERENCES**

**Sec. 34-229. Definitions.**

The following words, terms and phrases, when used in this Division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms not defined in this section are defined in Division I of this Procurement Code, or in Section 1-3 of the County Code.:

Armed forces of the United States means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this division.

Committee means Cook County Re-entry Employment Committee.

Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders.

Eligible Veteran means a person who (i) has been either a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least 6 months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

Former Offenders means adults who are residents of the County and who have been convicted of a crime.

Labor hours means the total hours of workers receiving an hourly Wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing Wage requirements.

Qualifying Contract means a Contract for Public Works with a Bid Price in excess of \$100,000.00, for which the Contractor is eligible for Earned Credits.

Service-connected disability means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

Service-Disabled Veteran means an Eligible Veteran who has been found to have 10 percent or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

Service-Disabled Veteran-owned Business Enterprise (SDVBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Service Disabled Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

Time of hostilities with a foreign country means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

Veteran-owned Business Enterprise (VBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Eligible Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

**Sec. 34-230. Local business preference; all contracts.**

The CPO shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsible and Responsive Bidder by more than five percent.

**Sec. 34-231. Re-entry employment bid incentive; public works contracts only.**

There is hereby established the Cook County Re-entry Employment Bid Incentive Ordinance, with the goal of working in conjunction with the Cook County Re-entry Employment Project to assist adults who are residents of the County and who are former offenders, in finding employment opportunities. This Ordinance is intended to increase public safety and reduce recidivism. For all Public Works Contracts with an estimated Bid Price of \$100,000.00 or more, advertised after the effective date of this Ordinance, the CPO shall include the Bid Incentive provision in all such advertisements.

**Sec. 34-232. Definitions.**

~~For purposes of this division only, the following definitions apply:—~~

~~Committee means Cook County Re-entry Employment Committee.—~~

~~Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders.—~~

~~Former Offenders means adults who are residents of the County and who have been convicted of a crime.—~~

~~Labor hours means the total hours of workers receiving an hourly Wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing Wage requirements.—~~

~~Qualifying Contract means a Contract for Public Works with a Bid Price in excess of \$100,000.00, for which the Contractor is eligible for Earned Credits.—~~

**Sec. 34-233. Re-entry employment committee.**

(a) The President shall appoint the members of the Committee which will consist of:

- (1) A representative of the Cook County Bureau of Human Resources;
- (2) A representative of the Justice Advisory Council; ~~President's Office of Employment Training~~;
- (3) A representative of the Office of Contract Compliance;
- (4) A representative of a nonprofit organization whose mission is to reintegrate former Offenders into society;
- (5) Two representatives appointed by the President, one of whom shall be a representative of organized labor, and one of whom shall be a Commissioner.

(b) The Committee shall work with appropriate organizations to identify Former Offenders for participation in this program.

**Sec. 34-2343. Re-entry eEmployment plan.**

A Contractor may qualify for Earned Credits by utilizing Former Offenders for work under a Qualifying Contract. In order to so qualify, a Bidder must include in its Bid for such Qualifying Contract an employment plan for Former Offenders by Contractor or any subcontractors. Bidders may request from the Committee a list of candidates. If the Bidder or any subcontractor employs Former Offenders or identifies potential candidates on its own, such candidates may be submitted to the Committee to determine if they are Former Offenders, as defined in this division.

**Sec. 34-2354. Re-entry employment eEarned credits.**

- (a) Upon the completion of a Qualifying Contract, a Contractor may apply to the CPO for Earned Credits, on such forms and including such information as required by the CPO. If the Contractor met or exceeded the Former Offender employment goals established in the Qualifying Contract. If the CPO determines that the Contractor has successfully met or exceeded its employment plan in the Qualifying Contract, the CPO shall issue an Earned Credit Certificate that evidences the amount of Earned Credits calculated as set forth below. The Contractor may utilize the Earned Credits as set forth in this division in a future Bid for a Contract for Public Works of equal or greater value as the Qualifying Contract, by including a copy of the Earned Credit Certificate with its Bid.
- (b) For any Qualifying Contract, the CPO shall determine the Earned Credits, as follows. And issue an Earned Credit Certificate, which shall be valid for three years from the date of issuance.

Percentage of Total Labor Hours Performed by Former Offenders	Earned Credit
5—10%	½% of Bid price
Over 10%	1% of Bid price

- (c) For purposes of calculating the lowest Responsive and Responsible Bidder only, the CPO shall deduct from the Bid Price the amount of Earned Credit set forth on the Earned Credit Certificate submitted by a Bidder. If the Bidder is awarded the Contract, such Earned Credit Certificate may not be used again in a future Bid.

**Sec. 34-2365. Re-entry employment cContractor's records.**

A Contractor shall retain all records supporting any Certificate of Earned Credits issued to such Contractor for a period of at least three years after issuance of such Certificate. A Contractor shall impose this requirement by contract with any subcontractors included in the employment plan. The Office of the CPO shall have access to the Contractor's and such subcontractors' records.

**Sec. 34-2376. Eligible Veterans' preference, ~~definitions.~~**

~~It is the policy of the County to provide an incentive for Contractors for Public Works Contracts when such Contractors utilize veterans for at least five percent of the hours worked under such Contract, as hereinafter set forth. For purposes of this Division, "Eligible Veterans" shall mean persons (a) who have been either members of the armed forces of the United States or while citizens of the United States, have been members of the armed forces of allies of the United States, (b) were members of such armed forces in time of hostilities occurring after September 11, 2001, and (c) have served (i) a total of at least six months; or (ii) for the duration of hostilities regardless of the length of engagement; or (iii) in the theater of operations for less than six months but was~~

~~discharged on the basis of a hardship; or the veteran was released from active duty because of a service-connected disability and was honorably discharged. The preference provided for in this section will be one percent.~~

(a) Veterans' Workplace Preference. The CPO shall give a preference of one percent of the amount of the Contract to a Responsible and Responsive Contractor for a Public Works Contract when such Contractor has committed by affidavit to utilize Eligible Veterans for at least five percent of the hours worked under such Contract. Failure to utilize Eligible Veterans in accordance with the affidavit will result in breach of contract.

(b) Veteran-owned Business and Service Disabled Veteran-owned Business preference. The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive VBE or SDVBE.

~~The CPO shall develop procedures for implementation of this section. This Section shall take effect six months after the date of adoption.~~

**Sec. 34-2387. ~~Qualified v~~ Veteran-owned businesses incentive.**

~~(a) *Qualified Veteran Owned Business* means a business entity that is 51 percent or more owned by one or more Eligible Veterans as defined in Section 34-237~~

~~(b) The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive Qualified Veteran Owned Business. The CPO shall develop procedures for implementation of this section 34-238(b). This section shall take effect six months after adoption.~~

~~(c) It is the goal of the County to award each year not less than five<sup>three</sup> percent of its total expenditures for supplies, materials, equipment and services to Qualified Veteran Owned Businesses VBEs and SDVBEs. The Contract Compliance Director may count toward its five<sup>three</sup> percent yearly goal that portion of all Contracts in which the Contractor subcontracts with a Qualified Veteran Owned Business VBE or SDVBE. Each year, the CCD shall report to the County Board on all of the following for the immediately preceding 12-month period:~~

- ~~(1) The number of Qualified Veteran Owned Businesses VBEs and SDVBEs that ~~who~~ submitted a Bid.~~
- ~~(2) The number of Qualified Veteran Owned Businesses VBEs and SDVBEs that ~~who~~ entered into Contracts and the total value of those Contracts.~~
- ~~(3) Whether the County achieved the goal described in this subsection.~~

~~(b)(4) Each year, the CCD shall review the five<sup>three</sup> percent goal with input from countywide veterans' service organizations and from the business community including Qualified Veteran Owned Businesses VBEs and SDVBEs, and shall make recommendations to the County Board regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of Qualified Veteran Owned Businesses VBEs and SDVBEs and on the continued need to encourage and promote businesses owned by qualified veterans.~~

~~(c)(5) The CPO will make best efforts to recruit and solicit bids and make procurements from VBEs and SDVBEs.~~

~~(d) The above-stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.~~

~~(e) The CCD, in consultation with the Using Agency, shall establish contract specific goals for each contract. In establishing a contract specific goal, the CCD shall consider the availability of sufficient certified VBEs and SDVBEs for supplies, materials and equipment, or services required as part of the procurement.~~

~~(f) The provisions of this Division 6, Section 34-238(c) shall be effective as of July 1, 2013. The Contract Compliance Director shall ~~by such date~~ as soon as practicable develop and implement procedures and any~~

~~corresponding regulations for certifying and monitoring utilization of VBEs and SDVBEs determining the availability of eligible veteran-owned businesses and shall report back to the County Board on the appropriateness of the five percent goal, based on such availability.~~

**Sec. 34-2398. VBE/SDVBE Certification. Qualified service-disabled veteran businesses incentive.**

~~(a)The CCD shall certify a Person as a VBE when it is a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans; and (ii) that has its home office in Illinois.~~

~~(b)The CCD shall certify Person as a SDVBE when it is a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans; and (ii) that has its home office in Illinois.~~

~~(c)In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met.~~

~~(a)Definitions. For the purposes of this section the following terms are defined below: *Service Disabled Veteran* means an Eligible Veteran who became disabled in the line of duty while serving the United States Armed Forces, and who received an other than dishonorable discharge.*Service Disabled Veteran Business* means a Small Business (as defined in Division 8):~~

~~(1) Not less than 51 percent of which is owned by one or more Service Disabled Veterans; and~~

~~(2) The management and daily business operations of which are controlled by one or more Service Disabled Veterans or, in the case of an Eligible Veteran with permanent and severe disability, the spouse of such veteran.~~

~~(b) In addition to the goals established pursuant to Section 34-238, it is the goal of the County to award each year not less than three percent of its total expenditures for supplies, materials, equipment and services to qualified Service Disabled Veteran Owned Businesses.~~

~~(c) The CPO will make best efforts to recruit and solicit bids and make procurements from qualified Service Disabled Veteran Owned Businesses.~~

~~(d) The above stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.~~

~~(e) The provisions of this Division 6, Section 34-239 shall be effective as of July 1, 2013. The Contract Compliance Director shall by such date develop procedures for determining the availability of Service Disabled Veteran Owned Businesses and shall report back to the County Board on the appropriateness of the three percent goal, based on such availability.~~

**Secs. 34-24039—34-249. Reserved.**

**DIVISION 7. INTEGRITY IN THE PROCUREMENT PROCESS**

**Sec. 34-250. Reporting irregularities suspected or known fraudulent activity.**

~~The Board encourages~~ Any Person involved in the Cook County Procurement process, including employees, contractors, and those seeking to do business with the County, shall to report directly and without any undue delay, any suspected or known irregularities fraudulent activity in the County's procurement process to the County Compliance Officer of the Office of the Cook County Inspector General. In addition to any applicable laws protecting whistleblowers, the County shall ensure that a report made in good faith will not result in any adverse action taken by the Board or the County against the Person making such a report. The CPO's procedures will include a mechanism to publish this provision to all appropriate Persons.

**Sec. 34-251. Communications.**

For all Procurements, the CPO shall establish procedures to ensure that communications from individuals outside the County regarding a Procurement shall be memorialized and maintained in the procurement file. Communications about a Procurement from or on behalf of an Elected Official or a Using Agency shall also be memorialized and maintained in the Procurement file.

**Secs. 34-252—34-259. Reserved.****DIVISION 8. MINORITY- AND WOMAN-OWNED BUSINESS ENTERPRISES***Subdivision I. General Provisions***Sec. 34-260. Short title.**

This subdivision shall be known and may be cited as the Cook County Minority- and Women-Owned Business Enterprise General Ordinance. This subdivision is applicable to all Contracts, except Public Works Contracts which are governed by Subdivision II of this Division 8.

**Sec. 34-261. Findings.**

- (a) The County has heretofore adopted a Minority Business Enterprise Ordinance to ensure that minority and women's businesses are provided full and equal opportunity to participate in Contracts.
- (b) The Supreme Court of the United States in *City of Richmond v. Croson*, 488 U.S. 469 (1989), has enunciated certain standards which are necessary to maintain effective affirmative action programs in compliance with constitutional requirements.
- (c) The County is committed to implementing its affirmative action program in conformance with the United States Supreme Court's decision in *City of Richmond v. Croson*.
- (d) In furtherance of this commitment, and at the direction of the Board, County staff and consultants conducted an investigation into the scope of any discrimination in County Procurements, and in the award of and participation in contracts in the metropolitan Chicago economy, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women's business enterprises equal opportunity to participate in Procurements and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.
- (e) Minority and women's businesses continue to be awarded prime contracts and subcontracts in dollar amounts that are disproportionately lower than the availability of such businesses willing and able to perform Contracts.
- (f) The County's procurement practices in the past have contributed to the above identified underutilization of minority and women's businesses on Contracts.
- (g) Minority and women's businesses continue to be disadvantaged by discriminatory practices in the local construction industry and economy when competing for Contracts and in seeking subcontracting opportunities on such Contracts.
- (h) The County was a passive participant in the discriminatory practices of businesses which discriminate against minority and women's businesses by entering into contracts with such businesses.

- (i) Despite its good faith efforts and implementation of previous affirmative action programs, minority and women's businesses remain at a competitive disadvantage in competing for Contracts and subcontracts.
- (j) Race and gender neutral measures or affirmative action programs without numerical goals have not and are not likely to eliminate the competitive disadvantage of minority and women's businesses in participating in Contracts due to discrimination in the local economy.
- (k) The numerical goals for the participation of minority and women's businesses in Contracts are commensurate with the availability of minority and women's businesses willing and able to perform County work.

**Sec. 34-262. Policy and purpose.**

Based on the foregoing findings, the policy and purpose of this division are as follows:

- (a) It is the public policy of the County to strive to achieve the full and equitable participation of minority- and ~~female~~woman-owned businesses in the County's procurement process as both prime and subcontractors.
- (b) The County is committed to a policy of preventing discrimination in making Procurements, and eliminating arbitrary barriers to participation in Procurements by all persons, regardless of race, sex, or ethnicity.
- (c) The purpose of this division is to establish and implement goals for participation of PCEs in Procurements, in compliance with all applicable laws.

**Sec. 34-263. Definitions.**

The following words, terms and phrases, when used in this ~~Subdivision I~~Division, shall have the meanings ascribed to them in this section, ~~except where the context clearly indicates a different meaning.~~ Capitalized ~~Terms~~ not defined in this section are defined in Division 1 of this Procurement Code, or in Section 1-3 of the County Code. Additional terms applicable to Subdivision II are set forth in such subdivision.

*Affiliate.* An "Affiliate" of or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person Specified. Affiliates shall be considered together in determining whether a firm is a small business.

*Broker* means a Person who or which neither manufactures the supplies, equipment or goods supplied nor owns or operates a store, warehouse or other establishment (and related distribution equipment) in which it maintains, consistent with industry standards, an inventory of the supplies, equipment or goods, materials or supplies required for performance of the Contract for sale in the normal course of business. A Broker provides no substantial service other than acting as a conduit between his or her supplier and his or her customer.

~~*Certified or Certification* means registration of the Minority Business Enterprises or Women's Business Enterprise status of a business in the County's Directory of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises ("PCE Directory").~~

Commercially Useful Function means the performance of a distinct element of work required for the Procurement, with the requisite skill and expertise ~~shall have the meaning set forth in Section 34-383.-~~

*Contract* means, ~~for purposes of this Division 8,~~ any Procurement or Contract (as defined in Section 34-121) in an amount exceeding \$25,000.00.



*Contract Specific Goals* means the goals established under Section 34-267 that are based upon relevant factors, including, but not limited to, the availability of MBEs or WBEs in the scopes of work of the Project.

*County Marketplace* means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

*Economically Disadvantaged* means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index for Urban Wage Earners and Clerical Workers, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2011.

*Expertise* means demonstrated skills, knowledge or ability to perform, as defined by normal industry practices, including licensure where required, in a field.

*Good Faith Efforts* shall have the meaning set forth in Section 34-271.

~~*Joint Venture* means an association formed by two or more Persons to carry out a single business enterprise, for which purpose they combine their expertise, property, capital, efforts, and skills.~~

*Manufacturer* means a Person that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required for a Procurement and of the general character described by the specifications.

*Minority Business Enterprise* or *MBE* mean a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Minority Individuals; and
- (3) Which has its principal place of business and a majority of its regular, full-time workforce located within the County's Marketplace.

*Minority Individual* means an individual in one of the following groups:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons ~~of~~who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (persons whose origins are in any of the original peoples of the Far East Asia, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or
- (5) Other groups, including, but not limited to, Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society,

without regard to individual qualities, resulting in decreased opportunities to compete in the County's Marketplace.

*Owned* means having all the customary incidents of ownership, including the right of disposition, and the sharing in all risks and profits commensurate with the degree of ownership interest.

*Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other Certified MBE or WBE, provided that the other Person is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with a spouse, an individual's Personal Net Worth includes only that individual's share of such assets. An individual's Personal Net Worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

*Program* means the Minority- and Women-Owned Businesses Enterprise Program established in this division, and shall include the Public Works Participation Program.

*Program Goals* means the goals set forth in Section 34-267.

*Protected Class Enterprise* or *PCE* shall mean those Persons qualifying under the definitions of *Minority Business Enterprise* and *Women's Business Enterprise* contained in this section.

*Public Works Participation Program* means the program established pursuant to Subdivision II.

*Regular Dealer* means a Person that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, equipment, or commodities (excluding software licenses) of the general character required for the Procurement are bought, kept in stock, and regularly sold or leased in the usual course of business. To be a Regular Dealer, the Person must be an established business that engages, as its principal business and under its own name, in the Procurement and sale or lease of the products in question. A Person may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the Person both owns and operates distribution equipment for the products. Any supplementing of such Person's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacturer representatives, or other Persons who arrange or expedite transactions are not Regular Dealers.

~~*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the Person seeks to perform on Contracts. A Person is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the Person's previous five fiscal years, exceed the size standards of 13 CFR Part 121.~~

*Socially Disadvantaged* means an individual who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

~~*Utilization Plan* means a plan for utilization of PCEs described in Section 34-383.~~

*Woman* means a person of the female gender.

*Woman Owned Business Enterprise* or *WBE* means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent Owned by one or more Women, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is Owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Women; and
- (3) Which has its principal place of business and a majority of its regular, full-time work force located within the County's Marketplace.

**Sec. 34-264. Race- and gender-neutral measures to implement the program.**

The County shall use measures such as the following in implementing the Program.

- (a) Establishing schedules for submitting Bids and Quotations with adequate time frames for identifying and contacting PCEs qualified to participate in the Procurement;
- (b) Segmenting Procurements to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, Bid preparation and specific contracting opportunities;
- (d) Holding pre-Bid conferences, where appropriate, to explain the projects and to encourage Contractors to use available qualified PCEs;
- (e) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (f) Collecting information from all Contractors detailing the Bids or proposals received from all subcontractors for Procurements and the expenditures to PCEs;
- (g) At the discretion of the CCD, in cooperation with the CPO, periodically entering into a procurement process without Program Goals or Project Specific Goals in order to determine MBE and WBE utilization in the absence of such goals;
- (h) Referring complaints of discrimination to Cook County's Commission on Human Rights, or other appropriate authority, for investigation.

**Sec. 34-265. Program administration.**

- (a) The Office of Contract Compliance, under the direction of the CCD, who shall report to the President, shall administer the Program. The duties of the CCD shall include:
  - (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program, certification process, recertification process, and no-change affidavits, including time limitations for the submission of documents and information regarding certification applications and contract participation. The CCD is authorized to collect certification and recertification processing fees in the amount of \$250.00 per Application; the collection of said processing fees shall be transacted by the CCD through the Bureau of Finance.

- (2) Providing information and assistance to PCEs and Small Businesses relating to the Program, and serve as a liaison to community, contractor, professional and supplier groups, and associations and organizations.
  - (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Persons as PCEs, accepting certifications by other agencies, and maintaining a directory of Certified PCEs. Such procedures and criteria shall include non-certification or decertification for the willful submission of false or inaccurate material information and the failure to submit complete and accurate material information to the CCD regarding certification or a Procurement on a timely basis, and shall relate to both PCEs and PCE owners.
  - (4) Establishing Contract Specific Goals based upon the availability of PCEs to provide the supplies, materials and equipment or services required by the Contract.
  - (5) Monitoring Contracts to evaluate compliance with Contract Specific Goals and commitments.
  - (6) Cooperating with and providing assistance to Using Agencies to facilitate participation by PCEs in Procurements.
  - (7) Reviewing, approving or rejecting Utilization Plans for achievement of Contract Specific Goals, and evaluating the extent to which goals were achieved.
  - (8) Monitoring contracts to ensure compliance with Section 34-388, Prompt Payment of PCEs.
  - (9) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
  - (10) Evaluating the effectiveness and utility of the Program.
  - (11) Monitoring the Program and the County's progress towards the Program Goals. The CCD shall report on a quarterly and annual basis to the President on the Program.
  - (12) ~~The CCD shall~~ Reporting to the CCC, at its request, information regarding the administration of the Program and its progress toward achieving the Program Goals.
- (b) Using Agencies shall cooperate with the CCD in the administration of the Program, specifically including assisting the CCD with setting Contract Specific Goals and assisting in the identification of available MBEs and WBEs.

**Sec. 34-266. Contract compliance committee.**

The Contract Compliance Committee ("CCC") shall be a Standing Committee of the Board, consisting of seven members of the Board selected as set forth in Chapter 2, Article III, Section 2-105 of the Code. The CCC shall review procedures, proposed modifications to the Program or this Division 8, and complaints as referred by the CCD or the CPO.

**Sec. 34-267. Program goals.**

- (a) The County aspires to the following annual Program Goals: A goal of 25 percent of the annual total dollar amount of Contracts other than Public Works Contracts to MBEs, and ten percent of the total dollar amount of such Contracts to WBEs. In addition, the County sets an annual "best efforts" goal of 35 percent PCE participation for the total professional services and consulting services utilized by the County.

- (b) The CCD, in consultation with the CPO and the Using Agency shall establish Contract Specific Goals for each Contract. In establishing a Contract Specific Goal, the CCD shall consider the availability of sufficient Certified MBEs and WBEs for the supplies, materials and equipment, and the CCD shall consider the availability of sufficient Certified PCEs for the ~~or~~ services required as part of the Procurement.
- (c) No goal shall be treated as a quota nor shall it be used to discriminate against any Person on the basis of race, color, national origin, religion or sex.

**Sec. 34-268. Certification Criteria.**

~~The CCD shall Certify only Persons that meet all the following criteria:-~~

- (a) ~~The Person must be either an MBE or a WBE, or must establish that such Person has individually suffered bias such that his or her opportunities to form and operate a successful business have been substantially diminished because of race, ethnicity, culture or disability.~~ Only Persons that meet the criteria for certification as an MBE or WBE may participate in the Program. The applicant has the burden of proof by a preponderance of the evidence.
- (b) The Person must be either an individual who is Socially and Economically Disadvantaged or 51 percent Owned by one or more individuals who are Socially and Economically Disadvantaged.
  - (1) The Ownership by a Socially and Economically Disadvantaged Person must be real, substantial, and continuing, going beyond pro forma ownership of the Person as reflected in Ownership documents.
  - (2) The contributions to acquire the Ownership interest must be real and substantial, and in accord with generally accepted industry standards. If ~~e~~Expertise is part of the contribution, the Expertise must be of the requisite quality generally recognized in a specialized field, necessary to the Person's potential success, specific to the type of work the Person performs and documented in the Person's records.
- (c) The Person must be managed and cControlled by one or more Socially and Economically Disadvantaged individual.
  - (1) There must not be any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged individual(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged individual(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged individuals, from making any business decision of the Person, including the making of obligations or the dispersing of funds.
  - (2) The Socially and Economically Disadvantaged individual(s) must possess the power to direct or cause the direction of the management and policies of the Person and to make day-to-day as well as long-term decisions on management, policy, operations and work.
  - (3) The Socially and Economically Disadvantaged individual(s) may delegate various areas of the management or daily operations of the Person to individuals [who] are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged individual(s) must retain the power to hire and fire any such Person. The Socially and Economically Disadvantaged individual(s) must actually exercise control over the Person's operations, work, management and policy.
  - (4) The Socially and Economically Disadvantaged individual(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the Person's

operations and work. The Socially and Economically Disadvantaged individual(s) must have the ability to intelligently and critically evaluate information presented by other participants in the Person's activities and to make independent decisions concerning the Person's daily operations, work, management, and policymaking.

- (5) If federal, state or local laws, regulations or statutes require a particular license or other credential to own or control a certain type of Person, then the Socially and Economically Disadvantaged owner(s) must possess the license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, then the fact that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
- (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the Person or prevent the owner from devoting sufficient time and attention to manage and Control the Person's day to day activities.
- (d) Only an independent Person may be certified as a MBE or WBE. An independent Person is one whose viability does not depend on its relationship with another Person, and who has the capacity or ability to successfully undertake and complete the relevant work. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a Person is independent. In determining whether an applicant is an independent business, the CCD will:
  - (1) Scrutinize relationships with non-Certified Persons in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
  - (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Persons associated with non-Certified Firms compromise the applicant's independence.
  - (3) Examine the applicant's relationships with non-Certified Persons to determine whether a pattern of exclusive or primary dealings with non-Certified Persons compromises the applicant's independence.
  - (4) Consider the consistency of relationships between the applicant and non-Certified Persons with normal industry practice.
- (e) ~~The Person~~ The CCD shall certify only Persons that meet all the above criteria. An applicant shall be Certified only for specific supplies, equipment, goods or services, or for types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and Control the Person's operations and work.
- (f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms, provided that the Joint Venture meets the criteria for certification as an MBE or WBE. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.
- (fg) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met ~~In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities as meeting the requirements of the Program,~~

~~if the CCD determines that the certification standards of such entities are comparable to those set forth herein.~~

- (gh) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the Person to seek recertification by filing the necessary documentation with the CCD as provided by rule may result in decertification.
- (hi) It is the responsibility of the Certified PCE to notify the CCD of any change in its circumstances affecting its continued eligibility for the Program. Failure to do so may result in the PCE's decertification.
- (ij) The CCD shall decertify a PCE that does not continuously meet the eligibility criteria.
- (k) Disqualification pursuant to Division 4 of the Procurement Code shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- (jl) Decertification by another agency shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- (km) A Person that has been denied certification or recertification or has been decertified may protest the denial or decertification ~~as provided by rule~~, by submitting a petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.
- (ln) A Person found to be ineligible may not apply for certification for ~~six months~~ one year after the effective date of the final decision.
- (mo) A third party may challenge the eligibility of an applicant for Certification or a Certified PCE pursuant to procedures established by the CCD. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for Certification or a Certified PCE. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CCD shall be the final arbiter of all challenges. The presumption that the challenged PCE is eligible shall remain in effect until the CCD renders a final decision.

**Sec. 34-269. Utilization plan; commercially useful function.**

- (a) ~~Utilization Plan required.~~ The CPO shall include in Contract Documents for Contracts covered by this Division, a requirement that a Utilization Plan be submitted which either: (i) commits to PCE participation equal to or greater than the applicable Program Goals or Contract Specific Goals, or (ii) requests a waiver of all or a portion of a Program Goal or Contract Specific Goal.
  - (1) The Utilization Plan shall be in such form and contain such information as is required by the CCD, and may include such components as direct PCE participation, indirect PCE participation, and a mentoring relationship with one or more PCEs.
  - (2) The Utilization Plan shall be due at the time the bid/proposal is due. Failure to include a Utilization Plan will render the submission not Responsive.
  - (3) The CCD shall review and either approve or reject the Utilization Plan. For purposes of evaluation a Utilization Plan, only PCEs which perform a Commercially Useful Function relative to the supplies, equipment, goods, services, or types of work for which the PCE has been certified shall be considered.

- (4) Once a Utilization Plan has been approved, the Contractor cannot make changes to the Utilization Plan, including substituting PCEs named in the Utilization Plan, without the prior written approval of the CCD, CPO and the Using Agency. The CCD shall promulgate procedures for changes to the Utilization Plan.
- (b) *Commercially Useful Function.* To be considered in meeting Goals, a PCE must perform a Commercially Useful Function, ~~as determined pursuant to this Subsection 34-269(b). "Commercially Useful Function" means the performance of a distinct element of work required for the Procurement, with the requisite skill and Expertise.~~
- (1) In the case of a Procurement of goods or equipment, ordering from a manufacturer or distributor for delivery directly to the Using Agency is not a Commercially Useful Function; provided, however, that to the extent such practice is consistent with normal industry practices, a PCE subcontractor may enter into second tier subcontracts. However, if a PCE Contractor or subcontractor subcontracts a significantly greater portion of the work of the Contract than would be expected on the basis of normal industry practices, the PCE shall be presumed not to be performing a Commercially Useful Function.
- (2) In the case of a Procurement of services, a Person which subcontracts with another Person to perform the services required does not perform a Commercially Useful Function unless such Person also performs significant supervisory or management responsibilities. A Broker does not fulfill a Commercially Useful Function. In the case of a Joint Venture partner, each Joint Venture partner must perform a Commercially Useful Function.
- (e ~~3~~) A PCE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the Contract through which funds are passed in order to obtain the appearance of PCE participation.
- (~~4~~) When a PCE is presumed not to be performing a Commercially Useful Function, the Certified PCE and the Person seeking to include that PCE in its Utilization Plan, may present evidence to rebut this presumption.
- ~~(e) Once a Utilization Plan has been approved, the Contractor cannot make changes to the Utilization Plan, including substituting PCEs named in the Utilization Plan, without the prior written approval of the CCD, CPO and the Using Agency. The CCD shall promulgate procedures for changes to the Utilization Plan.~~

### **Sec. 34-270. Methods to achieve goals and compliance.**

A Person may achieve the applicable Contract Specific Goals in any one or more of the methods set forth below. The same PCE, whether as a contractor, subcontractor or supplier, cannot be utilized as both a MBE and a WBE on the same Contract.

- (1) *PCE as prime Contractor.* An MBE or WBE may count its own participation toward the achievement of the applicable MBE or WBE goal. Such PCE will be required to meet the other goals by another method described herein. If a WBE is also a MBE, such WBE's participation may count toward either the MBE or WBE Goal but not both.
- (2) *Joint Venture with one or more PCE.* Where a Person engages in a Joint Venture with one or more PCEs, the Utilization Plan shall include a written agreement at least the information set forth in Subsection 34-384(ii)1 through 4 [(2)a. through d.] below. The CCD shall consider the following in determining whether the proposed Utilization Plan satisfies the Program Goals based upon such written Joint Venture agreement and the Utilization Plan.



- a. Each Joint Venture partner's initial capital investment;
  - b. The extent to which the PCE's proposed participation in the performance of the Contract constitutes a Commercially Useful Function;
  - c. Whether the PCE's share in the risks and profits of the Joint Venture is proportional to their ownership interest;
  - d. Whether the PCE will have duties, responsibilities, management Control and risk with respect to the Joint Venture in proportion to its ownership interest;
- (3) *Subcontracting*. A Person may achieve the Contract Specific Goals by means of subcontracting with, or purchasing from one or more PCEs.

**Sec. 34-271. Request for a total or partial waiver; good faith efforts.**

- (a) In reviewing a partial or total request for waiver of a Goal, the CCD shall determine whether a Person has made good faith efforts to meet the applicable Goals and to what extent the waiver request should be granted. In determining whether a Person has made Good faith efforts, the CCD will consider whether the Person has taken the following actions:
- (1) Review lists of PCEs maintained by the County and other State and local governments and agencies to identify qualified PCEs for solicitation for Bids;
  - (2) Divide Procurement requirements into small tasks or quantities. This shall include, where appropriate, breaking out Contract work items into economically feasible units, consistent with the availability of PCEs, to facilitate PCE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces;
  - (3) Adjust any insurance requirements imposed by the Person seeking PCEs, or otherwise assist PCEs in obtaining any required insurance, where economically feasible, to encourage participation by PCEs;
  - (4) Make timely attempts to contact PCEs providing the type of supplies, equipment, goods or services required for the Procurement; and provide them with a convenient and timely opportunity to obtain and review all information concerning the Procurement necessary to enable such PCE to respond;
  - (5) Follow up initial contacts of PCEs to determine if they are interested participating in the Procurement;
  - (6) Negotiate in good faith and on a timely basis with PCEs to enable them to participate in the Procurement. Evidence of such negotiation includes the names, addresses, and telephone numbers of PCEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached. The Contractor may not reject PCEs as being unqualified without sound reasons. That there may be some additional costs involved in finding and using PCEs is not in itself sufficient reason for a Contractor's failure to meet the Goals, as long as such costs are reasonable;
  - (7) Make efforts to assist interested PCEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate; provided, however, that such efforts shall not be inconsistent with the requirement that the PCE be responsible for actually obtaining and paying for such items;
  - (8) Establish delivery schedules which will encourage participation by PCEs, where the requirements of the Procurement permit;
  - (9) Use the services and assistance of the CCD's staff, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce;

- (10) Timely notify appropriate community and minority and women's business organizations identified as assist agencies of the opportunity for participation in the Procurement;
  - (11) Demonstrate to the CCD that no PCE exists with which a mentor/protege relationship could be established, as described in Section 34-271
- (b) In determining whether a Bidder or Respondent has made Good Faith Efforts, the levels of participation by PCEs set forth in Utilization Plans submitted by other Persons for the same Procurement may be considered. For example, if the apparent successful Bidder or Respondent fails to meet the Contract Specific Goals, but meets or exceeds the average PCE participation obtained by other Bidders or Respondents, this may be evidence that the apparent successful Bidder or Respondent made Good Faith Efforts.
- (c) Where the County requires professional services, the County must be able to call upon those professionals whose particular training and experience are most beneficial to the County.
- (1) ~~The County sets an annual "best efforts" goal of 35 percent PCE participation for the total professional services and consulting services utilized by the County.~~
  - (2) A Utilization Plan shall be required, and if a waiver or partial waiver is requested, "good faith" efforts shall be demonstrated as set forth in Section 34-271; provided, however, that such Persons shall not be required to attempt to subcontract with PCEs if subcontractors would not typically be utilized for the type of Procurement. In such cases, the Person shall document the reasons for not subcontracting in a waiver request.
  - (3) The Contractor will endeavor to maximize use of PCEs for supplies, equipment, goods or services for such Contractor's business operations not specifically for the Procurement.
  - (4) If such Person is required to have or has an affirmative action plan and goals, such plan and goals shall be submitted with their Utilization Plan. The CCD shall compare such plan and goals with the Person's actual affirmative action achievements and such achievements may be considered by the County in future Procurements.
- (d) *Mentor/protege agreements.* Where a Contractor enters into mentor/protege agreement with a PCE to improve or develop certain aspects of the business of the PCE, the CCD shall evaluate the effect of such agreement as a factor in determining good faith efforts. The mentor/protege agreement may provide for the Contractor to assist the PCE in such areas as technical aspects of the PCE's business, improving financial management, or providing on-the-job training. To constitute good faith efforts, the mentor/protege agreement shall satisfy the following requirements.
- (1) The PCE performs a Commercially Useful Function;
  - (2) The agreement shall be included in the Utilization Plan; and
  - (3) The agreement clearly defines the respective responsibilities of the Contractor and the PCE and includes specific, measurable goals to be attained by both parties through the performance of the agreement. In order to be a factor in establishing best efforts, the mentor/protege agreement must be for a reasonable period of time.
- (e) The CCD may grant a total or partial waiver based upon the following criteria:
- (1) There are not sufficient PCEs capable of providing the supplies, equipment, goods or services required for the Procurement;

- (2) The Procurement cannot reasonably be divided;
- (3) The price required by potential PCEs is more than ten percent above competitive levels; and
- (4) Any other factor relating to good faith efforts as set forth in the Person's Utilization Plan.

**Sec. 34-272. Calculating PCE participation.**

In calculating a PCE's participation, only dollar amounts commensurate with a PCE's performance of a Commercially Useful Function may be counted.

- (a) The dollar value of that portion of a Procurement that is performed by the PCEs' own forces shall be counted, including the cost of supplies, materials and equipment furnished by the PCE for the Procurement, whether purchased or leased (except to the extent purchased or leased from the Contractor or the Contractor's Affiliate).
- (b) The dollar amount of fees or commissions charged by a PCE for providing a bona fide service, such as professional, technical, consultant, managerial, insurance brokerage or surety services, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.
- (c) When a PCE is a Joint Venture partner, only the dollar value of the distinct, clearly defined work performed by the PCE with its own forces, shall be counted.
- (d) Only the dollar value must be commensurate with the work the PCE actually performs.
- (e) One hundred percent of the cost of the supplies, equipment or goods obtained from a PCE Manufacturer, or Distributor, or Regular Dealer shall be counted.
- (f) One hundred percent of the fees or transportation charges for the delivery of supplies, equipment, materials or goods shall be counted only if the payment of such fees is a customary industry practice and such fees are commensurate with fees customarily charged for similar services.
- (g) If a PCE ceases to be Certified during its performance on a Procurement, the dollar value of work performed under a Contract with that Person after it has ceased to be Certified shall not be counted.
- (h) Only the dollar amount actually paid to the PCE shall be counted toward the participation of a PCE.

**Sec. 34-273. Review of contract performance.**

- (a) *Compliance with Utilization Plan.* The CCD shall review the Contractor's compliance with its Utilization Plan as necessary during the performance of the Contract. The CCD may establish such requirements for periodic Contractor reporting on compliance with its Utilization Plan as the CCD determines appropriate and necessary. A Contractor shall be required to provide any additional requested compliance documentation within 14 days of request by the CCD.
  - (1) If the CCD determines that the Contractor has failed to comply with its Utilization Plan, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default. For purposes of this section, providing a plan for bringing the Contract into compliance with the Utilization Plan may constitute a cure, if

compliance cannot reasonably be achieved within the applicable cure period, and if compliance is achieved in accordance with such plan.

- (2) If a Contractor fails to provide any documentation required by the CCD, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default.
- (b) *Bid and target market programs.* To address more specifically the barriers to PCE participation as prime Contractors in County work, the CCD may recommend to the CPO to institute the following special PCE bidding provisions, following determination of the appropriateness of such provisions.
- (1) In connection with the award of a Contract subject to competitive bidding on which a PCE has bid and where the PCE is bidding on the item in question for the first time; and has never successfully bid on a Cook County purchasing contract, the Contract Compliance Director may, at the opening of the bids on the item, compare the PCE Bid with the lowest Bid, and, if the PCE's Bid is closely competitive as defined by guidelines to be established by the Contract Compliance Director with that of lowest actual Bids, direct the CPO to declare the PCE the successful Bidder. A PCE may use this procedure only once to become the successful Bidder on any particular item. Thereafter, the PCE must be totally competitive in terms of price to be the successful Bidder.
  - (2) The Contract Compliance Director shall develop and coordinate a target market program as follows:
    - a. The Contract Compliance Director shall review the availability of PCEs providing various goods and services and shall identify for inclusion in a potential program for bidding, Requests for Qualifications, and Requests for Proposals among PCE Persons certain commodity, goods or services areas with sufficient PCE availability to ensure that the County receives a competitive price. The Contract Compliance Director shall report his/her findings and recommendations to the Contract Compliance Committee;
    - b. Upon a determination by the CCD that such a program is advisable for any particular commodity, goods or services procurement, the Contract Compliance Director will institute the following procedures:
      1. The Contract Compliance Director will notify the CPO of identification of those commodity, goods, services, or North American Industry Classification Standard (NAICS) codes appropriate for a target market program;
      2. To the extent practicable, the CPO, with the aid of the Contract Compliance Director, shall divide procurement in the designated commodity, goods or services areas into economically feasible sizes to facilitate Bids, Requests for Qualifications, or Requests for Proposals or ~~offers~~ from PCEs and shall designate contracts to be offered under the target market program;
      3. The CPO shall offer PCEs the opportunity to bid on such contracts, or submit responses or proposals, in a limited competition;
      4. All standard County procurement rules for bidding, Requests for Qualifications, or Requests for Proposals, will then become effective and, provided that at least three PCEs Bid or submit responses or proposals ~~make an offer on the contract~~, the lowest Responsive and Responsible Bidder, Proposer, or Respondent among the PCEs will receive the contract;

5. In the event less than three PCEs Bid or submit responses or proposals pursuant to a Request for Qualifications or Request for Proposals~~make an offer on the Contract~~, or in the event that ~~if~~ there is no Responsive Bid or best and final Response or Proposal ~~offer~~ received from a Responsible PCE, the CPO shall rebid the Contract or reissue the Request for Qualifications or Request for Proposals not subject to the target market program.
- c. Participation in the target market program shall be limited to Minority Business Enterprises, Women's Business Enterprises and Joint Ventures consisting exclusively of Minority Business Enterprises, Women's Business Enterprises or both. The PCE Contractor on a target market Contract may subcontract up to 49 percent of the dollar value of the target market Contract to subcontractors who are not Minority Business Enterprises or Women's Business Enterprises.

**Sec. 34-274. Prompt payment of PCEs.**

If an invoice from a Contractor includes payment for supplies, equipment, goods or services furnished by a PCE, Contractor shall pay such PCE for such supplies, equipment, goods or services within ~~30~~15 days after receipt of payment from the County. The CCD shall investigate any complaint or charge of excessive delay in payment, and shall report the results of such investigations to the Contract Compliance Committee and to the County Comptroller. Failure of Contractor to comply with this section 34-388 shall constitute a material breach of the Contract.

**Sec. 34-275. Reporting and review.**

The CCD shall report to the Board on an annual basis with respect to the following:

- (1) The percentage of the total dollar amount of Procurements for such year actually received by PCEs;
- (2) The number of MBEs and WBEs available for participation in Procurements, by category;
- (3) An evaluation of the effectiveness of this division in ensuring equitable participation by PCEs in Procurements;
- (4) An assessment of the continuing need for the Program;
- (5) Identification of any enforcement problems; and
- (6) Any recommendations with respect to modifying or improving the Program, including discontinuing or modifying Program Goals in those cases where Minority Business Enterprises and Women's Business Enterprises no longer are disadvantaged by the effects of discrimination in their participation in Procurements.

**Sec. 34-276. Prohibited provisions.**

Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

**Secs. 24-277. —34-284. Reserved.***Subdivision II. Participation in Cook County Public Works Contracts***Sec. 34-285. Short title; incorporation of provisions.**

This subdivision may be known and cited as the Cook County Public Works Minority- and Women-Owned Business Enterprise Ordinance and may be cited as such.

**Sec. 34-286. Findings.**

- (a) The findings set forth in Subdivision I, Section 34-261 of this Division 8 are incorporated herein by this reference.
- (b) After the requirement in Subdivision I that minority- and women-owned businesses (M/WBEs) be allotted certain percentages of County construction contracts was ruled unconstitutional, the County witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation.
- (c) The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005); (ii) County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's Procurements; (iii) the Report title, "Review of Compelling Evidence of Discrimination Against Minority- and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;" as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's Public Works Contracts; and (v) receiving and considering written reports, adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in Public Works Contracts.
- (d) The County seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in Public Works Contracts.
- (e) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned and reviewed the study entitled "The Status of Minority- and Women-Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois" (the "NERA Study") on the levels of PCE participation in Public Works Contracts, and has considered the evidence in relevant case law; and
- (f) The NERA Study made recommendations for a revised Minority- and Women-owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race- and gender-neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program;
- (g) The County has a compelling interest in preventing discrimination and desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

**Sec. 34-287. Policy.**

It is hereby found, determined and declared that the purpose of this Ordinance is to ensure the full and equitable participation of Minority- and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's Public Works contracts. The County is committed to a

policy of preventing discrimination in the award of or participation in Public Works contracts and has recommended appropriate narrowly tailored remedies to eliminate any such discrimination.

**Sec. 34-288. Applicability.**

This subdivision shall apply to all Public Works contracts, regardless of the sources of other funds; provided that any Public Works contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

**Sec. 34-289. Severability.**

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

**Sec. 34-290. Definitions.**

The following terms shall have the following meanings:

~~*Affiliate of a person or entity* means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates shall be considered together in determining whether a firm is a Small Business.~~ *Affiliate.* An "Affiliate" of or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person Specified. Affiliates shall be considered together in determining whether a firm is a small business.

*Annual Participation Goals* mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

*Applicant* means a person who submits documents and information seeking certification, continued certification, or re-certification as an MBE, WBE, VBE, or SDVBE to the Office of Contract Compliance.

*Business* means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

*Certified Firm* means a firm that has been accepted by the County as a certified MBE or WBE. *Certified or Certification* means the granting of Minority Business Enterprises, or Women's Business Enterprise status to an Applicant.

*Contract* means any Procurement or Contract (as defined in Section 34-121) in an amount exceeding \$25,000.00.

*Contractor* means any Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners and Affiliates Business.

*Commercially Useful Function* means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling such responsibilities as a Joint Venture partner.

*Compliance Contract Director* or "CC Director" means the Contract Compliance Director.

*County* means the County of Cook and its participating User Departments.

*County's Marketplace* means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

*Doing Business* means having a physical location from which to engage in for-profit activities in the scope(s) of expertise of the Business.

*Economically Disadvantaged* means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index for Urban Wage Earners and Clerical Workers, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2011.

*Expertise* means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the Business, as defined by normal industry practices, including licensure where required.

*Good Faith Efforts* means actions undertaken by a Contractor pursuant to Sec. 34-271 to achieve an MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

*Joint Venture* means an association of two or more Businesses proposing to perform a for-profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

*Local Business* means a Business located within the County's Marketplace which has the majority of its regular, full-time work force located within the County's Marketplace.

*Local Small Business* means a Local Business which is also a Small Business.

*Manufacturer* means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

~~*Minority Business Enterprise (MBE)* means a Business:-~~

- ~~(1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;-~~
- ~~(2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more Minority Individuals;-~~
- ~~(3) Which performs a Commercially Useful Function;~~
- ~~(4) Which is a Certified Firm; and~~
- ~~(5) Which is a Local Small Business.~~

~~*Minority Individual* means:-~~

- ~~(1) African Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;~~
- ~~(2) Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American [sic];-~~
- ~~(3) Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or~~
- ~~(4) Asian Americans, which includes persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent; or-~~



- ~~(5) Individual members of other groups, including, but not limited to, Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.~~

Minority Business Enterprise or MBE mean a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Minority Individuals; and
- (3) Which has its principal place of business and a majority of its regular, full-time workforce located within the County's Marketplace.

Minority Individual means an individual in one of the following groups:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (persons whose origins are in any of the original peoples of the Far East Asia, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or
- (5) Other groups, including, but not limited to, Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's Marketplace.

*Owned* means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

~~*Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.~~ *Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other Certified MBE or WBE, provided that the other Person is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with a spouse, an individual's Personal Net Worth includes only that individual's share of such assets. An individual's Personal Net Worth also includes

the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

*Program* means the Program established by the Minority- and Women-Owned Business Enterprise Interim Ordinance.

*Project Specific Goals* means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

*Public Works* means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multifamily residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*Regular Dealer* means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

~~*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.~~

*Socially Disadvantaged* means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

*User Department* means the department of the County or elected official responsible for initiating the procurement process.

*Utilization Plan* means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

*Woman* means a person of the female gender.

~~*Woman Owned Business Enterprise (WBE)* means a Business:-~~

~~(1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;-~~

- ~~(2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;~~
- ~~(3) Which performs a Commercially Useful Function;~~
- ~~(4) Which is a Certified Firm; and~~
- ~~(5) Which is a Local Small Business.~~

Woman-owned Business Enterprise or WBE means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent Owned by one or more Women, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is Owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Women; and
- (3) Which has its principal place of business and a majority of its regular, full-time work force located within the County's Marketplace.

**Sec. 34-291. Program administration.**

- (a) The CC Director, who shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, and whose duties shall include:
  - (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program, certification process, recertification process, and no-change affidavits, including time limitations for the submission of documents and information regarding certification applications and contract participation. The CCD is authorized to collect certification and recertification processing fees in the amount of \$250.00 per Application; the collection of said processing fees shall be transacted by the CCD through the Bureau of Finance.
  - (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
  - (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms. Such procedures and criteria shall include non-certification or decertification for the willful submission of false or inaccurate material information and the failure to submit complete and accurate material information to the CCD regarding certification or a Procurement on a timely basis, and shall relate to both PCEs and PCE owners.
  - (4) Establishing Project Specific Goals, in collaboration with the User Department.
  - (5) Evaluating Contractors' achievement of Project Specific Goals and/or Good Faith Efforts to meet Project Specific Goals.
  - (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
  - (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
  - (8) Collecting data to evaluate the Program and other County contracting initiatives.

- (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.
- (b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:
  - (1) Assisting the CC Director with setting Project Specific Goals.
  - (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
  - (3) Performing other activities to support the Program.
  - (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
  - (5) Submitting subcontracting data as required to the CC Director.

**Sec. 34-292. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.**

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors within 15 days in accordance with Section 34-165;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;

- (i) At the discretion of the CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

**Sec. 34-293. ~~Program eligibility~~ Certification Criteria.**

- (a) Only Businesses that meet the criteria for certification as an MBE or WBE may participate in the Program. The applicant has the burden of ~~persuasion~~ proof by a preponderance of the evidence.
- (b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as an MBE or WBE.
  - (1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.
  - (2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial and in accord with generally accepted industry standards. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.
- (c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as an MBE or WBE.
  - (1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the disbursing of funds.
  - (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
  - (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
  - (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise directly related to, the firm's operations

and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.

- (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
  - (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day-to-day activities.
- (d) Only an independent firm may be certified as an MBE or WBE. An independent ~~firm~~ Person is one whose viability does not depend on its relationship with another ~~firm~~ Person, and who has the capacity or ability to successfully undertake and complete the relevant work. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent Business, the CC Director will:
- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
  - (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
  - (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
  - (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.
- (e) The CCD shall certify only Persons that meet all the above criteria. An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the ~~firm~~ person's operations and work.
- (f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms, provided that the Joint Venture meets the criteria for certification as an MBE or WBE. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.
- (g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable to those of the County.

- (h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.
- (i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.
- (j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.
- (k) Disqualification pursuant to Division 4 of the Procurement Code shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- ~~(kl)~~ Decertification by another agency shall create a prima facie case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.
- ~~(lm)~~ A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification ~~as provided by rule.~~ by submitting a petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.
- ~~(mn)~~ A firm found to be ineligible may not apply for certification for ~~six months~~ one year after the effective date of the final decision.
- ~~(no)~~ A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified form. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the CC Director renders a final decision.

**Sec. 34-294. Annual aspirational goals.**

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County Public Works contracts and subcontracts shall be 24 percent for MBEs and ten percent for WBEs.

**Sec. 34-295. Project specific goals.**

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

**Sec. 34-296. Counting MBE and WBE participation.**

- (a) The entire amount of that portion of a contract that is performed by the MBE's or WBE's own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work on the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).
- (b) The entire amount of fees or commissions charged by an MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance

specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

- (c) When an MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.
- (d) Only expenditures to an MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether an MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. An MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If an MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When an MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.
- (e) ~~One hundred percent of the cost of the materials or supplies obtained from an MBE or WBE Manufacturer or Regular Dealer shall be counted.~~ One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.
- (f) One hundred percent of the cost of the supplies, equipment or goods obtained from a PCE Manufacturer shall be counted.
- (~~g~~) Sixty percent of the cost of the supplies, equipment or goods obtained from a PCE Distributor or Regular Dealer shall be counted.
- (~~h~~) If a firm ceases to be a Certified Firm for any other reason than graduation from the M/WBE Construction Program during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.
- (~~g~~) In determining achievement of Project Specific Goals, the participation of an MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

**Sec. 34-297. Contract pre-award compliance procedures.**

- (a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid/proposal is due.
- (b) Any agreement between a Contractor and an MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.
- (c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the Director will consider, at a minimum, the Contractor's efforts to:



- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.
  - (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability [of] MBEs and WBEs to facilitate their participation.
  - (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all scopes of work that could be subcontracted.
  - (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
  - (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
  - (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government-sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.
- (d) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.
  - (e) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.
  - (f) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed

in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.

- (g) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing Agent.
- (h) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

**Sec. 34-298. Contract administration procedures.**

- (a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors and incorporated in the contract.
- (b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including, without limitation, payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.
- (c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.
  - (1) All requests for changes or substitutions of an MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute an MBE or WBE subcontractor or perform the work designated for an MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent in consultation with the User Department, approves such substitution in writing. A Contractor shall not allow a substituted subcontractor to begin work until the Director, Purchasing Agent and the User Department have approved the substitution.
  - (2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.
  - (3) Substitutions of the subcontractor shall be permitted only on the following bases:
    - (i) Unavailability after receipt of reasonable notice to proceed.
    - (ii) Failure of performance.
    - (iii) Financial incapacity.

- (iv) Refusal by the subcontractor to honor the bid or proposal price.
  - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
  - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
  - (vii) The subcontractor's withdrawal of its bid or proposal.
- (4) The final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.
- (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (6) If the County requires the substitution of an MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBEs and WBEs have a fair opportunity to bid on the new scope of work.
- (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
- (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

**Sec. 34-299. Sanctions and penalties.**

- (a) The following violations of this subdivision may result in a breach of contract:
- (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.
  - (2) Committing any other violations of this subdivision.
- (b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed nonresponsive in future County solicitations and contracts as determined by the County's Purchasing Agent, if it is found to have:
- (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;

- (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
- (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
- (4) Failed to comply in good faith with substantive provisions of this subdivision.

**Sec. 34-300. Program review and sunset.**

- (a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the Program.
- (b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.
- (c) Within five years after the effective date of this ordinance, the County will review the operation of the Program and the evidentiary basis for the Program in order to determine whether the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.
- (d) This subdivision shall sunset on or before June 30, 2016.

**DIVISION 9. CONTRACT MANAGEMENT**

**Sec. 34-301. Contracts.**

- (a) *Purpose.* The purpose of this Division is to ensure that Contracts in an amount of \$1,000,000.00 or more are performed in accordance with the Contract terms.
- (b) *Applicability.* This Division shall only apply to Contracts of \$1,000,000.00 or more.
- (c) *Funding.* The extent to which this division shall be implemented shall be limited to the availability of funding. The Board encourages the County to seek out any available grant funding for this initiative.

**Sec. 34-302. Information to be contained in contracts.**

All Contracts over \$1,000,000.00 should contain, but not be limited to, the following information, as applicable:

- (a) Clearly state the specifications, contract period, allowable renewals or extension periods, and procedures for amendments or changes;
- (b) Provide for specific measurable deliverables and reporting requirements, including due dates;
- (c) Describe any payment schedules and escalation factors;
- (d) Contain performance standards;
- (e) Tie payments to the acceptance of deliverables or the final product;

- (f) Contain all standard or required clauses as published in an RFP. Order of precedence should be addressed in case of a discrepancy between the RFP and the Contract;
- (g) Contain appropriate signatures, approvals, acknowledgements, or witnesses; and
- (h) Be reviewed and approved as to form by an attorney from the Cook County State's Attorney's Office prior to execution.

**Sec. 34-303. ~~Contract m~~Management ~~for~~of contracts.**

- (a) Using Agency responsibilities are as follows:
  - (1) Designate one or more individuals as the "Contract Manager" with the knowledge, skills, ability and time to monitor the Contract;
  - (2) The CPO may provide staff to assist the Using Agency in complying with this division.
- (b) Contract Manager's duties:
  - (1) Monitor performance of the Contract in accordance with its terms;
  - (2) Track budgets and compare invoices and charges to contract terms and conditions;
  - (3) Document the timeliness and acceptance or rejection of deliverables and initiate appropriate action to enforce the Contract terms; and
  - (4) Evaluate and document compliance with Contract requirements on a periodic basis during the term of the Contract and submit to the CPO.
- (c) CPO's duties:
  - (1) Create uniform evaluation forms for use by Contract Managers, to evaluate the extent to which the Contractor satisfied the Contract terms;
  - (2) Establish appropriate procedures to ensure that evaluations are utilized in determining whether a Bidder or Proposer is Responsible; provided, however, that evaluations made only within the past three years shall be considered;
  - (3) Assist Using Agencies in obtaining training through the National Contract Managers Association, Institute of Supply Management or National Institute of Government Purchasing standards, for Contract Managers.

**Secs. 34-304—34-309. Reserved.**

**DIVISION 10. INVOICES FOR SERVICES RENDERED**

**Sec. 34-310. Invoices required for all service contracts.**

- (a) *Work Performed.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to maintain and submit for review upon request by the Using Agency, itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

- (b) *Expenses.* Contracts for services shall also require Contractors to submit documentation of the types and amounts of expenses incurred related to the work performed if the Contractor seeks reimbursement for any such expenses incurred.
- (c) *Invoice Documentation.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to submit itemized records indicating the dates or time period in which the services being invoiced were provided, a detailed description of the work performed for the time period being invoiced and the amount of time spent performing work for the time period in question. In addition, all Contracts for services that are procured as Sole Source must also contain a provision requiring the Contractor to submit itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.
- (d) *Payment.* All Contracts for services shall further require that the itemized work and expense records required in Section 34-310(b) and (c) be submitted to the Using Agency with the Contractor's invoice as a condition of payment for any services rendered.

**Sec. 34-311. No payment prior to submission of invoice.**

The Comptroller shall not issue a payment to any Contractor providing services who has not submitted the requisite invoice with work and expense records unless the Contractor has been approved for advance payment per the Contract. The Comptroller shall not issue an advance payment to any Contractor providing services unless the invoice includes written authorization from the Using Agency documenting the contractual basis for the advance payment. Contractors approved for advance payment shall be required to submit invoices providing work and expense records as described above in Section 34-310 on at least a monthly basis.

**Secs. 34-312—34-365. Reserved.**

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 32 FEES, Section 32.1 FEE SCHEDULE, of the Cook County Code, is hereby amended as follows:

**Sec. 32.1. Fee Schedule.**

The fees or charges provided for or required by the below-listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 34, FINANCE</b>		
<del>34-283(a)</del> 34-265	M/WBE Certification/ <u>Recertification</u> Fee	250.00
<del>34-283(b)</del> 34-291	M/WBE <u>Certification/Recertification</u> Fee	<del>100.00</del> 250.00

**Effective date:** This ordinance amendment shall be in effect immediately upon adoption.

**Legislative History:** 2/19/2014 Board of Commissioners referred to the Finance Committee

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, to accept a substitute for File ID 14-1232. The motion carried.**

**Presented by:** JACQUELINE GOMEZ, Director, Office of Contract Compliance, SHANNON E. ANDREWS, Chief Procurement Officer

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners, JERRY BUTLER, JOHN P. DALEY, JESÚS G. GARCÍA, GREGG GOSLIN, STANLEY MOORE, JOAN PATRICIA MURPHY, EDWIN REYES, PETER N. SILVESTRI, DEBORAH SIMS, ROBERT STEELE and JEFFREY R. TOBOLSKI, County Commissioners

**PROPOSED ORDINANCE AMENDMENT REVISING PROCUREMENT CODE (SUBSTITUTE)**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 FINANCE, Article IV PROCUREMENT CODE, Division 1 GENERAL PROVISIONS through Division 10 INVOICES FOR SERVICES RENDERED of the Cook County Code, is hereby amended as follows:

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 34-120. Short title.**

Chapter 34, Article IV of this Code shall be known and may be cited as the "Cook County Procurement Code."

**Sec. 34-121. Definitions.**

Unless defined elsewhere in this Procurement Code or in Chapter 1, Section 1-3 of the County Code, capitalized terms used in this Procurement Code shall have the meanings set forth below.

*Affiliate.* An "Affiliate" of, or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person specified.

*Applicant* means a person who submits documents and information seeking certification, continued certification, or re-certification as an MBE, WBE, VBE, or SDVBE to the Office of Contract Compliance.

*Assessor* means the Assessor of Cook County.

*Auditing Services* means the formal examination of accounting records or financial statements for compliance with financial accounting standards applicable to governmental entities, which functions are generally exclusively performed or supervised by Persons licensed and authorized to do business as public accountants in the State. The term "Auditing Services" shall also include any independent reports and management recommendations derived or resulting from the performance of auditing services and which reports and recommendations are included within the scope of the Contract for Auditing Services.

*Bid* means a response to a Bid Notice containing all Bid Documents and any other documents or information the Bidder is required to provide.

*Bid Documents* means the documents, specifications, forms and other information necessary required for a Bid.

*Bid Notice* means the notice from the CPO regarding a Procurement which shall include: a general description of the Procurement; information necessary to obtain the Bid Documents; and the date, time and place for both the submission of Bids and the opening of the Bids.

*Bid Price* means the dollar amount set forth in a Bid.

*Bidder* means any Person who submits a Bid.

*Certified or Certification* means the granting of Minority Business Enterprise ("MBE"), Women's Business Enterprise ("WBE"), Veteran Business Enterprise ("VBE"), or Service Disabled Veteran Business Enterprise ("SDVBE") status to a Person.

*Chief Financial Officer* or *CFO* means the Chief Financial Officer of Cook County.

*Chief Information Officer* or *CIO* means the Chief Information Officer of Cook County.

*Chief Procurement Officer* or *CPO* means the Chief Procurement Officer of Cook County. References in this Procurement Code to actions required to be taken by the CPO shall be deemed to include designees or staff of the CPO.

*Consulting Services* means the rendering of analysis and advice requiring specialized expertise in a particular subject area or field. Such expertise may have been gained by education or experience in the area or field. The term "Consulting Services" expressly excludes auditing services.

*Contract* shall include any written document to make Procurements by or on behalf of Cook County.

*Contract Compliance Director* or *CCD* means the County Contract Compliance Director.

*Contractor* means the Person that enters into a Contract with the County.

~~*Control.* The term "Control", "is Controlled by", or is "under common Control with" shall mean a Person that has the power to directly or indirectly affect the management or the policies of the other through ownership of voting securities or voting rights, by contract or otherwise.~~ means the unfettered authority to directly or indirectly manage governance, administration, work, and all other aspects of a business.

*Court Ordered Child Support Arrearage* means that the Circuit Court of Cook County has issued an order declaring the respondent in arrearage on child support obligations in a specific amount as of the date of that order, or that another Illinois or non-Illinois court of competent jurisdiction has issued such an order.

*Covered Services* means janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services.

*Distributor* means a Person supplying a product with written confirmation of its authorized distributor relationship with a manufacturer. Such distributor may be stocking (maintaining inventory) or non-stocking.

*Elected Official* means the President and Commissioners of the Cook County Board, Assessor, Board of Review, Chief Judge, Clerk of the Circuit Court, County Clerk, Recorder of Deeds, Sheriff, State's Attorney, Treasurer, and any other elected official included in the Cook County Appropriations Ordinance.

*Employee* means any individual working on a full-time basis, and providing services for an Employer under a Contract. "Employees" shall not include workers required to be paid the prevailing wage pursuant to Section 34-161.



*Employer* means any Person that employs one or more full-time Employees.

*Execution* means to sign a Contract, after it has been approved by the CPO or the Board, as required by this Procurement Code.

*Joint Venture* means an association of two or more Persons proposing to perform a for-profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationship between the partners and their relationship and respective responsibility for the Contract.

*Living Wage* means those amounts established from time to time by the CFO, and posted on the CPO's website pursuant to Section 34-160.

*Local business* means a Person, including a foreign corporation authorized to transact business in Illinois, having a bona fide establishment located within the County at which it is transacting business on the date when a Bid is submitted to the County, and which employs the majority of its regular, full-time work force within the County. A Joint Venture shall constitute a Local Business if one or more Persons that qualify as a "Local Business" hold interests totaling over 50 percent in the Joint Venture, even if the Joint Venture does not, at the time of the Bid submittal, have such a bona fide establishment within the County.

*Local Small Business* means a Local Business which is also a Small Business.

*Not-for-Profit Organization* means an entity having tax exempt status under the United States Internal Revenue Code.

*Person* or *Persons* means any individual, corporation, partnership, Joint Venture, trust, association, limited liability company, sole proprietorship or other legal entity.

*Procurement.* The term "Procurement", "Procurements" or "Procuring" means obtaining supplies, equipment, goods, or services of any kind.

*Professional Social Service Contracts* or *Professional Social Service Agreements* means any contract or agreement with a social service provider, including other governmental agencies, nonprofit organizations, or for profit business enterprises engaged in the field of and providing social services, juvenile justice, mental health treatment, alternative sentencing, offender rehabilitation, recidivism reduction, violence reduction, foster care, substance abuse treatment, domestic violence services, community transition services, intervention, or such other similar services which provide mental, social or physical treatment and services to individuals. Said Professional Social Service Contracts or Professional Social Service Agreements do not include CCHHS managed care contracts that CCHHS may enter into with health care providers.

*Procurement Code* means Chapter 34, Article IV.

*Proposal* means a response to an RFP.

*Proposer* means a Person submitting a Proposal.

*Public Works* means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multifamily residence. "Public Works"

includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*Response* means response to an RFQ.

*Respondent.* The term "Respondent" means a Person responding to an RFQ.

*Responsible* means a Person that has the capability in all respects to perform fully a Contract or to provide the required supplies, equipment, goods or services to the County, and the integrity and reliability that will assure good faith performance. Factors taken into consideration in determining whether a Person is Responsible may include quality, financial capacity, past performance, experience, adequacy of staff, equipment, and the ability to perform within the time frame required for the Procurement.

*Responsive* means a Bid, a Response or a Proposal is in compliance in all material respects with all the terms, conditions and requirements set forth in the Bid Documents, RFP, RFQ, request for quotations or other terms required for a Procurement, including, but not limited to, completion and timely submittal of all required affidavits, statements, certifications, bid deposits, insurance, performance and payment bonds and other County requirements.

*RFP* means a Request for Proposals issued pursuant to this Procurement Code.

*RFQ* means a Request for Qualifications issued to obtain the qualifications of interested parties.

*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, as related to the nature of the work the Person seeks to perform on Contracts. A Person is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the Person's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

*Using Agency* means the departments or agencies within Cook County government, including Elected Officials.

*Utilization Plan* means a plan for utilization of VBE's, SDVBE's, and PCEs.

*Wage.* The term "Wage" means compensation due to an Employee by reason of employment, including allowances for gratuities and for meals and lodging that are furnished by the Employer and actually used by the Employee.

**Sec. 34-122. Procurements and contracts.**

All Procurements ~~for or~~ by any Using Agency of Cook County, regardless of the source of the funds used to pay for such Procurement, shall be made by the CPO, and in accordance with this Procurement Code and the procedures promulgated pursuant hereto. All Contracts shall be in a form determined by the CPO. Contracts shall be approved and executed as set forth in the procedures promulgated pursuant to and in this Procurement Code. Notwithstanding, the above provision or any other provision in this Procurement Code, the Board of Directors of the Cook County Health and Hospitals System ("System Board") shall have the authority over Procurements and Contracts for the Cook County Health and Hospitals System as provided in the ordinance establishing the CCHHS. The System Board shall adopt written rules, regulations and procedures in accordance and consistent with this Procurement Code and provisions set forth herein.

**Sec 34-123. No power to act for procurements or expenditures of \$150,000.00 or more.**

The CPO shall have the authority to approve Procurements, execute Contracts and execute Contract amendments up to an amount less than \$150,000.00 without Board approval; provided, however, that Board approval shall be required for any Procurement of the same or similar supplies, goods, equipment or services which would result in the aggregate amount of such Procurements from the same vendor by the same Using Agency equaling or exceeding \$150,000.00 in any fiscal year. Notwithstanding, the CPO shall have the authority to execute Contract amendments on Contracts approved by the Board; provided, however, that the total of such amendments does not increase the original amount of such Contract by more than \$150,000.00 during the term of the Contract. The "amount" of a Contract shall mean the maximum amount payable under such Contract.

No Person has the power or authority to approve, authorize or execute a Procurement, a Contract, Contract amendment or the expenditure of public money in the amount of \$150,000.00 or more without approval of the County Board, except in the following instances: the payment of public utility bills, the payment of rent pursuant to the provisions of a lease previously approved by the County Board, payment of insurance premiums, payment of any amount pursuant to the provisions of a Contract, the execution of which was approved by the Board pursuant to this Section 34-123 above, or other Board-authorized transactions. Any action in violation of this section shall be null and void.

**Sec. 34-124. Chief Procurement Officer.**

The President, with the consent of the Board, shall appoint a Chief Procurement Officer who shall serve as the purchasing agent for Cook County and shall be responsible for making all Procurements for all Using Agencies and for managing the County's Procurement Process in accordance with this Procurement Code. Any individual so appointed shall have at least three years' experience in an executive capacity in the purchasing office of a private or public entity with procurements reasonably comparable in size and nature to those of the County.

**Sec. 34-125. Powers and duties of the Chief Procurement Officer.**

The Chief Procurement Officer shall:

- (a) Make all Procurements and conduct all activities related to the Procurement Process in accordance with the Procurement Code and any procedures promulgated pursuant hereto;
- (b) Establish and maintain procurement policies and procedures, and standardized documents and forms to implement the Procurement Code;
- (c) Cooperate with the Contracts Compliance Director to coordinate the procurement process with the Minority- and Women-Owned Business Program established pursuant to Division 8 of this Procurement Code;
- (d) Develop and maintain procedures for disseminating information and notice of procurement opportunities;
- (e) Have authority to implement innovative procurement methods and processes pursuant to this Procurement Code;
- (f) Have authority to approve and execute an assignment of or an amendment to a Contract; provided that any such amendment does not extend the Contract by more than one year, and further provided that the total cost of all such amendments does not increase the amount of the Contract beyond the authority of the CPO granted in Section 34-123;

- (g) Have authority to establish the commencement and expiration dates of any Contract as necessary to permit the Contract period to commence upon the date of Execution of the Contract by the County, unless another commencement date is specified in the Contract;
- (h) ~~Within the CPO's authority, a~~ Approve and execute Contracts within his or her authority, or as directed by the Board;
- (i) Ensure that all certifications, statements and affidavits required by this Procurement Code are submitted;
- (j) Determine when supplies, materials and equipment are obsolete or unusable, and trade in, sell or dispose of such property, except for such property which is the responsibility of the Cook County Health and Hospitals System;
- (k) Compile and maintain information for all Procurements, including those Procurements and Contract amendments which do not require Board approval. The CPO shall submit a report to the Board on a monthly basis listing the Procurements and Procurement amendments executed by the CPO that do not require Board approval, including a list of each Person from whom the County makes such a Procurement and the method of Procurement applied, as well as Procurements that authorize the advance payment for services. Such reports shall include:
  - (1) The name of the Vendor;
  - (2) A brief description of the product or service provided;
  - (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
  - (4) The amount and term of the Procurement; and
  - (5) The amount and/or extension period of the amendment, if applicable.

Such report shall be provided to the Board of Commissioners in an electronic format-;

- (l) ~~The CPO shall w~~ Work with the Comptroller to provide a monthly report of the individual and total aggregate amount disbursements made for Procurements that do not require Board approval. The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of \$150,000.00 or more, within two weeks of being made. Such reports shall include:
  - (1) The name of the Vendor;
  - (2) A brief description of the product or service provided;
  - (3) The name of the Using Department and budgetary account from which the funds are being drawn; and
  - (4) The contract number under which the payment is being made.

Such report shall be provided to the Board of Commissioners in an electronic format-;

- (m) Make available on the County's website information related to all Procurements, including, but not limited to, a list of Contracts and a list of Contractors and subcontractors;
- (n) Keep a record of any Person who has been disqualified under Division 4, Disqualification; Penalties, and shall provide such record to the Cook County Health and Hospitals System;
- (o) Have authority to terminate a Contract in accordance with its terms;

- (p) Issue notices of violation to enforce the provisions of this Code, as applicable, and institute enforcement proceedings under Chapter 2, Article IX, as appropriate;
- (q) Work with the Comptroller to assure that Contractors are not paid in advance of performance, unless such advance payment is provided for and properly justified in the Contract; ~~and~~
- (r) Have charge of such other Procurement activities as may be assigned by the President or the Board-; and
- (s) Have the authority to require the CIO to review and approve all technology related Procurements, Contracts or Contract amendments in advance of CPO and/or Board approval; notice of the CIO's approval or disapproval shall be provided by the CIO to the CPO and/or Board prior to approval in order for the CPO and/or Board to make an informed decision on the requested technology related Procurement, Contract or Contract amendment; technology related Procurements, Contracts or Contract amendments include but are not limited to computer hardware, software, software and hardware maintenance, software and hardware service costs, information technology services, telecommunications services and telecommunications equipment Procurements, Contracts or Contract amendments.

**Secs. 34-126—34-134. Reserved.**

## **DIVISION 2. PROCUREMENT PROCEDURES**

### **Sec. 34-135. Procurement methods.**

All County Procurements shall be made pursuant to the appropriate procurement method set forth below and described in the applicable Section.

- Sec. 34-136. Competitive Bidding;
- Sec. 34-137. Small Procurements;
- Sec. 34-138. Requests for Qualifications or Proposals;
- Sec. 34-139. Sole Source Procurements;
- Sec. 34-140. Comparable Government Procurement;
- Sec. 33-141. Emergency Procurements;
- Sec. 34-142. Joint Procurements;
- Sec. 34-143. Consortium and Group Procurements;
- Sec. 34-144. Innovative Procurement;
- Sec. 34-145. Responsible Bidder Process for Public Works Construction, Maintenance and Repair Contracts.

### **Sec. 34-136. Competitive bidding.**

Procurements of supplies, materials, equipment, and services shall be made by the competitive bidding process as set forth in this section, unless such Procurements meet the criteria for another procurement method set forth in this division. The CPO shall follow the procedures set forth below for competitive bidding.

- (a) *Development and approval of Bid Documents.* The Using Agency shall provide to the CPO all information required by the CPO to prepare the Bid Documents, including minimum qualifications, specifications and any special conditions.
- (b) *Bid Notice.* Upon request by a Using Agency, the CPO shall publish a Bid Notice on the County's website at least five days before the date for the submission of Bids.

- (c) *Pre-Bid conference or site inspection.* The Bid Documents shall include details of any pre-Bid conference or site inspection, including whether any such pre-Bid conference or site inspection is mandatory. The CPO shall keep a record of all Persons who request Bid Documents. The CPO will notify all Persons recorded as having requested Bid Documents of any changes with respect to such conference or inspection no later than at least 24 hours prior to the original scheduled date and no less than two business days prior to any newly scheduled date for such conference or inspection.
- (d) *Communications with the County regarding competitive bidding process.* From the time the Bid Notice is issued until the successful Bidder has been recommended to the Board by the CPO, all communications to the County relating to the Bid must be directed in writing (which may be electronic) only to the CPO, or as otherwise specified in the Bid Documents. Upon receipt of such a request, the CPO will determine if a response will be provided. Any such response shall be provided in an addendum to all Persons requesting the Bid Documents. Notwithstanding the foregoing, communications may be made to the Office of Contract Compliance in writing for the purpose of complying with Division 8, Minority and Women-Owned Business Enterprise Program.
- (e) *No changes to Bids.* No Bid may be changed, amended or supplemented in any way after the date and time for submission of Bids.
- (f) *Bid opening.* All Bids shall be opened and a record of such Bids shall be made on the date, and at the time and location as stated in the Bid Notice or as prescribed in an addendum issued by the CPO. All Bids shall be opened, and the name of the Bidder and the Bid Price shall be read publicly. If it is determined that an error was made in the public reading of the Bids, the CPO shall notify all Bidders of such error and reconvene the Bid opening to correct the record as soon as reasonably possible. If the Bids are submitted electronically, no public reading shall be required so long as a record of the Bids opened is publicly available immediately after the Bids are opened.
- (g) *If only one Bid is received.* If only one Bid has been submitted, the CPO will determine whether to open the Bid or return the Bid to the Bidder via certified mail and reissue the Bid Notice or use a different method to make the Procurement. If the Bid was submitted electronically, and is not opened, it shall be deleted from the electronic procurement system.
- (h) *Evaluation of Bids.* The CPO shall review, evaluate and tabulate Responsive Bids. In determining the apparent low Bid, the CPO shall consider the Responsibility of the Bidder and all applicable preferences and incentives provided in this Procurement Code. The CPO shall then direct the Bids along with the tabulation to the Using Agency for review. Upon full review of the Bids and Bid tabulations, the Using Agency shall notify the CPO in writing of its Procurement recommendation, with justification supporting such recommendation. The CPO shall review the recommendation of the Using Agency, and shall post on the County's website the CPO's recommended Bid for award.
- (i) *Bid protest.* Any Bidder who reasonably believes that the recommended Bidder is not the lowest Responsive and Responsible Bidder, or has a complaint about the bid process, may submit a bid protest, in writing, and directed to the CPO. For all Contracts requiring Board approval, any bid protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Bid for award. For all Contracts which can be executed by the CPO, any bid protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Bid for execution. The bid protest must specify why the protester believes the recommended Bidder is not the lowest Responsive and Responsible Bidder, or why the protester believes the bid procedure was unfair, including a statement of how the alleged unfairness prejudiced the protesting Bidder and the action requested of the CPO. A bid protest based on an issue which could have been clarified through a request for clarification or information pursuant to Section 34-136(d), Communications with the County regarding competitive bidding process, will not be considered if the protesting Bidder failed to make such request. When a bid protest has been submitted, no further action

shall be taken on the Procurement until the CPO makes a decision concerning the bid protest, unless the Using Agency responds in writing and sufficiently demonstrates that (i) the item to be procured is urgently required and (ii) failure to make the award promptly will unduly delay delivery or performance or cause other undue harm.

The CPO shall issue a written decision on the bid protest to the protesting Bidder and to any other Bidder affected by such decision as soon as reasonably practicable. If the bid protest is upheld based on a lack of fairness in the bid procedure, the CPO shall re-bid the procurement. If the CPO determines that the recommended Bidder was not Responsive and Responsible, that Bidder shall be disqualified and the CPO may either recommend the lowest Responsive and Responsible Bidder or re-bid.

Any CPO decision concerning bid protest(s) shall be final. If Board approval and authorization is necessary for the CPO to execute the Contract, then the CPO shall provide a copy of any bid protest and written decision thereon to the Board of Commissioners for informational purposes prior to seeking Board Action pursuant to Sec. 34-136(j) below.

- (j) *Board Action.* Upon resolution of any bid protests, or expiration of the three-day protest period with no protests, the CPO shall either execute the Contract if within his/her authority, or submit the Contract to the Board, through its Finance Committee, for approval and authorization for the CPO to ~~execute~~ the Contract. Once the Contract has been approved by the Board, or executed by the CPO, the CPO shall post on the CPO's website information regarding the Procurement.
- (k) *Right to reject Bids.* The County shall have the right to reject any and all Bids. The CPO is authorized to exercise this right on behalf of the Board. The CPO shall include a provision in the Bid Documents reserving the right to reject any and all Bids.
- (l) *Procurements Under \$150,000.00.* The competitive bidding process for procurements greater than \$5,000.00 and less than \$150,000.00 may consist of a solicitation posted on the CPO's website. The CPO shall promulgate policies and procedures to implement such Procurements. The CPO is not required to read or announce such Bids publicly. The CPO shall select the lowest Responsive Bid made by a Responsible Person, and shall post on the CPO's website information regarding the Procurement.

#### **Sec. 34-137. Small procurements.**

Procurements of the same or similar supplies, goods, equipment or services by a Using Agency in an aggregate amount from the same vendor of less than \$5,000.00 in the same fiscal year do not require a competitive method. The CPO shall promulgate policies and procedures to implement such Procurements.

#### **Sec. 34-138. Requests for qualifications or proposals.**

- (a) *Criteria for use of request for qualifications or proposals.* The CPO in consultation with the Using Agency may determine that it is in the best interest of the County to make a Procurement utilizing the Request for Qualifications or Request for Proposals process. Examples of Procurements for which an RFQ or RFP process is appropriate include, but are not limited to: Procurements involving services requiring a high degree of professional skill where the ability or fitness of the Person plays an important part; Procurements where the requirements are not clearly known; Procurements where quality rather than quantity is a primary factor; and Procurements where it is not in the best interest of the County to make price a primary determinative factor. An RFP process is a competitive process under this Procurement Code, and a Person selected through an RFP process is not considered a "sole source."

- (b) *Content of RFQs and RFPs.* The CPO shall determine what provisions RFQs and RFPs should contain in consultation with the requesting Using Agency and will incorporate the necessary details, provisions and requirements for the RFQ or RFP. RFQs and RFPs shall include a provision stating that the County may negotiate a Procurement with one or more Respondents or Proposers.
- (c) *Issuance.* The CPO shall issue an RFQ or RFP after receiving a written request from the Using Agency and approval from the Using Agency regarding the contents of the RFQ or RFP. Notice of all RFQs and RFPs shall be posted on the CPO's website.
- (d) *Opening of Responses.* The Responses or Proposals shall be opened in the presence of one or more witnesses after the designated date and time for submission. A representative of the Using Agency may be present at the opening but shall not be required to attend the opening. The names of the Respondents or Proposers shall be available to the public after the Procurement has been completed.
- (e) *Evaluation and Selection for Contract Negotiation.* The CPO in coordination with the Using Agency shall develop evaluation criteria which are included in the RFQ or RFP. These criteria may include, but are not limited to, experience and qualifications of the Respondent or Proposer, the quality, content and completeness of the Response or Proposal, the demonstrated willingness and ability of the Respondent or Proposer to satisfy the requirements as described in the RFQ or RFP, and, if applicable, the cost proposal. The evaluation shall be performed by a committee chaired by the CPO or a designee of the CPO with representatives of the Using Agency and other persons designated by the CPO. Respondents or Proposers shall be accorded fair treatment with regard to evaluation of their Responses or Proposals. Any or all Respondents or Proposers may be requested to make presentations and/or submit clarifications or revisions to their Responses or Proposals for the purpose of obtaining best and final Responses or Proposals. The Using Agency shall document the results of the evaluation. The contents of the Responses or Proposals shall not be disclosed to competing Respondents or Proposers during the evaluation process or any discussions.
- (f) *Contract negotiation, approval and Execution.* The Using Agency may send its recommendation to the CPO, setting forth the reasons for such recommendation, which shall be based upon the evaluation criteria. Board approval is not required to negotiate a Contract. Negotiation of a Contract's terms shall take place between the prospective Contractor(s) and representatives of the Purchasing Department and the Using Agency. After a Contract is negotiated, the CPO shall either Execute the Contract, if within the CPO's authority, or forward the Contract to the Board for approval and authorization for the CPO to execute the Contract. Such request shall include the justification for the Contract and the selection of the Contractor.
- (g) *RFP or RFO protest.* Any interested party who has a complaint about the RFP or RFQ process may submit a protest in writing and directed to the CPO. For all Contracts requiring Board approval, any protest must be submitted no later than three business days after the date upon which the CPO posts the recommended contract for award. For all Contracts which can be executed by the CPO, any protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Contract for execution. The subject of the protest for any RFP or RFQ shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process. Any RFP or RFQ protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Response or Proposal for award. The protest must contain a detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process and the action requested of the CPO. A protest based on an issue which could have been clarified through a request for clarification or information, will not be considered if the protestor failed to make such request. When a protest has been submitted, no further action shall be taken on the Procurement until the CPO makes a decision.



The CPO shall issue a written decision on the protest to the protestor and to any other Respondent or Proposer affected by such decision as soon as reasonably practicable. If the protest is upheld, the CPO shall consult with the Using Agency, and may exercise any of the following remedies: cancel the procurement; recommend commencing contractual negotiations to the next qualified Respondent or Proposer, or re-issue the RFP or RFQ.

Any CPO decision concerning RFP or RFQ protest(s) shall be final. If Board approval and authorization is necessary for the CPO to execute the Contract, then the CPO shall provide a copy of any RFP or RFQ protest and written decision thereon to the Board of Commissioners for informational purposes prior to seeking Board Action pursuant to Sec. 34-138(h) below.

(h) Board or CPO related action. Upon resolution of any protests, or expiration of the three-day protest period with no protests, the CPO shall either execute the contract if within his/her authority, or submit the Contract to the Board, through its Finance Committee, for approval and authorization for the CPO to execute the Contract. Once the Contract has been approved by the Board or executed by the CPO, the CPO shall post on the CPO's website information regarding the Procurement.

#### **Sec. 34-139. Sole source procurements.**

Procurements of supplies, equipment, goods or services may be made without use of one of the competitive processes if there is either only one source or there is a need for the unique or specialized skill, experience, or ability possessed by a particular source. The Using Agency must submit a letter to the CPO justifying the sole source Procurement, and provide any other documents or information required by the CPO.

#### **Sec. 34-140. Comparable government procurement.**

If a governmental agency has awarded a contract through a competitive method for the same or similar supplies, equipment, goods or services as that sought by the County, the Procurement may be made from that vendor at a price or rate at least as favorable as that obtained by that government agency without utilizing a competitive procurement method set forth in this Procurement Code.

#### **Sec. 34-141. Emergency procurements.**

The CPO may make Procurements and execute Contracts without use of one of the competitive processes set forth in this Procurement Code and without prior approval of the Board, when such Procurements are necessary (i) due to a threat to public health or safety, (ii) for repairs to County property in order to protect against further loss or damage, (iii) to prevent or minimize serious disruption in County services, (iv) to ensure the integrity of County records, or (v) in the reasonable opinion of the CPO, for the best interests of the County. If practicable under the circumstances, the CPO shall obtain quotations or Proposals from at least three Persons. The CPO shall report the basis for the emergency Procurement and reasons for the selection of the Contractor to the Finance Committee of the Board within five business days of making an emergency Procurement.

#### **Sec. 34-142. Joint procurements.**

Procurements may be made pursuant to the Governmental Joint Purchasing Act, 30 ILCS 525.

#### **Sec. 34-143. Consortium and group procurements.**

Procurements may be made pursuant to the County's membership or participation in a purchasing consortium, provided that the Board has approved such membership or participation, for, at least in part, the

purpose of obtaining advantageous pricing and other efficiencies for the County. Procurements made through a purchasing consortium shall be approved and executed as set forth in this Procurement Code.

**Sec. 34-144. Innovative procurement.**

- (a) The CPO may make a Procurement using innovative methods of procurement, including, but not limited to, electronic procurement, reverse auctions, electronic bidding, electronic auctions, prequalification and pilot procurement programs that have no cost to the County. In order to implement innovative methods of procurement, either directly or through a service provider, the CPO must make a determination that such process is competitive and in the best interest of the County.
- (b) As an alternative or in addition to directly conducting procurement using innovative methods, the CPO may make a Procurement of electronic procurement services for conducting reverse auctions, electronic auctions, or provide an on-line or electronic forum for competitive Bids, Requests for Qualifications and Requests for Proposals and other types of innovative methods of procurement on the County's behalf. The Contract for such Procurement may contain such terms as the CPO deems necessary, including, but not limited to, terms that specify the source and amount of the compensation. With respect to Procurements made pursuant to this section, the CPO is authorized to charge a reasonable service fee to the Contractors from which Procurements are made in order to cover part or all of the County's costs associated with such electronic procurement, including the costs of engaging a service provider. Such service fee shall be paid as directed by the CPO.
- (c) The CPO shall have authority to adopt rules and regulations for the proper administration and enforcement of the provisions of this section, including the authority to modify the requirements of this Procurement Code as necessary to implement such innovative or electronic procurement method.
- (d) Any document, affidavit, certification or form required by the Procurement Code or submitted in connection with any Procurement may be accepted by the CPO in electronic format subject to compliance with accepted means and methods of verification and authentication of electronic signatures.

**Sec. 34-145. Responsible bidder process for public works construction, maintenance and repair contracts.**

For purposes of evaluating whether a Bidder for a Public Works Contract is Responsible, the CPO shall determine that the Bidder:

- (a) Is authorized to do business in Illinois and the County;
- (b) Has, as applicable, a Federal Employer Identification Number or Social Security Number;
- (c) Meets any applicable insurance requirements in the Bid Document;
- (d) Has certified that it is in compliance with all provisions of the Illinois Prevailing Wage Act, and State and Federal equal employment opportunity laws;
- (e) Has certified that it participates in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract;
- (f) Contractually requires any subcontractor to participate in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract; and

- (g) Has agreed to provide Certified payrolls as specified in the Illinois Prevailing Wage Act.

For purposes of this Section 34-145, the terms, "Public Works" and "Construction" shall have the meanings set forth in the Illinois Prevailing Wage Act, 820 ILCS 130/2.

**Sec. 34-146. Performance and Accountability in Professional Social Service Contracts and Agreements.**

All Professional Social Service Contracts and Professional Social Service Agreements entered into must include within its terms or general conditions a requirement that the contractor or provider of such social services submit an annual performance report to the Using Agency that includes, but is not limited to, relevant statistics, an empirical analysis where applicable, and a written narrative describing the goals and objectives of the contract or agreement and programmatic outcomes. The Chief Procurement Officer shall be responsible for ensuring that this requirement is included in said Professional Social Service Contracts and Professional Social Service Agreements. The annual performance report shall be provided and reported to the Cook County Board of Commissioners by the applicable Using Agency within 45 days of receipt. Failure of the contractor or provider to provide an annual performance report will be considered a breach of contract or agreement by the contractor or provider, and may result in termination of the contract or agreement.

**Secs. 34-147—34-159. Reserved.**

**DIVISION 3. WAGE REQUIREMENTS**

**Sec. 34-160. Living wage.**

- (a) Unless expressly waived by the Board, any Contract requiring the use of full-time non-County Employees to provide services or labor under the Contract shall include a provision requiring that the Contractor shall pay not less than the Living Wage to such Employees, unless such Employees' Wages are governed by Federal or State law. The Contractor shall require all subcontractors to comply with this section. This Section shall not apply to Contracts with not-for-profit organizations or Contracts funded by Federal grants or loans.
- (b) If a Contractor or any of its subcontractors is found to be in violation of this section, such Contractor be required to pay back pay to each affected Employee, and may also be fined by the County up to \$100.00 for each affected Employee for each day paid at less than the Living Wage. Such penalties will not be imposed on any Person except after a hearing pursuant to Chapter 2, Article IX, Administrative Hearings.
- (c) If a Contractor or any of its subcontractors is found to have retaliated against an affected Employee, the Contractor may be held to be in breach of the Contract and the Contract may be terminated unless such Contractor or the subcontractor appropriately reinstates or compensates such Employee.
- (d) The CPO shall require that any such Contractor certify that it will comply with this section.
- (e) Pursuant to County Code Chapter 2, Article V, Division 3, Subdivision I, Section 2-408, the CFO shall annually determine the Living Wage.
- (f) The CPO shall post the current Living Wage on the CPO's website.
- (g) Every Contractor and subcontractor required to pay the Living Wage shall notify its Employees of the Living Wage requirement and shall notify all of its Employees annually of any adjustment to the Living Wage. In addition, the Employer shall notify its Employees that if any Employee contends that the Employer is not

paying a Living Wage or has otherwise violated this section, that Employee may file a complaint with the Cook County Commission on Human Rights ("Commission"). If at the conclusion of the Commission's investigation, the Commission finds that the Employer has violated this section, it shall (1) in the case of an Employer receiving a property tax incentive, notify the Assessor; or (2) in the case of a Contractor or a subcontractor required to pay the Living Wage, notify the CPO, who shall exercise such remedies as are in the best interest of the County, including ordering the Employer to pay back pay and penalties, as provided in this section.

**Sec. 34-161. Illinois prevailing wage.**

- (a) To the extent required by the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et seq.) (the "Prevailing Wage Act"), the general prevailing rate of Wages in this locality for laborers, mechanics and other workers engaged in the construction of Public Works coming under the jurisdiction of this County shall be the same as the prevailing rate of Wages for construction work in the Cook County area as determined from time to time by the Department of Labor of the State of Illinois. The definition of any terms used in this section which are also used in the Prevailing Wage Act shall be the same as in said Act.
- (b) Nothing herein contained shall be construed to apply the general prevailing rate of Wages to any work or employment except Public Works of this County and only to the extent required by the Prevailing Wage Act.
- (c) The CPO shall include in the Bid Notice for any Public Works Contract, and shall include in the Bid Documents, a requirement that not less than the prevailing rate of Wages as found by the County or the Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under such Public Works Contract.
- (d) Prior to awarding any Public Works Contract, the CPO shall ascertain whether the Bidder is debarred pursuant to the Prevailing Wage Act.

**Sec. 34-162. Federal prevailing wage.**

If a Procurement will be paid for using federal funds, and if such federal funding requires compliance with the Davis-Bacon Act (40 U.S.C. 276a-276a-7), then the Contract shall contain provisions requiring that the Contractor and any subcontractors shall pay the Federal Prevailing Wage.

**Sec. 34-163. Prevailing wages for covered services.**

- (a) Not less than the prevailing rate of Wages shall be paid and prevailing working conditions shall be provided to any laborer, worker and mechanic providing Covered Services under a Contract.
- (b) In order to be considered a Responsive Bidder for any Contract for Covered Services, the Bidder shall certify that Wages paid to its employees will be no less, and fringe benefits and working conditions of such employees shall be no less favorable, than those prevailing in the locality in which the Covered Services are to be performed, as determined by the Chief of the Bureau of Human Resources and posted on the website.
- (c) The CPO of Cook County shall include in the Bid Notice for any Contract for Covered Services, and shall include in the specifications for any such Contract a provision that (i) not less than the prevailing rate of Wages shall be paid, and prevailing working conditions shall be provided, to all laborers, workers and mechanics performing Covered Services and (ii) all bonds required under such Contract shall include such provisions as will guarantee the faithful performance of such provision in the Contract.

**Sec. 34-164. Prompt payments to subcontractors for non-public works.**

When a Contractor receives any payment from the County for any supplies, equipment, goods, or services, it has provided to the County pursuant to its Contract, the Contractor must make payment to its subcontractors within 15 days after receipt of payment from the County, provided that such subcontractor has satisfactorily provided the supplies, equipment, goods or services in accordance with the Contract and provided the Contractor with all of the documents and information required of the Contractor. The Contractor may delay or postpone payment to a subcontractor when the subcontractor's supplies, equipment, goods, or services do not comply with the requirements of the Contract, the Contractor is acting in good faith, and not in retaliation for a subcontractor exercising legal or contractual rights.

**Sec. 34-165. Prompt payments to subcontractors and material suppliers for public works.**

When a Contractor receives any payment from the County pursuant to a Public Works Contract, the Contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier less any retention within 15 days after receipt of payment from the County. If the Contractor receives less than the full payment due under the Public Works Contract, the Contractor shall be obligated to disburse on a pro rata basis those funds received with the Contractor, subcontractors and material suppliers, each receiving a prorated portion based on the amount of funds received. When, however, the County does not release the full payment due under the Contract because there are specific areas of work or materials the Contractor is rejecting or because the Contractor has otherwise determined such areas are not suitable for payment, then those specific subcontractors or suppliers involved shall not be paid for that portion of the work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid on a pro rata basis from the funds received, and shall receive full payment if funds are sufficient.

**Secs. 34-164~~6~~—34-169. Reserved.**

**DIVISION 4. DISQUALIFICATION, AND PENALTIES**

**Sec. 34-170. Disqualification due to contract default or termination.**

- (a) If a Person has had a Contract terminated for cause by the County, or if a Person has failed to cure a default within any cure period provided by the Contract, such Person shall be ineligible to enter into a Contract with the County for a period of 24 months from the date of termination or notice of default.
- (b) When a Contract has been terminated for cause or when an uncured default exists under a Contract, the Contractor may submit a request to the CPO for a reduction or waiver of the ineligibility period. The request shall be in writing and shall include documentation that one or more of the following actions have been taken:
  - (1) There has been a bona fide change in ownership or Control of the ineligible Person;
  - (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the termination or default; or
  - (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the termination or default.

The CPO shall review the documentation, make any inquiries deemed necessary, and determines whether a reduction or waiver is appropriate.

- (c) A Using Agency may request an exception to such period of ineligibility, by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine~~ing~~ whether the request should be approved. If an exception is granted, such exception shall apply to that Procurement only and the period of ineligibility shall continue for its full term as to any other Procurements.

**Sec. 34-171. Disqualification ~~for~~ due to County tax or debt delinquency or obligation default.**

- (a) A Person that is (i) delinquent in the payment of any tax (including real estate tax) or fees administered by the County; (ii) delinquent in the payment of any debt to the County; (iii) ~~is~~ in default of any obligation to the County; or (iv) ~~is~~ a "predatory lender," as determined pursuant to the Cook County Predatory Lending Ordinance, shall be ineligible to enter into a Contract with the County. Notwithstanding the foregoing, a Person shall not be ineligible, nor shall the County exercise any rights to set-off or other remedies set forth in this Division~~Section 34-196~~ against a Person, if such Person is contesting liability for the delinquency in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; or if such Person has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.
- (b) The CPO shall obtain a written certification from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of Subsection (a).
- (c) The County shall not be prohibited from making a Procurement from, and shall not exercise rights to set-off or other remedies set forth in this Division~~Section 34-196~~ against a Person who is contesting liability for the delinquency, in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; from a Person who has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.
- (d) A Using Agency may request an exception to such ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved.

**Sec. 34-172. Disqualification ~~for~~ due to noncompliance with child support orders.**

- (a) A Person shall be ineligible to enter into a Contract with the County if such Person or a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367) of the Cook County Code is delinquent in the payment of a Court-Ordered Child Support Arrearage.
- (b) The CPO shall obtain an affidavit from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of Subsection (a).
- ~~(b)~~(c) If the County becomes aware that a Person or Substantial Owner becomes delinquent in payments under a Court-Ordered Child Support Arrearage after the County has entered into a Contract with such Person or Substantial Owner, then, after notice from the County of such noncompliance and a 30-day opportunity to pay such delinquency, such delinquency of such Person or Substantial Owner shall constitute a default under the Contract. Such Person or Substantial Owner shall provide sufficient evidence to the CPO of payment of such delinquency.

**Sec. 34-173. Disqualification for illegal activity.**

- (a) *Disqualifying Acts.* A Person who has been convicted of, entered a plea of *nolo contendere* as to, or made an admission of guilt, pursuant to the laws of any Federal, State or local jurisdiction, for any of the following, shall be ineligible to enter into a Contract for a period of five years from the date of conviction, entry of a plea or admission of guilt:
- (1) Bribing or attempting to bribe;
  - (2) Bid-rigging, attempting to rig bids;
  - (3) Price fixing or attempting to fix prices; or
  - (4) Defrauding or attempting to defraud.
- (b) *Disqualification due to acts of owner, partner or shareholder.* A Person shall be ineligible to enter into a Contract if an individual who Controls such Person would be disqualified under any provision of this section 34-173.

**Sec. 34-174. Disqualification for willful violation of Cook County Independent Inspector General Ordinance.**

A Person found to have willfully failed to cooperate in an investigation by the Cook County Independent Inspector General or to report to the Independent Inspector General any and all information concerning conduct which they know to involve corruption, or other criminal activity, by another County employee or official, which concerns his or her office of employment or County related transaction in accordance with Part I, Chapter 2, Article IV, Division 5, Section 2-285 of the County's Code shall be subject to disqualification as provided in Part I, Chapter 2, Article IV, Division 5, Section 2-291 of the County's Code.

**Sec. 34-175. Penalty for false statements.**

Any Person determined by the CPO to have who knowingly makes made a false statement of material fact to Cook County in writing in connection with any aspect of a Procurement is liable to the County for a penalty of \$2,500.00, and may be subject to termination of any Contract and disqualification for a period of up to five years from the date of such finding, in addition to any other remedy provided for in the Procurement Code or at law or in equity, including termination of any Contract or disqualification. Any person determined by the CCD to have made a false statement of material fact to Cook County in writing regarding the status or contractual participation of a MBE, WBE, VBE or SDVBE is liable to the County for a penalty of \$2,500.00, and may be subject to termination of any Contract and disqualification for a period of up to five years from the date of such finding in addition to any other remedy provided for in the Procurement Code or at law or in equity. No fine will be imposed on any Person except after any applicable proceeding pursuant to Chapter 2, Article IX, Administrative Hearings.

**Sec. 34-176. Penalty for failure to meet commitments.**

In the event that the CCD determines that a Person failed to fulfill in good faith a project specific goal, including but not limited to MBE, WBE, VBE, or SDVBE participation commitments reflected in a Utilization Plan, as may be amended through change orders or otherwise over the term of the Contract, the CPO may declare said Person to be in material breach of the Contract, and may withhold payments under the Contract, and recover contractual penalties, in addition to disqualification and any other remedy provided for in the Procurement Code at law or in equity. A contractual penalty for failure to meet MBE, WBE, VBE, or SDVBE participation commitments pursuant to this Section shall be in the amount of the discrepancy between actual MBE, WBE,

VBE, or SDVBE participation, and the goal set forth in the Utilization Plan, as may be amended through change orders or otherwise over the term of the Contract.

**~~Sec. 34-176.~~ Sec. 34-177. Penalties for failure to pay Cook County taxes and fees.**

The CPO shall include in every Contract a provision that entitles the County to set off and subtract from the Contract price a sum equal to any fines and penalties, including interest, for each tax or fee delinquency and any debt or obligation owed by the Contractor to the County.

**~~Sec. 34-177.~~ Sec. 34-178. Uniform penalties, interest and procedures.**

Violations of this Article and the assessment of any fine pursuant to this Article shall be adjudicated pursuant to Part I, Chapter 2, Administration, Article IX, Administrative Hearings, of this Code. The determination as to whether a Person is disqualified under any provision of this Division 4 or has made a false statement, shall be subject to said Person's petition for review in a proceeding ~~made~~ pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.

**~~Secs. 34-178-179—34-189.~~ Reserved.**

**DIVISION 5. PROCUREMENT PROCEDURES AND POLICIES FOR CERTAIN PROCUREMENTS**

**Sec. 34-190. Percentage of work of public works projects to be performed by county residents.**

For any Public Works Contract having an estimated contract price of \$100,000.00 or more, where not otherwise prohibited by Federal or State law, at least 50 percent of the total hours worked on the site by employees of the Contractor and subcontractors shall be performed by residents of the County.

**Sec. 34-191. Green construction.**

For all competitive Bids for Public Works Contracts budgeted for \$2,000,000.00 or more, the Bid Documents shall comply with the requirements of Chapter 30, Environment, Article IX, Green Construction, Section 30-952, Emission Reduction, and any Contract resulting therefrom shall include all provisions required by Chapter 30, Article IX, Section 30-955.

**Sec. 34-192. Predatory lenders.**

With each Bid or Response submitted by a financial institution for any Contract, the following certification shall be signed by the chairman of the board, chief executive officer, or other officer of the financial institution acceptable to the Chief Financial Officer.

We pledge that we are not and will not become a predatory lender as defined in Cook County's Predatory Lending Ordinance. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in this Ordinance. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the County.

**Sec. 34-193. Contracts for consulting and auditing services.**

- (a) The County will not enter into any Contract for Auditing Services, nor shall it consent to a subcontract for such Auditing Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for consulting services for or with the County. Additionally, the County will not enter into any



Contract for Consulting Services, nor shall it consent to a subcontract for such Consulting Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for Auditing Services for or with the County. For purposes of this provision, "County" shall refer only to offices which are administered by the President of the County Board and shall not refer to offices which are administered by Elected Officials.

- (b) The County shall not enter into any Contract for Consulting Services on behalf of an Elected Official, nor shall it consent to a subcontract for such Consulting Services on behalf of an Elected Official, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract to provide Auditing Services for the Elected Official.
- (c) The CPO shall require the Contractor in each Contract for Auditing or Consulting Services for the County (as defined in this section) to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Consulting or Auditing Services for the County which is prohibited under Subsection (a) of this section. In addition, the CPO shall require the Contractor in each Contract to provide Consulting Services for an Elected Official to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Auditing Services for the Elected Official which is prohibited under Subsection (b) of this section.

**Secs. 34-194—34-199. Reserved.**

*Subdivision I. Selection of Professional Services for Debt Transactions and Management of Bond Proceeds;  
Continued Participation of MBEs, WBEs, VBEs, and SDVBEs.*

**Sec. 34-200. Definitions.**

The following words, terms and phrases, when used in this subdivision shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Broker-Dealer means a financial services Person who is registered as a broker-dealer with and in good standing with the United States Securities and Exchange Commission and the State of Illinois.

~~Co-managers means underwriting firms responsible for participating in the underwriting and the marketing of bonds issued by the County.~~

Financial advisor means a Person registered and in good standing as a municipal advisor with the United States Municipal Securities Rulemaking Board and the United States Securities and Exchange Commission.

Investment Bank means a Person responsible for participating in the underwriting and the marketing of bonds issued by the County or in the remarketing of short-term securities on behalf of the County.

~~Senior managers means underwriting firms responsible for assisting with the development of the financial plan and managing the underwriting and the marketing of the bonds.~~

**Sec. 34-201. Competitive process for legal counsel and finance teams for debt transactions.**

- (a) The Chief Financial Officer ~~or may request that~~ the CPO, on request of the Chief Financial Officer, may issue an RFQ at least once every three years for selection of legal counsel and finance professionals required for

debt transactions, including but not limited to bond counsel, pension disclosure counsel, and underwriters counsel; investment banks; and financial advisors.

(b) The RFQ for legal counsel shall request at least the following information:

- (1) ~~D~~Descriptive information about the law~~each~~ firm, including the experience of the attorneys within the law firm having expertise in the areas of municipal finance law and ~~or Federal~~ tax law pertaining to tax exempt bonds;
- (2) ~~T~~he manner in and degree to which the law firm operates or is otherwise present in the County ~~or State;~~
- (3) Whether and by whom the law firm is certified as a MBE, WBE, VBE or SDVBE;
- (4) ~~T~~he manner in and degree to which the law firm is owned by minority, ~~or female~~ woman, or veteran attorneys;
- (5) ~~T~~he manner in and degree to which the law firm employs minority, ~~or female~~ woman, or veteran attorneys and promotes or incubates the participation of minority, ~~or female~~ woman, or veteran attorneys in public finance initiatives;
- (6) The law firm's written policies regarding sexual harassment; and
- (7) ~~e~~Other special areas of expertise or strength.

A "qualified" list shall be developed by the Chief Financial Officer for each type of financing.

(c) The RFQ for investment banks ~~underwriters and other professionals~~ shall request at least the following information, as applicable:

- (1) Experience and expertise in structuring and marketing bonds and notes, detailing experience with various types of issuances, including general obligation bonds, revenue bonds, variable rate demand bonds, commercial paper, and tax anticipation notes, and other debt instruments being contemplated by the County, and including examples of similar financings on which the ~~firm~~ investment bank has been senior manager or co-manager;
- (2) Financial strength of the ~~firm~~ investment bank, particularly its capital allocated to underwriting ~~governmental~~ municipal bonds;
- (3) Degree of corporate investment or "presence" in the County ~~and State~~, including the location of corporate offices, brokerage offices, or back-office operations;
- (4) The number and qualifications of personnel associated with efforts to sell municipal bonds, and the regular trading inventory of the investment bank with respect to municipal bonds;
- (5) Whether and by whom the investment bank is certified as a MBE, WBE, VBE or SDVBE;
- (6) ~~(4)~~ The manner in and degree to which the firm ~~investment bank~~ is owned by minorities, ~~or females~~ women, or veterans;
- (7) The manner and degree to which the firm ~~investment bank~~ employs minority, ~~or female~~ woman, or veteran finance professionals;

- (8) The manner in and degree to which the firm investment bank promotes or incubates the participation of minority or female woman, or veteran finance professionals in public finance initiatives; and
- (9) The firm investment bank's written policies regarding sexual harassment; and
- (10) Other special areas of expertise or strength.
- (d) The RFQ for financial advisors shall request at least the following information, as applicable:
- (1) Experience and expertise in structuring bonds and notes, detailing experience with various types of issuances, including general obligation bonds, revenue bonds, variable rate demand bonds, commercial paper, tax anticipation notes, and other debt transactions being contemplated by the County, including examples of similar financing initiatives as financial advisor.
  - (2) Degree of corporate investment or presence in the County, including the location of corporate offices;
  - (3) Whether and by whom the financial advisor is certified as a MBE, WBE, VBE or SDBVE;
  - (4) The manner in and degree to which the financial advisor is owned by minorities, women, or veterans;
  - (5) The manner in and degree to which the financial advisor employs minority, woman, or veteran finance professionals and promotes or incubates the participation of minority, woman, or veteran professionals in public finance initiatives;
  - (6) The financial advisor's written policies regarding sexual harassment; and
  - (7) Other specialized areas of expertise or strength.
- (e) A "qualified" list of law firms, investment banks, underwriters and financial advisors and other professionals shall be developed by the Chief Financial Officer for each type of financing, applicable to a term of no more than three years per each RFQ.

**Sec. 34-202. Selection.**

- (a) For each debt transaction or for multiple debt transactions the Chief Financial Officer shall select three or more firms from the qualified list for each of the following, as required for the transaction: bond counsel, ~~co-bond counsel~~, underwriter and ~~co-underwriter~~counsel, special tax counsel, pension-disclosure counsel, ~~senior manager and co-manager~~and financial advisor. ~~The Chief Financial Officer shall request that each of the firms under consideration submit a Proposal which shall include at least the following, as applicable: experience with the particular type of financing; a recommended strategy for identifying and targeting Procurers of the bonds experience with tax issues; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees for the engagement; and the manner in and degree to which female and minority professionals will provide services in connection with the transaction.~~
- (b) ~~The Chief Financial Officer shall recommend to the President the selection of counsel, professionals and underwriters based upon the Proposals. In making the recommendation the Chief Financial Officer shall consider a rotation to give each firm a fair opportunity to participate in County bond sales. The selection shall be made by the President upon the recommendation of the Chief Financial Officer, and shall be submitted to the County Board for approval. The President shall report to the County Board the reasons for selection of the firm assigned the work. The Proposals shall be available for review by members of the County Board. The President shall report to the County Board the reasons for making the selections. The Chief Financial Officer shall request that each of~~

the law firms under consideration to provide legal services submit a Proposal which shall include at least the following: experience with the relevant type of financing; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees or fee structure for the engagement; the firm's capacity for, experience in, and commitment to providing continuing legal advice and support in such areas as compliance and taxation; and the manner and degree to which the firm will use an engagement on the contemplated financing initiative to promote or incubate the participation of minorities, women, and veterans as finance professionals, on the potential engagement.

(c) The Chief Financial Officer shall request that each of the firms under consideration for investment banking services submit a Proposal which shall include at least the following: experience with the particular type of financing; a recommended strategy for identifying and targeting investors in the bonds or notes ; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees or fee structure for the engagement; and the manner in and degree to which the firm will use an engagement on the contemplated financing initiative to promote or incubate the participation of minorities-and women as finance professionals on any potential engagement.

(d) The Chief Financial Officer shall request that each of the financial advisors under consideration provide financial-advisory services submit a Proposal which shall include at least the following: experience with the particular type of financing; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees for the engagement; the firm's capacity for, experience in, and commitment to providing advice and support in such areas as pricing and marketing of municipal bonds; and the manner in and degree to which the firm will use an engagement on the contemplated financing to promote or incubate the participation of minorities, women, and veterans as finance professionals, on the potential engagement.

(e) To redress the historical under-representation of minority and woman-owned firms in the financial services arena, in the selection of law firms, investment banks, and financial advisors associated with bond issuances, it shall be the continued goal of the County that (1) no less than 35 percent of the cumulative remunerated portion of legal services and financial-advisory services associated with a financing initiative shall be provided by law firms that are certified as MBEs or WBEs under Cook County's Minority- and Women-Owned Business Enterprise Ordinance and financial-advisor firms that are at least 51 percent owned, controlled, and managed by one or more persons who are either a minority or a woman and that consistently maintain and staff a functional commercial presence and office in the County; and (2) 35 percent of the cumulative underwriting liability in a financing initiative shall be undertaken by investment banks that consistently maintain and staff a functional commercial presence and office in the County and are at least 51 percent owned, controlled, and managed by minority individuals or women.

(f) The Chief Financial Officer shall recommend to the President the selection of legal counsel, investment banks, financial advisors, and other professionals based upon the proposals provided per this subdivision. In making the recommendation, the Chief Financial Officer shall consider methods ~~a rotation~~ to give each multiple firms a fair opportunity to compete for and participate in County bond sales. The selection shall be made by the President upon the recommendation of the Chief Financial Officer, and shall be submitted to the County Board for approval. The Chief Financial Officer shall report to the County Board a summary of the rationale of any proposed financing initiative; the financial benefits of a proposed financing approach with regards to the County's long-term fiscal health; a summary of the financing team proposed to work on the financing initiative; an identification of any firms that are certified as MBEs or WBEs or 51 percent owned, controlled, and managed by minority individuals or women; the total estimated participation of such firms as a percentage of professional services (comprised of legal and financial advisory services) and as a percentage of underwriting liability; and, on financing initiatives where circumstances are such that the 35 percent goals set forth in Subsection (e) cannot be prudently reached, an explanation of such circumstances. The Proposals by firms selected to work on a financing initiative shall be available for review by members of the County Board.

**Sec. 34-203. Specific bond underwriter requirements.**

Each Contract between the County and any bond underwriters shall include the following:

- (1) The underwriter shall use its best efforts to assure that the County meets its objectives in the fair and reasonable allocation of bond selling commissions to members of the underwriting syndicate, particularly to Cook County and minority- and women-owned firms;
- (2) The underwriter shall report the allocation of bond selling commissions and fees received by each member of the underwriting syndicate to the Chief Financial Officer within 30 days of closing of the bond issue; and
- (3) The underwriter shall comply with all limitations or disclosure requirements concerning political contributions that are or may be imposed by the Municipal Securities Regulatory Board or the Securities and Exchange Commission. Failure by the underwriter to comply with this provision shall not void the sale, but the underwriter may be subject to disqualification as set forth in Division 54.

**Sec. 34-204. Continued Management of Bond Proceeds.**

(a) When permissible and practicable under related bond ordinances, debt instruments, and debt agreements, the Chief Financial Officer shall maintain investment of bond proceeds in accord with (1) the County Taxpayers' Interest Assurance Ordinance; (2) the Illinois Public Funds Investment Act; or (3) such policies as are promulgated by the Chief Financial Officer, following submission to the County Board.

(b) In selecting financial institutions to serve as broker-dealers in acquiring investments of bond proceeds under this Section, the Chief Financial Officer shall, for each contemplated investment, elicit proposals from at least three broker-dealers deemed qualified under policies and procedures promulgated by the Chief Financial Officer, the State of Illinois, or the City of Chicago.

(c) In the selection of broker-dealers under this Section, it shall be the continued goal of the County that no less than 35 percent of the cumulative value of the proposed investment purchased in a given fiscal year shall be consummated by one or more broker-dealers that consistently maintain and staff a functional commercial presence and office in the County and are at least 51 percent owned, controlled, and managed by minority individuals or women.

**Secs. 34-~~205~~4—34-214. Reserved.**

*Subdivision II. Recycled Products*

**Sec. 34-215. Purpose.**

This subdivision shall be known as the "Cook County Recycled Product Procurement Policy."

Its purpose is to promote market development of recycled products, recyclable products, and equipment capable of using such materials by establishing preferential purchasing programs applicable to all Using Agencies and Contractors, thereby diverting materials from the solid waste stream.

**Sec. 34-216. Policies.**

- (a) All Using Agencies shall whenever practicable use recycled products, recyclable products and reusable products to meet their demands.

- (b) Using Agencies and the CPO shall, whenever practicable, specify in the Contract Documents the use of recycled products and recyclable products.
- (c) In procuring designated products pursuant to this division, the CPO shall require recovered material and/or post-consumer material content to be factors in determining the lowest Responsive Bid in any competitive bidding procurement process.

**Sec. 34-217. Definitions.**

The following words, terms and phrases, when used in this subdivision shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Chlorine-free paper* or *paper products* means recycled paper in which the virgin content is unbleached or bleached without chlorine or chlorine derivatives, or virgin paper which is unbleached or processed with a sequence that includes no chlorine or chlorine derivatives.

*Designated products* means all products that have been or may be identified pursuant to Section 34-218 as products that can be procured with significant levels of recovered materials.

*Minimum content standards* means standards set by the County Board, or in its absence, standards or guidelines currently promulgated by the United States Environmental Protection Agency, specifying the minimum level of recovered materials and/or post-consumer material necessary for designated products to qualify as recycled products.

*Paper* and *paper products* means all items manufactured from paper or paperboard.

*Post-consumer material* means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling, and disposition.

*Post-consumer paper material* means paper, paperboard, and fibrous waste including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage after the point at which they have passed through their end use as consumer items.

*Practicable* means:

- (1) Able to perform in accordance with applicable specifications;
- (2) Offered as the low Bid under the procedures in Section 34-219(b), herein;
- (3) Available within a reasonable period of time; and
- (4) Maintaining a satisfactory level of competition.

*Recovered material* means material and byproducts which have been recovered or diverted from solid waste, but does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process (such as mill broke or home scrap).

*Recovered paper material* means paper waste generated after the completion of a paper making process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material, however, shall not include fibrous waste generated during the manufacturing process such as fibers recovered

from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

*Recyclable* means that the product is technically capable of being recycled, and that economic markets for collecting and recycling the product exist within a reasonable distance, including steel and plastic.

*Recycle or recycling* means any process by which materials that would otherwise become municipal waste are collected, separated or processed and returned to the economic mainstream in the form of new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or energy production processes. For lubricating oil, the term recycling is to be synonymous with re-refining. For toner cartridges, the term recycling is to be synonymous with re-manufacture.

*Recycled designated product* means a product designated in or pursuant to Section 34-218 that meets or surpasses the County's minimum content standards, and all other criteria for qualification as specified in this division.

*Reusable product* means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ball point pen.

#### **Sec. 34-218. Designated products and recycled designated products.**

For all purposes of this subdivision, the products listed in this section or added pursuant to it are designated as products that can be readily procured with significant levels of recovered materials. Designated products shall qualify as recycled designated products if they meet minimum content standards established in this subdivision. Designated products shall include:

- (1) Paper and paper products.
- (2) Compost products.
- (3) Horticultural mulch made with recycled land clearing and other wood debris.
- (4) Construction aggregates made with recycled cement concrete, tire rubber, glass or asphalt.
- (5) Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, or tire rubber.
- (6) Antifreeze.
- (7) Recycled plastic products, including lumber shapes, refuse carts, traffic cones, insulation, receptacle liners and recycling bins, traffic barriers and office products.
- (8) Retreaded tires and products made from recycled tire rubber, including rubber mats and playfield surfaces.
- (9) Toner cartridges for computer printers.
- (10) Lubricating oil and hydraulic oil with re-refined oil content.
- (11) Insulation products.
- (12) Paint.
- (13) Wood products containing 50 percent or more reused or deconstructed wood.
- (14) Carpeting made from recycled fibers.
- (15) Office furniture.
- (16) All steel products.
- (17) Other products as designated by the CPO.

#### **Sec. 34-219. Requirements for procurements.**

- (a) Bid Notices and requests for Quotations for the procurement of tangible supplies, equipment, or goods shall contain no terms, requirements or specifications prohibiting or discouraging post-consumer or recovered material content, unless a Using Agency provides the CPO with satisfactory evidence that, for technical

reasons and for a particular end use, a product containing such materials will not meet reasonable performance standards.

- (b) In determining the lowest Responsive and Responsible Bid for the Procurement of designated products, the CPO shall use the procedures and evaluation criteria specified in this subdivision. If the lowest price offered for a recycled designated product is not more than the specified percentage higher than the lowest offered price for that same designated product that is not recycled, the offered price for the recycled designated product shall be considered the low Bid if such Bidder is otherwise Responsive and Responsible. The specified percentage will not be less than ten percent. However, nothing contained in this division shall preclude Using Agencies from requiring post-consumer or recovered material content as a bid specification.
- (c) Each Contractor supplying the County with recycled designated products shall provide acceptable certification from all product manufacturers that the products being supplied meet or surpass County minimum content standards, and shall agree to reasonable verification procedures specified by the CPO.
- (d) Bid Notices for designated products, whether recycled or not, shall require the successful Bidder to provide quarterly summaries of the quantities Procured by Using Agencies, unless the CPO determines that this requirement would significantly reduce the number of Bids received by Cook County.
- (e) The County shall not Procure any item whose original manufacturer places restrictions on the remanufacturing of such item by other businesses.

**Sec. 34-220. Procurement of paper and printing services.**

- (a) The County recycled paper procurement goal for Using Agencies (expressed as percentage of the total volume of paper Procured) shall be 60 percent. Each department shall be responsible for making its best effort to meet or surpass these goals.
- (b) All paper Procured by the County shall be recycled paper, and all printed materials Procured by the County shall be on recycled paper, containing at least 30 percent post-consumer content, unless use of such recycled paper is not practicable. For all other paper products, the CPO shall adopt minimum content standards for recycled paper products which shall, at minimum, be consistent with standards presently promulgated by the United States Environmental Protection Agency.
- (c) Printing services provided by the County or Procured by the County from an outside vendor shall utilize soy or other vegetable-based inks. If lithographic ink is used in printing performed by the County or in printing services Procured by the County from an outside vendor, the ink shall contain not less than the following percentages of vegetable oil:
  - (1) News ink, 40 percent;
  - (2) Sheet-fed and forms ink, 20 percent;
  - (3) Heat-set ink, ten percent.

High quality color process printing on high speed heat-set presses is excepted when slow drying time significantly increases production costs.

- (d) Departments shall publicize the County's use of recycled paper by printing the words "Printed on Recycled Paper" on all letterhead paper and on the title page of all reports printed on recycled paper.



- (e) To reduce the volume of paper Procured, departments shall use both sides of paper sheets whenever practicable. If possible, copies shall be made by photo-copying from one computer-generated original, such that two-sided copies can be produced, rather than printing multiple one-sided originals.
- (f) The CPO may enter into joint purchasing with other local and State agencies to reduce the cost of recycled paper product Procurements.
- (g) All Bids for new equipment and services shall include language that will encourage the use of recycled paper and paper products, wherever practicable.
- (h) Contracts shall contain provisions requiring all reports submitted by the Contractor shall use recycled paper, except where the specialized nature of certain materials (such as photographs) requires otherwise, and shall be printed two-sided unless two-sided printing is not practicable.

**Sec. 34-221. Responsibilities and reporting requirements CPO.**

The CPO is responsible for:

- (1) Revising or amending standard Bid Documents and contract language where necessary to implement this division.
- (2) Working with Using Agencies and the Department of Environmental Control, adopt and update minimum content standards or other specifications for designated recycled products.

**Sec. 34-222. Exemptions.**

Nothing in this division shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time.

**Secs. 34-223—34-2289. Reserved.**

**DIVISION 6. BID INCENTIVES AND PREFERENCES**

**Sec. 34-229. Definitions.**

The following words, terms and phrases, when used in this Division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms not defined in this section are defined in Division I of this Procurement Code, or in Section 1-3 of the Cook County Code.÷

Armed forces of the United States means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this division.

Committee means Cook County Re-entry Employment Committee.

Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders.

Eligible Veteran means a person who (i) has been either a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least 6 months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

Former Offenders means adults who are residents of the County and who have been convicted of a crime.

Labor hours means the total hours of workers receiving an hourly Wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing Wage requirements.

Qualifying Contract means a Contract for Public Works with a Bid Price of \$100,000.00 or more, for which the Contractor is eligible for Earned Credits.

Service-connected disability means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

Service-Disabled Veteran means an Eligible Veteran who has been found to have 10 percent or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

Service-Disabled Veteran-owned Business Enterprise (SDVBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Service Disabled Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

Time of hostilities with a foreign country means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

Veteran-owned Business Enterprise (VBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Eligible Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

#### **Sec. 34-230. Local business preference; all contracts.**

The CPO shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsible and Responsive Bidder by more than five percent.

#### **Sec. 34-231. Re-entry employment ~~bid incentive~~ program established; public works contracts only.**

For all Public Works Contracts with an estimated Bid Price of \$100,000.00 or more, ~~There is hereby established the Cook County Re-entry Employment Program Bid Incentive Ordinance, with the goal of working in~~

~~in conjunction with the Cook County Re-entry Employment Project to~~ increasing public safety and reducing recidivism by providing assistance to adults who are residents of the County and who are former offenders; in finding employment opportunities. ~~This Ordinance is intended to increase public safety and reduce recidivism. For all Public Works Contracts with an estimated Bid Price of \$100,000.00 or more, advertised after the effective date of this Ordinance, the CPO shall include the Bid Incentive provision in all such advertisements.~~

**Sec. 34-232. Definitions.**

~~For purposes of this division only, the following definitions apply:~~

~~Committee means Cook County Re-entry Employment Committee.~~

~~Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders.~~

~~Former Offenders means adults who are residents of the County and who have been convicted of a crime.~~

~~Labor hours means the total hours of workers receiving an hourly Wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing Wage requirements.~~

~~Qualifying Contract means a Contract for Public Works with a Bid Price in excess of \$100,000.00, for which the Contractor is eligible for Earned Credits.~~

**Sec. 34-233. Re-entry employment committee.**

(a) The President shall appoint the members of the Committee which will consist of:

- (1) A representative of the Cook County Bureau of Human Resources;
- (2) A representative of the Justice Advisory Council; ~~President's Office of Employment Training~~;
- (3) A representative of the Office of Contract Compliance;
- (4) A representative of a nonprofit organization whose mission is to reintegrate former Offenders into society;
- (5) ~~Two representatives appointed by the President, one of whom shall be a~~ A representative of organized labor; ~~and~~
- (6) ~~one of whom shall be a~~ A Cook County Commissioner.

(b) The Committee shall work with appropriate organizations to identify Former Offenders for participation in this program.

**Sec. 34-234. Re-entry eEmployment plan.**

A Contractor may qualify for Earned Credits by utilizing Former Offenders for work under a Qualifying Contract. In order to so qualify, a Bidder must include in its Bid for such Qualifying Contract an employment plan for Former Offenders by Contractor or any subcontractors. Bidders may request from the Committee a list of candidates. If the Bidder or any subcontractor employs Former Offenders or identifies potential candidates on its own, such candidates may be submitted to the Committee to determine if they are Former Offenders, as defined in this division.

**Sec. 34-2354. Re-entry employment eEarned credits.**

- (a) The CPO shall include information regarding re-entry employment Earned Credits in all advertisements for Qualifying Contracts.
- (b) Upon the completion of a Qualifying Contract, a Contractor may apply to the CPO for Earned Credits, on such forms and including such information as required by the CPO. If the Contractor met or exceeded the Former Offender employment goals established in the Qualifying Contract. If the CPO determines that the Contractor has successfully met or exceeded its employment plan in the Qualifying Contract, the CPO shall issue an Earned Credit Certificate that evidences the amount of Earned Credits calculated as set forth below. The Contractor may utilize the Earned Credits as set forth in this division in a future Bid for a Contract for Public Works of equal or greater value as the Qualifying Contract, by including a copy of the Earned Credit Certificate with its Bid.
- (c) For any Qualifying Contract, the CPO shall determine the Earned Credits, as follows. And issue an Earned Credit Certificate, which shall be valid for three years from the date of issuance.

Percentage of Total Labor Hours Performed by Former Offenders	Earned Credit
5—10%	½% of Bid price
Over 10%	1% of Bid price

- (d) For purposes of calculating the lowest Responsive and Responsible Bidder only, the CPO shall deduct from the Bid Price the amount of Earned Credit set forth on the Earned Credit Certificate submitted by a Bidder. If the Bidder is awarded the Contract, such Earned Credit Certificate may not be used again in a future Bid.

**Sec. 34-2365. Re-entry employment cContractor's records.**

A Contractor shall retain all records supporting any Certificate of Earned Credits issued to such Contractor for a period of at least three years after issuance of such Certificate. A Contractor shall impose this requirement by contract with any subcontractors included in the employment plan. The Office of the CPO shall have access to the Contractor's and such subcontractors' records.

**Sec. 34-2376. Eligible Veterans' preference established, definitions.**

~~It is the policy of the County to provide an incentive for Contractors for Public Works Contracts when such Contractors utilize veterans for at least five percent of the hours worked under such Contract, as hereinafter set forth. For purposes of this Division, "Eligible Veterans" shall mean persons (a) who have been either members of the armed forces of the United States or while citizens of the United States, have been members of the armed forces of allies of the United States, (b) were members of such armed forces in time of hostilities occurring after September 11, 2001, and (c) have served (i) a total of at least six months; or (ii) for the duration of hostilities regardless of the length of engagement; or (iii) in the theater of operations for less than six months but was discharged on the basis of a hardship; or the veteran was released from active duty because of a service-connected disability and was honorably discharged. The preference provided for in this section will be one percent.~~

(c) Veterans' Workplace Preference. The CPO shall give a preference of one percent of the amount of the Contract to a Responsible and Responsive Contractor for a Public Works Contract when such Contractor has committed by affidavit to utilize Eligible Veterans for at least five percent of the hours worked under such Contract. Failure to utilize Eligible Veterans in accordance with the affidavit will result in breach of contract.

(d) Veteran-owned Business and Service Disabled Veteran-owned Business preference. The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive VBE or SDVBE.

The CPO shall develop procedures for implementation of this section. ~~This Section shall take effect six months after the date of adoption.~~

**Sec. 34-2387. ~~Qualified v~~ Veteran-owned businesses ~~incentive.~~**

(a) ~~Qualified Veteran Owned Business~~ means a business entity that is 51 percent or more owned by one or more Eligible Veterans as defined in Section 34-237

~~(b) The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive Qualified Veteran Owned Business. The CPO shall develop procedures for implementation of this section 34-238(b). This section shall take effect six months after adoption.~~

(e) It is the goal of the County to award each year not less than ~~five~~three percent of its total expenditures for supplies, materials, equipment, goods, and services to ~~Qualified Veteran Owned Businesses~~VBEs and SDVBEs. The ~~Contract Compliance Director~~CCD may count toward its ~~five~~three percent yearly goal that portion of all Contracts in which the Contractor subcontracts with a ~~Qualified Veteran Owned Business~~VBE or SDVBE. Each year, the CCD shall report to the County Board on all of the following for the immediately preceding 12-month period:

- (1) The number of ~~Qualified Veteran Owned Businesses~~ VBEs and SDVBEs that ~~who~~ submitted a Bid.
- (2) The number of ~~Qualified Veteran Owned Businesses~~VBEs and SDVBEs that ~~who~~ entered into Contracts and the total value of those Contracts.
- (3) Whether the County achieved the goal described in this subsection.

~~(b)(4)~~Each year, the CCD shall review the ~~five~~three percent goal with input from countywide veterans' service organizations and from the business community including ~~Qualified Veteran Owned Businesses~~VBEs and SDVBEs, and shall make recommendations to the County Board regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of ~~Qualified Veteran Owned Businesses~~ VBEs and SDVBEs and on the continued need to encourage and promote businesses owned by qualified veterans.

~~(c)(5)~~The CPO will make best efforts to recruit and solicit bids and make procurements from VBEs and SDVBEs.

~~(d)~~ The above-stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.

~~(e)~~ The CCD, in consultation with the Using Agency, shall establish contract specific goals for each contract. In establishing a contract specific goal, the CCD shall consider the availability of sufficient certified VBEs and SDVBEs for supplies, materials and equipment, or services required as part of the procurement.

~~(f) The provisions of this Division 6, Section 34-238(c) shall be effective as of July 1, 2013. The Contract Compliance Director shall by such date as soon as practicable develop and implement procedures and any corresponding regulations for certifying and monitoring utilization of VBEs and SDVBEs determining the availability of eligible veteran-owned businesses and shall report back to the County Board on the appropriateness of the five percent goal, based on such availability.~~

**Sec. 34-2398. VBE/SDVBE Certification. Qualified service-disabled veteran businesses incentive.**

~~(d) The CCD shall certify a Person as a VBE when it is a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans; and (ii) that has its home office in Illinois.~~

~~(e) The CCD shall certify Person as a SDVBE when it is a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans; and (ii) that has its home office in Illinois.~~

~~(f) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met.~~

~~(d) Definitions. For the purposes of this section the following terms are defined below:—~~

~~Service Disabled Veteran means an Eligible Veteran who became disabled in the line of duty while serving the United States Armed Forces, and who received an other than dishonorable discharge.—~~

~~Service Disabled Veteran Business means a Small Business (as defined in Division 8):—~~

~~(1) Not less than 51 percent of which is owned by one or more Service Disabled Veterans; and~~

~~(2) The management and daily business operations of which are controlled by one or more Service Disabled Veterans or, in the case of an Eligible Veteran with permanent and severe disability, the spouse of such veteran.—~~

~~(b) In addition to the goals established pursuant to Section 34-238, it is the goal of the County to award each year not less than three percent of its total expenditures for supplies, materials, equipment and services to qualified Service Disabled Veteran Owned Businesses.—~~

~~(c) The CPO will make best efforts to recruit and solicit bids and make procurements from qualified Service Disabled Veteran Owned Businesses.—~~

~~(d) The above stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.—~~

~~(e) The provisions of this Division 6, Section 34-239 shall be effective as of July 1, 2013. The Contract Compliance Director shall by such date develop procedures for determining the availability of Service Disabled Veteran Owned Businesses and shall report back to the County Board on the appropriateness of the three percent goal, based on such availability.—~~

**Secs. 34-24039—34-249. Reserved.**

**DIVISION 7. INTEGRITY IN THE PROCUREMENT PROCESS**

**Sec. 34-250. Reporting irregularities suspected or known fraudulent activity.**

~~The Board encourages~~ Any Person involved in the Cook County Procurement process, including employees, contractors, and those seeking to do business with the County, shall ~~to~~ report directly and without any undue delay, any suspected or known ~~irregularities~~ fraudulent activity in the County's procurement process to the ~~County Compliance Officer of the~~ Office of the Cook County Inspector General. In addition to any applicable laws protecting whistleblowers, the County shall ensure that a report made in good faith will not result in any adverse action taken by the Board or the County against the Person making such a report. The CPO's procedures will include a mechanism to publish this provision to all appropriate Persons.

#### **Sec. 34-251. Communications.**

For all Procurements, the CPO shall establish procedures to ensure that communications from individuals outside the County regarding a Procurement shall be memorialized and maintained in the procurement file. Communications about a Procurement from or on behalf of an Elected Official or a Using Agency shall also be memorialized and maintained in the Procurement file.

#### **Secs. 34-252—34-259. Reserved.**

### **DIVISION 8. MINORITY- AND WOMAN-OWNED BUSINESS ENTERPRISES**

#### *Subdivision I. General Provisions*

#### **Sec. 34-260. Short title.**

This subdivision shall be known and may be cited as the Cook County Minority- and Women-Owned Business Enterprise General Ordinance. This subdivision is applicable to all Contracts, except Public Works Contracts which are governed by Subdivision II of this Division 8.

#### **Sec. 34-261. Findings.**

- (a) The County has heretofore adopted a Minority Business Enterprise Ordinance to ensure that minority and women's businesses are provided full and equal opportunity to participate in Contracts.
- (b) The Supreme Court of the United States in *City of Richmond v. Croson*, 488 U.S. 469 (1989), has enunciated certain standards which are necessary to maintain effective affirmative action programs in compliance with constitutional requirements.
- (c) The County is committed to implementing its affirmative action program in conformance with the United States Supreme Court's decision in *City of Richmond v. Croson*.
- (d) In furtherance of this commitment, and at the direction of the Board, County staff and consultants conducted an investigation into the scope of any discrimination in County Procurements, and in the award of and participation in contracts in the metropolitan Chicago economy, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women's business enterprises equal opportunity to participate in Procurements and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.
- (e) Minority and women's businesses continue to be awarded prime contracts and subcontracts in dollar amounts that are disproportionately lower than the availability of such businesses willing and able to perform Contracts.

- (f) The County's procurement practices in the past have contributed to the above identified underutilization of minority and women's businesses on Contracts.
- (g) Minority and women's businesses continue to be disadvantaged by discriminatory practices in the local construction industry and economy when competing for Contracts and in seeking subcontracting opportunities on such Contracts.
- (h) The County was a passive participant in the discriminatory practices of businesses which discriminate against minority and women's businesses by entering into contracts with such businesses.
- (i) Despite its good faith efforts and implementation of previous affirmative action programs, minority and women's businesses remain at a competitive disadvantage in competing for Contracts and subcontracts.
- (j) Race and gender neutral measures or affirmative action programs without numerical goals have not and are not likely to eliminate the competitive disadvantage of minority and women's businesses in participating in Contracts due to discrimination in the local economy.
- (k) The numerical goals for the participation of minority and women's businesses in Contracts are commensurate with the availability of minority and women's businesses willing and able to perform County work.

**Sec. 34-262. Policy and purpose.**

Based on the foregoing findings, the policy and purpose of this division are as follows:

- (a) It is the public policy of the County to strive to achieve the full and equitable participation of minority- and ~~female~~woman-owned businesses in the County's procurement process as both prime and subcontractors.
- (b) The County is committed to a policy of preventing discrimination in making Procurements, and eliminating arbitrary barriers to participation in Procurements by all persons, regardless of race, sex, or ethnicity.
- (c) The purpose of this division is to establish and implement goals for participation of PCEs in Procurements, in compliance with all applicable laws.

**Sec. 34-263. Definitions.**

The following words, terms and phrases, when used in this ~~Subdivision I~~Division, shall have the meanings ascribed to them in this section, ~~except where the context clearly indicates a different meaning.~~ Capitalized ~~¶~~Terms not defined in this section are defined in Division 1 of this Procurement Code, or in Section 1-3 of the County Code. Additional terms applicable to Subdivision II are set forth in such subdivision.

*Affiliate.* An "Affiliate" of or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person Specified. Affiliates shall be considered together in determining whether a firm is a small business.

*Broker* means a Person who or which neither manufactures the supplies, equipment or goods supplied nor owns or operates a store, warehouse or other establishment (and related distribution equipment) in which it maintains, consistent with industry standards, an inventory of the supplies, equipment or goods, ~~materials or~~



supplies required for performance of the Contract for sale in the normal course of business. A Broker provides no substantial service other than acting as a conduit between his or her supplier and his or her customer.

~~*Certified or Certification* means registration of the Minority Business Enterprises or Women's Business Enterprise status of a business in the County's Directory of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises ("PCE Directory").~~

*Commercially Useful Function* means the performance of a distinct element of work required for the Procurement, with the requisite skill and expertise shall have the meaning set forth in Section 34-383.-

~~*Contract* means, for purposes of this Division 8, any Procurement or Contract (as defined in Section 34-121) in an amount exceeding \$25,000.00.~~

*Contract Specific Goals* means the goals established under Section 34-267 that are based upon relevant factors, including, but not limited to, the availability of MBEs or WBEs in the scopes of work of the Project.

*County Marketplace* means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

*Economically Disadvantaged* means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index for Urban Wage Earners and Clerical Workers, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2011~~08~~.

*Expertise* means demonstrated skills, knowledge or ability to perform, as defined by normal industry practices, including licensure where required, in a field.

*Good Faith Efforts* shall have the meaning set forth in Section 34-271.

~~*Joint Venture* means an association formed by two or more Persons to carry out a single business enterprise, for which purpose they combine their expertise, property, capital, efforts, and skills.-~~

*Manufacturer* means a Person that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required for a Procurement and of the general character described by the specifications.

*Minority Business Enterprise* or *MBE* mean a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Minority Individuals; and
- (3) Which has its principal place of business and a majority of its regular, full-time workforce located within the County's Marketplace.

*Minority Individual* means an individual in one of the following groups:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;

- (2) Hispanic-Americans, which includes persons ~~of~~who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (persons whose origins are in any of the original peoples of the Far East Asia, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or
- (5) Other groups, including, but not limited to, Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's Marketplace.

*Owned* means having all the customary incidents of ownership, including the right of disposition, and the sharing in all risks and profits commensurate with the degree of ownership interest.

*Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other Certified MBE or WBE, provided that the other Person is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with a spouse, an individual's Personal Net Worth includes only that individual's share of such assets. An individual's Personal Net Worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

*Program* means the Minority- and Women-Owned Businesses Enterprise Program established in this division, and shall include the Public Works Participation Program.

*Program Goals* means the goals set forth in Section 34-267.

*Protected Class Enterprise* or *PCE* shall mean those Persons qualifying under the definitions of *Minority Business Enterprise* and *Women's Business Enterprise* contained in this section.

*Public Works Participation Program* means the program established pursuant to Subdivision II.

*Regular Dealer* means a Person that owns, operates, or maintains a store, warehouse, or other establishment in which the ~~materials, supplies, articles, equipment, or goods~~ (excluding software licenses) of the general character required for the Procurement are bought, kept in stock, and regularly sold or leased in the usual course of business. To be a Regular Dealer, the Person must be an established business that engages, as its principal business and under its own name, in the Procurement and sale or lease of the products in question. A Person may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the Person both owns and operates distribution equipment for the products. Any supplementing of such Person's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacturer representatives, or other Persons who arrange or expedite transactions are not Regular Dealers.

~~*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the Person seeks to perform on Contracts. A Person is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the Person's previous five fiscal years, exceed the size standards of 13 CFR Part 121.~~

*Socially Disadvantaged* means an individual who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

*Utilization Plan* means a plan for utilization of PCEs described in Section 34-383.

*Woman* means a person of the female gender.

*Woman Owned Business Enterprise* or *WBE* means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent Owned by one or more Women, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is Owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Women; and
- (3) Which has its principal place of business and a majority of its regular, full-time work force located within the County's Marketplace.

**Sec. 34-264. Race- and gender-neutral measures to implement the program.**

The County shall use measures such as the following in implementing the Program.

- (a) Establishing schedules for submitting Bids and Quotations with adequate time frames for identifying and contacting PCEs qualified to participate in the Procurement;
- (b) Segmenting Procurements to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, Bid preparation and specific contracting opportunities;
- (d) Holding pre-Bid conferences, where appropriate, to explain the projects and to encourage Contractors to use available qualified PCEs;
- (e) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (f) Collecting information from all Contractors detailing the Bids or proposals received from all subcontractors for Procurements and the expenditures to PCEs;
- (g) At the discretion of the CCD, in cooperation with the CPO, periodically entering into a procurement process without Program Goals or Project Specific Goals in order to determine MBE and WBE utilization in the absence of such goals;
- (h) Referring complaints of discrimination to Cook County's Commission on Human Rights, or other appropriate authority, for investigation.

**Sec. 34-265. Program administration.**

- (a) The Office of Contract Compliance, under the direction of the CCD, who shall report to the President, shall administer the Program. The duties of the CCD shall include:
- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program, certification process, recertification process, and no-change affidavits, including time limitations for the submission of documents and information regarding certification applications and contract participation. The CCD is authorized to collect certification and recertification processing fees in the amount of \$250.00 per Application; the collection of said processing fees shall be transacted by the CCD through the Bureau of Finance.
  - (2) Providing information and assistance to PCEs and Small Businesses relating to the Program, and serve as a liaison to community, contractor, professional and supplier groups, and associations and organizations.
  - (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Persons as PCEs, accepting certifications by other agencies, and maintaining a directory of Certified PCEs. Such procedures and criteria shall include non-certification or decertification for the willful submission of false or inaccurate material information and the failure to submit complete and accurate material information to the CCD regarding certification or a Procurement on a timely basis, and shall relate to both PCEs and PCE owners.
  - (4) Establishing Contract Specific Goals based upon the availability of PCEs to provide the supplies, materials and equipment or services required by the Contract.
  - (5) Monitoring Contracts to evaluate compliance with Contract Specific Goals and commitments.
  - (6) Cooperating with and providing assistance to Using Agencies to facilitate participation by PCEs in Procurements.
  - (7) Reviewing, approving or rejecting Utilization Plans for achievement of Contract Specific Goals, and evaluating the extent to which goals were achieved.
  - (8) Monitoring contracts to ensure compliance with Section 34-388, Prompt Payment of PCEs.
  - (9) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
  - (10) Evaluating the effectiveness and utility of the Program.
  - (11) Monitoring the Program and the County's progress towards the Program Goals. The CCD shall report on a quarterly and annual basis to the President on the Program.
  - (12) ~~The CCD shall~~ Reporting to the CCC, at its request, information regarding the administration of the Program and its progress toward achieving the Program Goals.
- (b) Using Agencies shall cooperate with the CCD in the administration of the Program, specifically including assisting the CCD with setting Contract Specific Goals and assisting in the identification of available MBEs and WBEs.

**Sec. 34-266. Contract compliance committee.**

The Contract Compliance Committee ("CCC") shall be a Standing Committee of the Board, consisting of seven members of the Board selected as set forth in Chapter 2, Article III, Section 2-105 of the Code. The CCC shall review procedures, proposed modifications to the Program or this Division 8, and complaints as referred by the CCD or the CPO.

**Sec. 34-267. Program goals.**

- (a) The County aspires to the following annual Program Goals: A goal of 25 percent of the annual total dollar amount of Contracts other than Public Works Contracts to MBEs, and ten percent of the total dollar amount of such Contracts to WBEs. In addition, the County sets an annual "best efforts" goal of 35 percent PCE participation for the total professional services and consulting services utilized by the County.
- (b) The CCD, in consultation with the CPO and the Using Agency shall establish Contract Specific Goals for each Contract. In establishing a Contract Specific Goal, the CCD shall consider the availability of sufficient Certified MBEs and WBEs for the supplies, ~~materials and equipment, goods, or services~~ and the CCD shall consider the availability of sufficient Certified PCEs for the ~~or services~~ required as part of the Procurement.
- (c) No goal shall be treated as a quota nor shall it be used to discriminate against any Person on the basis of race, color, national origin, religion or sex.

**Sec. 34-268. Certification Criteria.**

~~The CCD shall Certify only Persons that meet all the following criteria:~~

- (a) ~~The Person must be either an MBE or a WBE, or must establish that such Person has individually suffered bias such that his or her opportunities to form and operate a successful business have been substantially diminished because of race, ethnicity, culture or disability. Only Persons that meet the criteria for certification as an MBE or WBE may participate in the Program. The applicant has the burden of proof by a preponderance of the evidence.~~
- (b) The Person must be either an individual who is Socially and Economically Disadvantaged or 51 percent Owned by one or more individuals who are Socially and Economically Disadvantaged.
  - (1) The Ownership by a Socially and Economically Disadvantaged Person must be real, substantial, and continuing, going beyond pro forma ownership of the Person as reflected in Ownership documents.
  - (2) The contributions to acquire the Ownership interest must be real and substantial, and in accord with generally accepted industry standards. If ~~e~~Expertise is part of the contribution, the Expertise must be of the requisite quality generally recognized in a specialized field, necessary to the Person's potential success, specific to the type of work the Person performs and documented in the Person's records.
- (c) The Person must be managed and cControlled by one or more Socially and Economically Disadvantaged individual.
  - (1) There must not be any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged individual(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged individual(s), without the cooperation or vote of any

non-Socially and Economically Disadvantaged individuals, from making any business decision of the Person, including the making of obligations or the dispersing of funds.

- (2) The Socially and Economically Disadvantaged individual(s) must possess the power to direct or cause the direction of the management and policies of the Person and to make day-to-day as well as long-term decisions on management, policy, operations and work.
  - (3) The Socially and Economically Disadvantaged individual(s) may delegate various areas of the management or daily operations of the Person to individuals [who] are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged individual(s) must retain the power to hire and fire any such Person. The Socially and Economically Disadvantaged individual(s) must actually exercise control over the Person's operations, work, management and policy.
  - (4) The Socially and Economically Disadvantaged individual(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the Person's operations and work. The Socially and Economically Disadvantaged individual(s) must have the ability to intelligently and critically evaluate information presented by other participants in the Person's activities and to make independent decisions concerning the Person's daily operations, work, management, and policymaking.
  - (5) If federal, state or local laws, regulations or statutes require a particular license or other credential to own or control a certain type of Person, then the Socially and Economically Disadvantaged owner(s) must possess the license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, then the fact that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
  - (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the Person or prevent the owner from devoting sufficient time and attention to manage and Control the Person's day to day activities.
- (d) Only an independent Person may be certified as a MBE or WBE. An independent Person is one whose viability does not depend on its relationship with another Person, and who has the capacity or ability to successfully undertake and complete the relevant work. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a Person is independent. In determining whether an applicant is an independent business, the CCD will:
- (1) Scrutinize relationships with non-Certified Persons in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
  - (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Persons associated with non-Certified Firms compromise the applicant's independence.
  - (3) Examine the applicant's relationships with non-Certified Persons to determine whether a pattern of exclusive or primary dealings with non-Certified Persons compromises the applicant's independence.
  - (4) Consider the consistency of relationships between the applicant and non-Certified Persons with normal industry practice.

- (e) ~~The Person~~The CCD shall certify only Persons that meet all the above criteria. An applicant shall be Certified only for specific supplies, equipment, goods or services, or for types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and ~~Control~~ the Person's operations and work.
- (f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms, provided that the Joint Venture meets the criteria for certification as an MBE or WBE. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.
- (fg) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met~~In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CCD determines that the certification standards of such entities are comparable to those set forth herein.~~
- (gh) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the Person to seek recertification by filing the necessary documentation with the CCD as provided by rule may result in decertification.
- (hi) It is the responsibility of the Certified PCE to notify the CCD of any change in its circumstances affecting its continued eligibility for the Program. Failure to do so may result in the PCE's decertification.
- (ij) The CCD shall decertify a PCE that does not continuously meet the eligibility criteria.
- (k) Disqualification pursuant to Division 4 of the Procurement Code shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- (jl) Decertification by another agency shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- (km) A Person that has been denied certification or recertification or has been decertified may protest the denial or decertification ~~as provided by rule~~, by submitting a petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.
- (ln) A Person found to be ineligible may not apply for certification for ~~six months~~one year after the effective date of the final decision.
- (mo) A third party may challenge the eligibility of an applicant for Certification or a Certified PCE pursuant to procedures established by the CCD. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for Certification or a Certified PCE. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CCD shall be the final arbiter of all challenges. The presumption that the challenged PCE is eligible shall remain in effect until the CCD renders a final decision.

**Sec. 34-269. Utilization plan; commercially useful function.**

- (a) *Utilization Plan*~~required~~. The CPO shall include in Contract Documents for Contracts covered by this Division, a requirement that a Utilization Plan be submitted which either: (i) commits to PCE participation equal to or greater than the applicable Program Goals or Contract Specific Goals, or (ii) requests a waiver of all or a portion of a Program Goal or Contract Specific Goal.
- (1) The Utilization Plan shall be in such form and contain such information as is required by the CCD, and may include such components as direct PCE participation, indirect PCE participation, and a mentoring relationship with one or more PCEs.
  - (2) The Utilization Plan shall be due at the time the bid/proposal is due. Failure to include a Utilization Plan will render the submission not Responsive.
  - (3) The CCD shall review and either approve or reject the Utilization Plan. For purposes of evaluation a Utilization Plan, only PCEs which perform a Commercially Useful Function relative to the supplies, equipment, goods, services, or types of work for which the PCE has been certified shall be considered.
  - (4) Once a Utilization Plan has been approved, the Contractor cannot make changes to the Utilization Plan, including substituting PCEs named in the Utilization Plan, without the prior written approval of the CCD, CPO and the Using Agency. The CCD shall promulgate procedures for changes to the Utilization Plan.
- (b) *Commercially Useful Function*. To be considered in meeting Goals, a PCE must perform a Commercially Useful Function, ~~as determined pursuant to this Subsection 34-269(b). "Commercially Useful Function" means the performance of a distinct element of work required for the Procurement, with the requisite skill and Expertise.~~
- (1) In the case of a Procurement of supplies, equipment, or goods or equipment, placing an ordering from a manufacturer or distributor for delivery directly to the Using Agency is not a Commercially Useful Function; provided, however, that to the extent such practice is consistent with normal industry practices, a PCE subcontractor may enter into second tier subcontracts. However, if a PCE Contractor or subcontractor subcontracts a significantly greater portion of the work of the Contract than would be expected on the basis of normal industry practices, the PCE shall be presumed not to be performing a Commercially Useful Function.
  - (2) In the case of a Procurement of services, a Person which subcontracts with another Person to perform the services required does not perform a Commercially Useful Function unless such Person also performs significant supervisory or management responsibilities. ~~A Broker does not fulfill a Commercially Useful Function.~~ In the case of a Joint Venture partner, each Joint Venture partner must perform a Commercially Useful Function.
  - (e3) A PCE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the Contract through which funds are passed in order to obtain the appearance of PCE participation.
  - (e4) When a PCE is presumed not to be performing a Commercially Useful Function, the Certified PCE and the Person seeking to include that PCE in its Utilization Plan, may present evidence to rebut this presumption.



~~(e) Once a Utilization Plan has been approved, the Contractor cannot make changes to the Utilization Plan, including substituting PCEs named in the Utilization Plan, without the prior written approval of the CCD, CPO and the Using Agency. The CCD shall promulgate procedures for changes to the Utilization Plan.~~

#### **Sec. 34-270. Methods to achieve goals and compliance.**

A Person may achieve the applicable Contract Specific Goals in any one or more of the methods set forth below. The same PCE, whether as a contractor, subcontractor or supplier, cannot be utilized as both a MBE and a WBE on the same Contract.

- (1) *PCE as prime Contractor.* An MBE or WBE may count its own participation toward the achievement of the applicable MBE or WBE goal. Such PCE will be required to meet the other goals by another method described herein. If a WBE is also a MBE, such WBE's participation may count toward either the MBE or WBE Goal but not both.
- (2) *Joint Venture with one or more PCE.* Where a Person engages in a Joint Venture with one or more PCEs, the Utilization Plan shall include a written agreement at least the information set forth in Subsection 34-384(ii)1 through 4 [(2)a. through d.] below. The CCD shall consider the following in determining whether the proposed Utilization Plan satisfies the Program Goals based upon such written Joint Venture agreement and the Utilization Plan.
  - a. Each Joint Venture partner's initial capital investment;
  - b. The extent to which the PCE's proposed participation in the performance of the Contract constitutes a Commercially Useful Function;
  - c. Whether the PCE's share in the risks and profits of the Joint Venture is proportional to their ownership interest;
  - d. Whether the PCE will have duties, responsibilities, management Control and risk with respect to the Joint Venture in proportion to its ownership interest;
- (3) *Subcontracting.* A Person may achieve the Contract Specific Goals by means of subcontracting with, or purchasing from one or more PCEs.

#### **Sec. 34-271. Request for a total or partial waiver; good faith efforts.**

- (a) In reviewing a partial or total request for waiver of a Goal, the CCD shall determine whether a Person has made good faith efforts to meet the applicable Goals and to what extent the waiver request should be granted. In determining whether a Person has made Good faith efforts, the CCD will consider whether the Person has taken the following actions:
  - (1) Review lists of PCEs maintained by the County and other State and local governments and agencies to identify qualified PCEs for solicitation for Bids;
  - (2) Divide Procurement requirements into small tasks or quantities. This shall include, where appropriate, breaking out Contract work items into economically feasible units, consistent with the availability of PCEs, to facilitate PCE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces;
  - (3) Adjust any insurance requirements imposed by the Person seeking PCEs, or otherwise assist PCEs in obtaining any required insurance, where economically feasible, to encourage participation by PCEs;

- (4) Make timely attempts to contact PCEs providing the type of supplies, equipment, goods or services required for the Procurement; and provide them with a convenient and timely opportunity to obtain and review all information concerning the Procurement necessary to enable such PCE to respond;
  - (5) Follow up initial contacts of PCEs to determine if they are interested participating in the Procurement;
  - (6) Negotiate in good faith and on a timely basis with PCEs to enable them to participate in the Procurement. Evidence of such negotiation includes the names, addresses, and telephone numbers of PCEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached. The Contractor may not reject PCEs as being unqualified without sound reasons. That there may be some additional costs involved in finding and using PCEs is not in itself sufficient reason for a Contractor's failure to meet the Goals, as long as such costs are reasonable;
  - (7) Make efforts to assist interested PCEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate; provided, however, that such efforts shall not be inconsistent with the requirement that the PCE be responsible for actually obtaining and paying for such items;
  - (8) Establish delivery schedules which will encourage participation by PCEs, where the requirements of the Procurement permit;
  - (9) Use the services and assistance of the CCD's staff, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce;
  - (10) Timely notify appropriate community and minority and women's business organizations identified as assist agencies of the opportunity for participation in the Procurement;
  - (11) Demonstrate to the CCD that no PCE exists with which a mentor/protege relationship could be established, as described in Section 34-271
- (b) In determining whether a Bidder or Respondent has made Good Faith Efforts, the levels of participation by PCEs set forth in Utilization Plans submitted by other Persons for the same Procurement may be considered. For example, if the apparent successful Bidder or Respondent fails to meet the Contract Specific Goals, but meets or exceeds the average PCE participation obtained by other Bidders or Respondents, this may be evidence that the apparent successful Bidder or Respondent made Good Faith Efforts.
- (c) Where the County requires professional services, the County must be able to call upon those professionals whose particular training and experience are most beneficial to the County.
- (1) ~~The County sets an annual "best efforts" goal of 35 percent PCE participation for the total professional services and consulting services utilized by the County.~~
  - (2) A Utilization Plan shall be required, and if a waiver or partial waiver is requested, "good faith" efforts shall be demonstrated as set forth in Section 34-271; provided, however, that such Persons shall not be required to attempt to subcontract with PCEs if subcontractors would not typically be utilized for the type of Procurement. In such cases, the Person shall document the reasons for not subcontracting in a waiver request.
  - (3) The Contractor will endeavor to maximize use of PCEs for supplies, equipment, goods or services for such Contractor's business operations not specifically for the Procurement.

- (43) If such Person is required to have or has an affirmative action plan and goals, such plan and goals shall be submitted with their Utilization Plan. The CCD shall compare such plan and goals with the Person's actual affirmative action achievements and such achievements may be considered by the County in future Procurements.
- (d) *Mentor/protege agreements.* Where a Contractor enters into mentor/protege agreement with a PCE to improve or develop certain aspects of the business of the PCE, the CCD shall evaluate the effect of such agreement as a factor in determining good faith efforts. The mentor/protege agreement may provide for the Contractor to assist the PCE in such areas as technical aspects of the PCE's business, improving financial management, or providing on-the-job training. To constitute good faith efforts, the mentor/protege agreement shall satisfy the following requirements.
- (1) The PCE performs a Commercially Useful Function;
  - (2) The agreement shall be included in the Utilization Plan; and
  - (3) The agreement clearly defines the respective responsibilities of the Contractor and the PCE and includes specific, measurable goals to be attained by both parties through the performance of the agreement. In order to be a factor in establishing best efforts, the mentor/protege agreement must be for a reasonable period of time.
- (e) The CCD may grant a total or partial waiver based upon the following criteria:
- (1) There are not sufficient PCEs capable of providing the supplies, equipment, goods or services required for the Procurement;
  - (2) The Procurement cannot reasonably be divided;
  - (3) The price required by potential PCEs is more than ten percent above competitive levels; and
  - (4) Any other factor relating to good faith efforts as set forth in the Person's Utilization Plan.

**Sec. 34-272. Calculating PCE participation.**

In calculating a PCE's participation, only dollar amounts commensurate with a PCE's performance of a Commercially Useful Function may be counted.

- (a) The dollar value of that portion of a Procurement that is performed by the PCEs' own forces shall be counted, including the cost of supplies, materials and equipment furnished by the PCE for the Procurement, whether purchased or leased (except to the extent purchased or leased from the Contractor or the Contractor's Affiliate).
- (b) The dollar amount of fees or commissions charged by a PCE for providing a bona fide service, such as professional, technical, consultant, managerial, insurance brokerage or surety services, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.
- (c) When a PCE is a Joint Venture partner, only the dollar value of the distinct, clearly defined work performed by the PCE with its own forces, shall be counted.
- (d) Only the dollar value must be commensurate with the work the PCE actually performs.

- (e) One hundred percent of the cost of the supplies, equipment or goods obtained from a PCE Manufacturer, or Distributor, or Regular Dealer shall be counted.
- (f) One hundred percent of the fees or transportation charges for the delivery of supplies, equipment, materials or goods shall be counted only if the payment of such fees is a customary industry practice and such fees are commensurate with fees customarily charged for similar services.
- (g) If a PCE ceases to be Certified during its performance on a Procurement, the dollar value of work performed under a Contract with that Person after it has ceased to be Certified shall not be counted.
- (h) Only the dollar amount actually paid to the PCE shall be counted toward the participation of a PCE.

**Sec. 34-273. Review of contract performance.**

- (a) *Compliance with Utilization Plan.* The CCD shall review the Contractor's compliance with its Utilization Plan as necessary during the performance of the Contract. The CCD may establish such requirements for periodic Contractor reporting on compliance with its Utilization Plan as the CCD determines appropriate and necessary. A Contractor shall be required to provide any additional requested compliance documentation within 14 days of request by the CCD.
  - (1) If the CCD determines that the Contractor has failed to comply with its Utilization Plan, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default. For purposes of this section, providing a plan for bringing the Contract into compliance with the Utilization Plan may constitute a cure, if compliance cannot reasonably be achieved within the applicable cure period, and if compliance is achieved in accordance with such plan.
  - (2) If a Contractor fails to provide any documentation required by the CCD, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default.
- (b) *Bid and target market programs.* To address more specifically the barriers to PCE participation as prime Contractors in County work, the CCD may recommend to the CPO to institute the following special PCE bidding provisions, following determination of the appropriateness of such provisions.
  - (1) In connection with the award of a Contract subject to competitive bidding on which a PCE has bid and where the PCE is bidding on the item in question for the first time; and has never successfully bid on a Cook County purchasing contract, the Contract Compliance Director may, at the opening of the bids on the item, compare the PCE Bid with the lowest Bid, and, if the PCE's Bid is closely competitive as defined by guidelines to be established by the Contract Compliance Director with that of lowest actual Bids, direct the CPO to declare the PCE the successful Bidder. A PCE may use this procedure only once to become the successful Bidder on any particular item. Thereafter, the PCE must be totally competitive in terms of price to be the successful Bidder.
  - (2) The Contract Compliance Director shall develop and coordinate a target market program as follows:
    - a. ~~The Contract Compliance Director shall review the availability of PCEs providing various goods and services and shall identify for inclusion in a potential program for bidding among PCE Persons~~

~~certain commodity areas with sufficient PCE availability to ensure that the County receives a competitive price. The Contract Compliance Director shall report his/her findings and recommendations to the Contract Compliance Committee;~~

To ensure that the County receives a competitive price, the Contract Compliance Director shall review the availability of PCEs providing various supplies, equipment, goods and services, and shall identify areas with sufficient PCE availability for inclusion in a potential program for bidding, Requests for Qualifications, and Requests for Proposals among PCE Persons. The Contract Compliance Director shall report his/her findings and recommendations to the Contract Compliance Committee;

- b. Upon a determination by the CCD that such a program is advisable for any particular ~~commodity~~supplies, equipment, goods or services procurement, the Contract Compliance Director will institute the following procedures:
1. The Contract Compliance Director will notify the CPO of identification of those ~~commodity~~supplies, equipment, goods, services, or North American Industry Classification Standard (NAICS) codes appropriate for a target market program;
  2. To the extent practicable, the CPO, with the aid of the Contract Compliance Director, shall divide procurement in the designated ~~commodity~~supplies, equipment, goods or services areas into economically feasible sizes to facilitate Bids, Requests for Qualifications, or Requests for Proposals ~~or offers~~ from PCEs and shall designate contracts to be offered under the target market program;
  3. The CPO shall offer PCEs the opportunity to bid on such contracts, or submit responses or proposals, in a limited competition;
  4. All standard County procurement rules for bidding, Requests for Qualifications, or Requests for Proposals, will then become effective and, provided that at least three PCEs Bid or submit responses or proposals ~~make an offer on the contract~~, the lowest Responsive and Responsible Bidder, Proposer, or Respondent among the PCEs will receive the contract;
  5. In the event less than three PCEs Bid or submit responses or proposals pursuant to a Request for Qualifications or Request for Proposals ~~make an offer on the Contract~~, or in the event that if there is no Responsive Bid or best and final Response or Proposal offer received from a Responsible PCE, the CPO shall rebid the Contract or reissue the Request for Qualifications or Request for Proposals not subject to the target market program.
- c. Participation in the target market program shall be limited to Minority Business Enterprises, Women's Business Enterprises and Joint Ventures consisting exclusively of Minority Business Enterprises, Women's Business Enterprises or both. The PCE Contractor on a target market Contract may subcontract up to 49 percent of the dollar value of the target market Contract to subcontractors who are not Minority Business Enterprises or Women's Business Enterprises.

#### **Sec. 34-274. Prompt payment of PCEs.**

If an invoice from a Contractor includes payment for supplies, equipment, goods or services furnished by a PCE, Contractor shall pay such PCE for such supplies, equipment, goods or services within ~~30~~15 days after receipt of payment from the County. The CCD shall investigate any complaint or charge of excessive delay in payment, and shall report the results of such investigations to the Contract Compliance Committee and to the

County Comptroller. Failure of Contractor to comply with this section 34-388 shall constitute a material breach of the Contract.

**Sec. 34-275. Reporting and review.**

The CCD shall report to the Board on an annual basis with respect to the following:

- (1) The percentage of the total dollar amount of Procurements for such year actually received by PCEs;
- (2) The number of MBEs and WBEs available for participation in Procurements, by category;
- (3) An evaluation of the effectiveness of this division in ensuring equitable participation by PCEs in Procurements;
- (4) An assessment of the continuing need for the Program;
- (5) Identification of any enforcement problems; and
- (6) Any recommendations with respect to modifying or improving the Program, including discontinuing or modifying Program Goals in those cases where Minority Business Enterprises and Women's Business Enterprises no longer are disadvantaged by the effects of discrimination in their participation in Procurements.

**Sec. 34-276. Prohibited provisions.**

Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

**Secs. 24-277. —34-284. Reserved.**

*Subdivision II. Participation in Cook County Public Works Contracts*

**Sec. 34-285. Short title; incorporation of provisions.**

This subdivision may be known and cited as the Cook County Public Works Minority- and Women-Owned Business Enterprise Ordinance and may be cited as such.

**Sec. 34-286. Findings.**

- (a) The findings set forth in Subdivision I, Section 34-261 of this Division 8 are incorporated herein by this reference.
- (b) After the requirement in Subdivision I that minority- and women-owned businesses (M/WBEs) be allotted certain percentages of County construction contracts was ruled unconstitutional, the County witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation.
- (c) The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005); (ii) County statistical evidence of continuing discrimination against Blacks,

Hispanics, Asians and women in the County's Procurements; (iii) the Report title, "Review of Compelling Evidence of Discrimination Against Minority- and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;" as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's Public Works Contracts; and (v) receiving and considering written reports, adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in Public Works Contracts.

- (d) The County seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in Public Works Contracts.
- (e) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned and reviewed the study entitled "The Status of Minority- and Women-Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois" (the "NERA Study") on the levels of PCE participation in Public Works Contracts, and has considered the evidence in relevant case law; and
- (f) The NERA Study made recommendations for a revised Minority- and Women-owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race- and gender-neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program;
- (g) The County has a compelling interest in preventing discrimination and desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

**Sec. 34-287. Policy.**

It is hereby found, determined and declared that the purpose of this Ordinance is to ensure the full and equitable participation of Minority- and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's Public Works contracts. The County is committed to a policy of preventing discrimination in the award of or participation in Public Works contracts and has recommended appropriate narrowly tailored remedies to eliminate any such discrimination.

**Sec. 34-288. Applicability.**

This subdivision shall apply to all Public Works contracts, regardless of the sources of other funds; provided that any Public Works contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

**Sec. 34-289. Severability.**

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

**Sec. 34-290. Definitions.**

The following terms shall have the following meanings:

~~*Affiliate of a person or entity* means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining~~

~~Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates shall be considered together in determining whether a firm is a Small Business.~~ Affiliate. An "Affiliate" of or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person Specified. Affiliates shall be considered together in determining whether a firm is a small business.

*Annual Participation Goals* mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

Applicant means a person who submits documents and information seeking certification, continued certification, or re-certification as an MBE, WBE, VBE, or SDVBE to the Office of Contract Compliance.

*Business* means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

*Certified Firm* means a firm that has been accepted by the County as a certified MBE or WBE. *Certified or Certification* means the granting of Minority Business Enterprises, or Women's Business Enterprise status to an Applicant.

Contract means any Procurement or Contract (as defined in Section 34-121) in an amount exceeding \$25,000.00.

*Contractor* means any Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners and Affiliates Business.

*Commercially Useful Function* means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling such responsibilities as a Joint Venture partner.

*Compliance Contract Director* or "CC Director" means the Contract Compliance Director.

*County* means the County of Cook and its participating User Departments.

*County's Marketplace* means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

*Doing Business* means having a physical location from which to engage in for-profit activities in the scope(s) of expertise of the Business.

*Economically Disadvantaged* means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index for Urban Wage Earners and Clerical Workers, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 201408.

*Expertise* means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the Business, as defined by normal industry practices, including licensure where required.

*Good Faith Efforts* means actions undertaken by a Contractor pursuant to Sec. 34-271 to achieve an MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.



*Joint Venture* means an association of two or more Businesses proposing to perform a for-profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

*Local Business* means a Business located within the County's Marketplace which has the majority of its regular, full-time work force located within the County's Marketplace.

*Local Small Business* means a Local Business which is also a Small Business.

*Manufacturer* means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

~~*Minority Business Enterprise (MBE)* means a Business:-~~

- ~~(1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;-~~
- ~~(2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more Minority Individuals;-~~
- ~~(3) Which performs a Commercially Useful Function;~~
- ~~(4) Which is a Certified Firm; and~~
- ~~(5) Which is a Local Small Business.~~

~~*Minority Individual* means:-~~

- ~~(1) African Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;~~
- ~~(2) Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American [sic];-~~
- ~~(3) Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or~~
- ~~(4) Asian Americans, which includes persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent; or-~~
- ~~(5) Individual members of other groups, including, but not limited to, Arab Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.-~~

*Minority Business Enterprise or MBE* mean a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Minority Individuals; and
- (3) Which has its principal place of business and a majority of its regular, full-time workforce located within the County's Marketplace.

*Minority Individual* means an individual in one of the following groups:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (persons whose origins are in any of the original peoples of the Far East Asia, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or
- (5) Other groups, including, but not limited to, Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in-decreased opportunities to compete in the County's Marketplace.

*Owned* means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

~~*Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.~~ *Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other Certified MBE or WBE, provided that the other Person is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with a spouse, an individual's Personal Net Worth includes only that individual's share of such assets. An individual's Personal Net Worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

*Program* means the Program established by the Minority- and Women-Owned Business Enterprise Interim Ordinance.

*Project Specific Goals* means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

*Public Works* means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multifamily residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*Regular Dealer* means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and

required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

~~Small Business means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.~~

*Socially Disadvantaged* means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

*User Department* means the department of the County or elected official responsible for initiating the procurement process.

*Utilization Plan* means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

*Woman* means a person of the female gender.

~~*Woman-Owned Business Enterprise (WBE)* means a Business:-~~

- ~~(1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;-~~
- ~~(2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;-~~
- ~~(3) Which performs a Commercially Useful Function;~~
- ~~(4) Which is a Certified Firm; and~~
- ~~(5) Which is a Local Small Business.~~

*Woman-owned Business Enterprise or WBE* means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent Owned by one or more Women, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is Owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Women; and
- (3) Which has its principal place of business and a majority of its regular, full-time work force located within the County's Marketplace.

#### **Sec. 34-291. Program administration.**

- (a) The CC Director, who shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, and whose duties shall include:
- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program, certification process, recertification process, and no-change affidavits, including time limitations for the submission of documents and information regarding certification applications and contract participation. The CCD is authorized to collect certification and recertification processing fees in the amount of \$250.00 per Application; the collection of said processing fees shall be transacted by the CCD through the Bureau of Finance.
  - (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
  - (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms. Such procedures and criteria shall include non-certification or decertification for the willful submission of false or inaccurate material information and the failure to submit complete and accurate material information to the CCD regarding certification or a Procurement on a timely basis, and shall relate to both PCEs and PCE owners.
  - (4) Establishing Project Specific Goals, in collaboration with the User Department.
  - (5) Evaluating Contractors' achievement of Project Specific Goals and/or Good Faith Efforts to meet Project Specific Goals.
  - (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
  - (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
  - (8) Collecting data to evaluate the Program and other County contracting initiatives.
  - (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.
- (b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:
- (1) Assisting the CC Director with setting Project Specific Goals.
  - (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
  - (3) Performing other activities to support the Program.
  - (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
  - (5) Submitting subcontracting data as required to the CC Director.

**Sec. 34-292. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.**

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors within 15 days in accordance with Section 34-165;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;
- (i) At the discretion of the CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

**Sec. 34-293. ~~Program eligibility~~ Certification Criteria.**

- (a) Only Businesses that meet the criteria for certification as an MBE or WBE may participate in the Program. The applicant has the burden of ~~persuasion~~ proof by a preponderance of the evidence.
- (b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as an MBE or WBE.
  - (1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in ownership documents.

The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.

- (2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial and in accord with generally accepted industry standards. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.
- (c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as an MBE or WBE.
- (1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the disbursing of funds.
  - (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
  - (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
  - (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise directly related to, the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.
  - (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
  - (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day-to-day activities.
- (d) Only an independent firm may be certified as an MBE or WBE. An independent ~~firm~~Person is one whose viability does not depend on its relationship with another ~~firm~~Person, and who has the capacity or ability to successfully undertake and complete the relevant work. Recognition of an applicant as a separate entity for

tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent Business, the CC Director will:

- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
  - (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
  - (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
  - (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.
- (e) The CCD shall certify only Persons that meet all the above criteria. An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the ~~firm~~person's operations and work.
- (f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms, provided that the Joint Venture meets the criteria for certification as an MBE or WBE. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.
- (g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable to those of the County.
- (h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.
- (i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.
- (j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.
- (k) Disqualification pursuant to Division 4 of the Procurement Code shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- (l) Decertification by another agency shall create a prima facie case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.

- (4m) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification ~~as provided by rule~~ by submitting a petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.
- (4n) A firm found to be ineligible may not apply for certification for ~~six months~~ one year after the effective date of the final decision.
- (4o) A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified firm. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the CC Director renders a final decision.

**Sec. 34-294. Annual aspirational goals.**

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County Public Works contracts and subcontracts shall be 24 percent for MBEs and ~~ten~~ 10 percent for WBEs.

**Sec. 34-295. Project specific goals.**

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

**Sec. 34-296. Counting MBE and WBE participation.**

- (a) The entire amount of that portion of a contract that is performed by the MBE's or WBE's own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work on the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).
- (b) The entire amount of fees or commissions charged by an MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.
- (c) When an MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.
- (d) Only expenditures to an MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether an MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. An MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If an MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal



industry practice, it is presumed not to perform a Commercially Useful Function. When an MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.

- (e) ~~One hundred percent of the cost of the materials or supplies obtained from an MBE or WBE Manufacturer or Regular Dealer shall be counted.~~ One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.
- (f) One hundred percent of the cost of the supplies, equipment or goods obtained from a PCE Manufacturer shall be counted.
- (fg) Sixty percent of the cost of the supplies, equipment or goods obtained from a PCE Distributor or Regular Dealer shall be counted.
- (fh) If a firm ceases to be a Certified Firm for any other reason than graduation from the M/WBE Construction Program during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.
- (gi) In determining achievement of Project Specific Goals, the participation of an MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

**Sec. 34-297. Contract pre-award compliance procedures.**

- (a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid/proposal is due.
- (b) Any agreement between a Contractor and an MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.
- (c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the Director will consider, at a minimum, the Contractor's efforts to:
  - (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.
  - (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability [of] MBEs and WBEs to facilitate their participation.

- (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all scopes of work that could be subcontracted.
  - (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
  - (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
  - (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government-sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.
- (d) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.
  - (e) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.
  - (f) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.
  - (g) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing Agent.
  - (h) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

**Sec. 34-298. Contract administration procedures.**

- (a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors and incorporated in the contract.

- (b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including, without limitation, payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.
- (c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.
- (1) All requests for changes or substitutions of an MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute an MBE or WBE subcontractor or perform the work designated for an MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent in consultation with the User Department, approves such substitution in writing. A Contractor shall not allow a substituted subcontractor to begin work until the Director, Purchasing Agent and the User Department have approved the substitution.
  - (2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.
  - (3) Substitutions of the subcontractor shall be permitted only on the following bases:
    - (i) Unavailability after receipt of reasonable notice to proceed.
    - (ii) Failure of performance.
    - (iii) Financial incapacity.
    - (iv) Refusal by the subcontractor to honor the bid or proposal price.
    - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
    - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
    - (vii) The subcontractor's withdrawal of its bid or proposal.
  - (4) The final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.
  - (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.

- (6) If the County requires the substitution of an MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBEs and WBEs have a fair opportunity to bid on the new scope of work.
- (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
- (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

**Sec. 34-299. Sanctions and penalties.**

- (a) The following violations of this subdivision may result in a breach of contract:
  - (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.
  - (2) Committing any other violations of this subdivision.
- (b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed nonresponsive in future County solicitations and contracts as determined by the County's Purchasing Agent, if it is found to have:
  - (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;
  - (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
  - (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
  - (4) Failed to comply in good faith with substantive provisions of this subdivision.

**Sec. 34-300. Program review and sunset.**

- (a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the Program.

- (b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.
- (c) Within five years after the effective date of this ordinance, the County will review the operation of the Program and the evidentiary basis for the Program in order to determine whether the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.
- (d) This subdivision shall sunset on or before June 30, 2016.

## **DIVISION 9. CONTRACT MANAGEMENT**

### **Sec. 34-301. Contracts.**

- (a) *Purpose.* The purpose of this Division is to ensure that Contracts in an amount of \$1,000,000.00 or more are performed in accordance with the Contract terms.
- (b) *Applicability.* This Division shall only apply to Contracts of \$1,000,000.00 or more.
- (c) *Funding.* The extent to which this division shall be implemented shall be limited to the availability of funding. The Board encourages the County to seek out any available grant funding for this initiative.

### **Sec. 34-302. Information to be contained in contracts.**

All Contracts over \$1,000,000.00 should contain, but not be limited to, the following information, as applicable:

- (a) Clearly state the specifications, contract period, allowable renewals or extension periods, and procedures for amendments or changes;
- (b) Provide for specific measurable deliverables and reporting requirements, including due dates;
- (c) Describe any payment schedules and escalation factors;
- (d) Contain performance standards;
- (e) Tie payments to the acceptance of deliverables or the final product;
- (f) Contain all standard or required clauses as published in an RFP. Order of precedence should be addressed in case of a discrepancy between the RFP and the Contract;
- (g) Contain appropriate signatures, approvals, acknowledgements, or witnesses; and
- (h) Be reviewed and approved as to form by an attorney from the Cook County State's Attorney's Office prior to execution.

### **Sec. 34-303. ~~Contract m~~Management ~~for~~of contracts.**

- (a) Using Agency responsibilities are as follows:
  - (1) Designate one or more individuals as the "Contract Manager" with the knowledge, skills, ability and time to monitor the Contract;
  - (2) The CPO may provide staff to assist the Using Agency in complying with this division.
- (b) Contract Manager's duties:
  - (1) Monitor performance of the Contract in accordance with its terms;
  - (2) Track budgets and compare invoices and charges to contract terms and conditions;
  - (3) Document the timeliness and acceptance or rejection of deliverables and initiate appropriate action to enforce the Contract terms; and
  - (4) Evaluate and document compliance with Contract requirements on a periodic basis during the term of the Contract and submit to the CPO.
- (c) CPO's duties:
  - (1) Create uniform evaluation forms for use by Contract Managers, to evaluate the extent to which the Contractor satisfied the Contract terms;
  - (2) Establish appropriate procedures to ensure that evaluations are utilized in determining whether a Bidder or Proposer is Responsible; provided, however, that evaluations made only within the past three years shall be considered;
  - (3) Assist Using Agencies in obtaining training through the National Contract Managers Association, Institute of Supply Management or National Institute of Government Purchasing standards, for Contract Managers.

**Secs. 34-304—34-309. Reserved.**

## **DIVISION 10. INVOICES FOR SERVICES RENDERED**

### **Sec. 34-310. Invoices required for all service contracts.**

- (a) *Work Performed.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to maintain and submit for review upon request by the Using Agency, itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.
- (b) *Expenses.* Contracts for services shall also require Contractors to submit documentation of the types and amounts of expenses incurred related to the work performed if the Contractor seeks reimbursement for any such expenses incurred.
- (c) *Invoice Documentation.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to submit itemized records indicating the dates or time period in which the services being invoiced were provided, a detailed description of the work performed for the time period being invoiced and the amount of time spent performing work for the time period in question. In addition, all Contracts for services that are procured as Sole Source must also contain a provision requiring the Contractor

to submit itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

- (d) *Payment.* All Contracts for services shall further require that the itemized work and expense records required in Section 34-310(b) and (c) be submitted to the Using Agency with the Contractor's invoice as a condition of payment for any services rendered.

**Sec. 34-311. No payment prior to submission of invoice.**

The Comptroller shall not issue a payment to any Contractor providing services who has not submitted the requisite invoice with work and expense records unless the Contractor has been approved for advance payment per the Contract. The Comptroller shall not issue an advance payment to any Contractor providing services unless the invoice includes written authorization from the Using Agency documenting the contractual basis for the advance payment. Contractors approved for advance payment shall be required to submit invoices providing work and expense records as described above in Section 34-310 on at least a monthly basis.

**Secs. 34-312—34-365. Reserved.**

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 32 FEES, Section 32.1 FEE SCHEDULE, of the Cook County Code, is hereby amended as follows:

**Sec. 32.1. Fee Schedule.**

The fees or charges provided for or required by the below-listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 34, FINANCE</b>		
<del>34-283(a)</del> 34-265	M/WBE Certification/Recertification Fee	250.00
<del>34-283(b)</del> 34-291	M/WBE Certification/Recertification Fee	<del>100.00</del> 250.00

**Effective date:** This ordinance amendment shall be in effect immediately upon adoption.

**A motion was made by Commissioner Silvestri, seconded by Commissioner Steele, that this Ordinance Amendment be recommended for approval as substituted. The motion carried.**

14-1232

**ORDINANCE AMENDMENT**

Sponsored by

**THE HONORABLE TONI PRECKWINKLE, PRESIDENT, JERRY BUTLER,  
JOHN P. DALEY, JESÚS G. GARCÍA, GREGG GOSLIN, STANLEY MOORE,**

**JOAN PATRICIA MURPHY, EDWIN REYES, PETER N. SILVESTRI,**

**DEBORAH SIMS, ROBERT B. STEELE AND JEFFREY R. TOBOLSKI,**

**COUNTY COMMISSIONERS**

**REVISING PROCUREMENT CODE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners, that Chapter 34 Finance, Article IV Procurement Code, Division 1 General Provisions through Division 10 Invoices for Services Rendered of the Cook County Code, is hereby amended as follows:

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 34-120. Short title.**

Chapter 34, Article IV of this Code shall be known and may be cited as the "Cook County Procurement Code".

**Sec. 34-121. Definitions.**

Unless defined elsewhere in this Procurement Code or in Chapter 1, Section 1-3 of the County Code, ~~capitalized~~ terms used in this Procurement Code shall have the meanings set forth below.

*Affiliate.* An "Affiliate" of, or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person specified.

*Applicant* means a person who submits documents and information seeking certification, continued certification, or re-certification as an MBE, WBE, VBE, or SDVBE to the Office of Contract Compliance.

*Assessor* means the Assessor of Cook County.

*Auditing Services* means the formal examination of accounting records or financial statements for compliance with financial accounting standards applicable to governmental entities, which functions are generally exclusively performed or supervised by Persons licensed and authorized to do business as public accountants in the State. The term "Auditing Services" shall also include any independent reports and management recommendations derived or resulting from the performance of auditing services and which reports and recommendations are included within the scope of the Contract for Auditing Services.

*Bid* means a response to a Bid Notice containing all Bid Documents and any other documents or information the Bidder is required to provide.

*Bid Documents* means the documents, specifications, forms and other information necessary required for a Bid.

*Bid Notice* means the notice from the CPO regarding a Procurement which shall include: a general description of the Procurement; information necessary to obtain the Bid Documents; and the date, time and place for both the submission of Bids and the opening of the Bids.

*Bid Price* means the dollar amount set forth in a Bid.

*Bidder* means any Person who submits a Bid.

*Certified or Certification* means the granting of Minority Business Enterprise ("MBE"), Women's Business Enterprise ("WBE"), Veteran Business Enterprise ("VBE") or Service Disabled Veteran Business Enterprise ("SDVBE") status to a Person.



*Chief Financial Officer* or *CFO* means the Chief Financial Officer of Cook County.

*Chief Information Officer* or *CIO* means the Chief Information Officer of Cook County.

*Chief Procurement Officer* or *CPO* means the Chief Procurement Officer of Cook County. References in this Procurement Code to actions required to be taken by the CPO shall be deemed to include designees or staff of the CPO.

*Consulting Services* means the rendering of analysis and advice requiring specialized expertise in a particular subject area or field. Such expertise may have been gained by education or experience in the area or field. The term "Consulting Services" expressly excludes auditing services.

*Contract* shall include any written document to make Procurements by or on behalf of Cook County.

*Contract Compliance Director* or *CCD* means the County Contract Compliance Director.

*Contractor* means the Person that enters into a Contract with the County.

~~*Control* is *Controlled by*, or is under common *Control* with shall mean a Person that has the power to directly or indirectly affect the management or the policies of the other through ownership of voting securities or voting rights, by contract or otherwise~~ means the unfettered authority to directly or indirectly manage governance, administration, work, and all other aspects of a business.

*Court Ordered Child Support Arrearage* means that the Circuit Court of Cook County has issued an order declaring the respondent in arrearage on child support obligations in a specific amount as of the date of that order, or that another Illinois or non-Illinois court of competent jurisdiction has issued such an order.

*Covered Services* means janitorial cleaning services, window cleaning services, elevator operator and starter services, and security services.

*Distributor* means a Person supplying a product with written confirmation of its authorized distributor relationship with a manufacturer. Such distributor may be stocking (maintaining inventory) or non-stocking.

*Elected Official* means the President and Commissioners of the Cook County Board, Assessor, Board of Review, Chief Judge, Clerk of the Circuit Court, County Clerk, Recorder of Deeds, Sheriff, State's Attorney, Treasurer, and any other elected official included in the Cook County Appropriations Ordinance.

*Employee* means any individual working on a full-time basis, and providing services for an Employer under a Contract. "Employees" shall not include workers required to be paid the prevailing wage pursuant to Section 34-161.

*Employer* means any Person that employs one or more full-time Employees.

*Execution* means to sign a Contract, after it has been approved by the CPO or the Board, as required by this Procurement Code.

*Joint Venture* means an association of two or more Persons proposing to perform a for-profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationship between the partners and their relationship and respective responsibility for the Contract.

*Living Wage* means those amounts established from time to time by the CFO, and posted on the CPO's website pursuant to Section 34-160.

*Local business* means a Person, including a foreign corporation authorized to transact business in Illinois, having a bona fide establishment located within the County at which it is transacting business on the date when a Bid is submitted to the County, and which employs the majority of its regular, full-time work force within the County. A Joint Venture shall constitute a Local Business if one or more Persons that qualify as a "Local Business" hold interests totaling over 50 percent in the Joint Venture, even if the Joint Venture does not, at the time of the Bid submittal, have such a bona fide establishment within the County.

*Local Small Business* means a Local Business which is also a Small Business.

*Not-for-Profit Organization* means an entity having tax exempt status under the United States Internal Revenue Code.

*Person or Persons* means any individual, corporation, partnership, Joint Venture, trust, association, limited liability company, sole proprietorship or other legal entity.

*Procurement.* The term "Procurement", "Procurements" or "Procuring" means obtaining supplies, equipment, goods or services of any kind.

*Professional Social Service Contracts or Professional Social Service Agreements* means any contract or agreement with a social service provider, including other governmental agencies, nonprofit organizations, or for profit business enterprises engaged in the field of and providing social services, juvenile justice, mental health treatment, alternative sentencing, offender rehabilitation, recidivism reduction, violence reduction, foster care, substance abuse treatment, domestic violence services, community transition services, intervention, or such other similar services which provide mental, social or physical treatment and services to individuals. Said Professional Social Service Contracts or Professional Social Service Agreements do not include CCHHS managed care contracts that CCHHS may enter into with health care providers.

*Procurement Code* means Chapter 34, Article IV.

*Proposal* means a response to an RFP.

*Proposer* means a Person submitting a Proposal.

*Public Works* means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multifamily residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*Response* means response to an RFQ.

*Respondent.* The term "Respondent" means a Person responding to an RFQ.

*Responsible* means a Person that has the capability in all respects to perform fully a Contract or to provide the required supplies, equipment, goods or services to the County, and the integrity and reliability that will assure good faith performance. Factors taken into consideration in determining whether a Person is Responsible may include quality, financial capacity, past performance, experience, adequacy of staff, equipment, and the ability to perform within the time frame required for the Procurement.

*Responsive* means a Bid, a Response or a Proposal is in compliance in all material respects with all the terms, conditions and requirements set forth in the Bid Documents, RFP, RFQ, request for quotations or other terms required for a Procurement, including, but not limited to, completion and timely submittal of all required affidavits, statements, certifications, bid deposits, insurance, performance and payment bonds and other County requirements.

*RFP* means a Request for Proposals issued pursuant to this Procurement Code.

*RFQ* means a Request for Qualifications issued to obtain the qualifications of interested parties.

*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, as related to the nature of the work the Person seeks to perform on Contracts. A Person is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the Person's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

*Using Agency* means the departments or agencies within Cook County government, including Elected Officials.

*Utilization Plan* means a plan for utilization of VBE's, SDVBE's, and PCEs.

*Wage.* The term "Wage" means compensation due to an Employee by reason of employment, including allowances for gratuities and for meals and lodging that are furnished by the Employer and actually used by the Employee.

**Sec. 34-122. Procurements and contracts.**

All Procurements for or by any Using Agency of Cook County, regardless of the source of the funds used to pay for such Procurement, shall be made by the CPO, and in accordance with this Procurement Code and the procedures promulgated pursuant hereto. All Contracts shall be in a form determined by the CPO. Contracts shall be approved and executed as set forth in the procedures promulgated pursuant to and in this Procurement Code. Notwithstanding, the above provision or any other provision in this Procurement Code, the Board of Directors of the Cook County Health and Hospitals System ("System Board") shall have the authority over Procurements and Contracts for the Cook County Health and Hospitals System as provided in the Ordinance establishing the CCHHS. The System Board shall adopt written rules, regulations and procedures in accordance and consistent with this Procurement Code and provisions set forth herein.

**Sec 34-123. No power to act for procurements or expenditures of \$150,000.00 or more.**

The CPO shall have the authority to approve Procurements, execute Contracts and execute Contract amendments up to an amount less than \$150,000.00 without Board approval; provided, however, that Board approval shall be required for any Procurement of the same or similar supplies, goods, equipment or services which would result in the aggregate amount of such Procurements from the same vendor by the same Using Agency equaling or exceeding \$150,000.00 in any fiscal year. Notwithstanding, the CPO shall have the authority to execute Contract amendments on Contracts approved by the Board; provided, however, that the total of such amendments does not increase the original amount of such Contract by more than \$150,000.00 during the term of the Contract. The "amount" of a Contract shall mean the maximum amount payable under such Contract.

No Person has the power or authority to approve, authorize or execute a Procurement, a Contract, Contract amendment or the expenditure of public money in the amount of \$150,000.00 or more without approval of the County Board, except in the following instances: the payment of public utility bills, the payment of rent pursuant to the provisions of a lease previously approved by the County Board, payment of insurance premiums, payment of any amount pursuant to the provisions of a Contract, the execution of which was approved by the Board pursuant to this Section 34-123 above, or other Board-authorized transactions. Any action in violation of this section shall be null and void.

**Sec. 34-124. Chief Procurement Officer.**

The President, with the consent of the Board, shall appoint a Chief Procurement Officer who shall serve as the purchasing agent for Cook County and shall be responsible for making all Procurements for all Using Agencies and for managing the County's Procurement Process in accordance with this Procurement Code. Any individual so appointed shall have at least three years' experience in an executive capacity in the purchasing office of a private or public entity with procurements reasonably comparable in size and nature to those of the County.

**Sec. 34-125. Powers and duties of the Chief Procurement Officer.**

The Chief Procurement Officer shall:

(a) Make all Procurements and conduct all activities related to the Procurement Process in accordance with the Procurement Code and any procedures promulgated pursuant hereto;

(b) Establish and maintain procurement policies and procedures, and standardized documents and forms to implement the Procurement Code;

(c) Cooperate with the Contracts Compliance Director to coordinate the procurement process with the Minority- and Women-Owned Business Program established pursuant to Division 8 of this Procurement Code;

(d) Develop and maintain procedures for disseminating information and notice of procurement opportunities;

(e) Have authority to implement innovative procurement methods and processes pursuant to this Procurement Code;

(f) Have authority to approve and execute an assignment of or an amendment to a Contract; provided that any such amendment does not extend the Contract by more than one year, and further provided that the total cost of all such amendments does not increase the amount of the Contract beyond the authority of the CPO granted in Section 34-123;

(g) Have authority to establish the commencement and expiration dates of any Contract as necessary to permit the Contract period to commence upon the date of Execution of the Contract by the County, unless another commencement date is specified in the Contract;

(h) ~~Within the CPO's authority, a~~ Approve and execute Contracts within his or her authority, or as directed by the Board;

(i) Ensure that all certifications, statements and affidavits required by this Procurement Code are submitted;

(j) Determine when supplies, materials and equipment are obsolete or unusable, and trade in, sell or dispose of such property, except for such property which is the responsibility of the Cook County Health and Hospitals System;

(k) Compile and maintain information for all Procurements, including those Procurements and Contract amendments which do not require Board approval. The CPO shall submit a report to the Board on a monthly basis listing the Procurements and Procurement amendments executed by the CPO that do not require Board approval, including a list of each Person from whom the County makes such a Procurement and the method of Procurement applied, as well as Procurements that authorize the advance payment for services. Such reports shall include:

- (1) The name of the Vendor;
- (2) A brief description of the product or service provided;
- (3) The name of the Using Department and budgetary account from which the funds are being drawn;  
and
- (4) The amount and term of the Procurement; and
- (5) The amount and/or extension period of the amendment, if applicable.

Such report shall be provided to the Board of Commissioners in an electronic format-;

(l) ~~The CPO shall w~~Work with the Comptroller to provide a monthly report of the individual and total aggregate amount disbursements made for Procurements that do not require Board approval. The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of \$150,000.00 or more, within two weeks of being made. Such reports shall include:

- (1) The name of the Vendor;
- (2) A brief description of the product or service provided;
- (3) The name of the Using Department and budgetary account from which the funds are being drawn;  
and
- (4) The contract number under which the payment is being made.

Such report shall be provided to the Board of Commissioners in an electronic format;

(m) Make available on the County's website information related to all Procurements, including, but not limited to, a list of Contracts and a list of Contractors and subcontractors;

(n) Keep a record of any Person who has been disqualified under Division 4, Disqualification; Penalties, and shall provide such record to the Cook County Health and Hospitals System;

(o) Have authority to terminate a Contract in accordance with its terms;

(p) Issue notices of violation to enforce the provisions of this Code, as applicable, and institute enforcement proceedings under Chapter 2, Article IX, as appropriate;

(q) Work with the Comptroller to assure that Contractors are not paid in advance of performance, unless such advance payment is provided for and properly justified in the Contract; ~~and~~

(r) Have charge of such other Procurement activities as may be assigned by the President or the Board;  
and

(s) Have the authority to require the CIO to review and approve all technology related Procurements, Contracts or Contract amendments in advance of CPO and/or Board approval; notice of the CIO's approval or disapproval shall be provided by the CIO to the CPO and/or Board prior to approval in order for the CPO and/or Board to make an informed decision on the requested technology related Procurement, Contract or Contract amendment; technology related Procurements, Contracts or Contract amendments include but are not limited to computer hardware, software, software and hardware maintenance, software and hardware service costs, information technology services, telecommunications services and telecommunications equipment Procurements, Contracts or Contract amendments.

**Secs. 34-126-34-134. Reserved.**

## DIVISION 2. PROCUREMENT PROCEDURES

### Sec. 34-135. Procurement methods.

All County Procurements shall be made pursuant to the appropriate procurement method set forth below and described in the applicable Section.

- Sec. 34-136. Competitive Bidding;
- Sec. 34-137. Small Procurements;
- Sec. 34-138. Requests for Qualifications or Proposals;
- Sec. 34-139. Sole Source Procurements;
- Sec. 34-140. Comparable Government Procurement;
- Sec. 33-141. Emergency Procurements;
- Sec. 34-142. Joint Procurements;
- Sec. 34-143. Consortium and Group Procurements;
- Sec. 34-144. Innovative Procurement; and
- Sec. 34-145. Responsible Bidder Process for Public Works Construction, Maintenance and Repair Contracts.

### Sec. 34-136. Competitive bidding.

Procurements of supplies, materials, equipment, and services shall be made by the competitive bidding process as set forth in this section, unless such Procurements meet the criteria for another procurement method set forth in this division. The CPO shall follow the procedures set forth below for competitive bidding.

(a) *Development and approval of Bid Documents.* The Using Agency shall provide to the CPO all information required by the CPO to prepare the Bid Documents, including minimum qualifications, specifications and any special conditions.

(b) *Bid Notice.* Upon request by a Using Agency, the CPO shall publish a Bid Notice on the County's website at least five days before the date for the submission of Bids.

(c) *Pre-Bid conference or site inspection.* The Bid Documents shall include details of any pre-Bid conference or site inspection, including whether any such pre-Bid conference or site inspection is mandatory. The CPO shall keep a record of all Persons who request Bid Documents. The CPO will notify all Persons recorded as having requested Bid Documents of any changes with respect to such conference or inspection no later than at least 24 hours prior to the original scheduled date and no less than two business days prior to any newly scheduled date for such conference or inspection.

(d) *Communications with the County regarding competitive bidding process.* From the time the Bid Notice is issued until the successful Bidder has been recommended to the Board by the CPO, all communications to the County relating to the Bid must be directed in writing (which may be electronic) only to the CPO, or as otherwise specified in the Bid Documents. Upon receipt of such a request, the CPO will determine if a response will be provided. Any such response shall be provided in an addendum to all Persons requesting the Bid Documents. Notwithstanding the foregoing, communications may be made to the Office of Contract Compliance in writing for the purpose of complying with Division 8, Minority and Women-Owned Business Enterprise Program.

(e)*No changes to Bids.* No Bid may be changed, amended or supplemented in any way after the date and time for submission of Bids.

(f)*Bid opening.* All Bids shall be opened and a record of such Bids shall be made on the date, and at the time and location as stated in the Bid Notice or as prescribed in an addendum issued by the CPO. All Bids shall be opened, and the name of the Bidder and the Bid Price shall be read publicly. If it is determined that an error was made in the public reading of the Bids, the CPO shall notify all Bidders of such error and reconvene the Bid opening to correct the record as soon as reasonably possible. If the Bids are submitted electronically, no public reading shall be required so long as a record of the Bids opened is publicly available immediately after the Bids are opened.

(g)*If only one Bid is received.* If only one Bid has been submitted, the CPO will determine whether to open the Bid or return the Bid to the Bidder via certified mail and reissue the Bid Notice or use a different method to make the Procurement. If the Bid was submitted electronically, and is not opened, it shall be deleted from the electronic procurement system.

(h)*Evaluation of Bids.* The CPO shall review, evaluate and tabulate Responsive Bids. In determining the apparent low Bid, the CPO shall consider the Responsibility of the Bidder and all applicable preferences and incentives provided in this Procurement Code. The CPO shall then direct the Bids along with the tabulation to the Using Agency for review. Upon full review of the Bids and Bid tabulations, the Using Agency shall notify the CPO in writing of its Procurement recommendation, with justification supporting such recommendation. The CPO shall review the recommendation of the Using Agency, and shall post on the County's website the CPO's recommended Bid for award.

(i)*Bid protest.* Any Bidder who reasonably believes that the recommended Bidder is not the lowest Responsive and Responsible Bidder, or has a complaint about the bid process, may submit a bid protest, in writing, and directed to the CPO. For all Contracts requiring Board approval, any bid protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Bid for award. For all Contracts which can be executed by the CPO, any bid protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Bid for execution. The bid protest must specify why the protester believes the recommended Bidder is not the lowest Responsive and Responsible Bidder, or why the protester believes the bid procedure was unfair, including a statement of how the alleged unfairness prejudiced the protesting Bidder and the action requested of the CPO. A bid protest based on an issue which could have been clarified through a request for clarification or information pursuant to Section 34-136(d), Communications with the County regarding competitive bidding process, will not be considered if the protesting Bidder failed to make such request. When a bid protest has been submitted, no further action shall be taken on the Procurement until the CPO makes a decision concerning the bid protest, unless the Using Agency responds in writing and sufficiently demonstrates that (i) the item to be procured is urgently required and (ii) failure to make the award promptly will unduly delay delivery or performance or cause other undue harm.

The CPO shall issue a written decision on the bid protest to the protesting Bidder and to any other Bidder affected by such decision as soon as reasonably practicable. If the bid protest is upheld based on a lack of fairness in the bid procedure, the CPO shall re-bid the procurement. If the CPO determines that the recommended Bidder was not Responsive and Responsible, that Bidder shall be disqualified and the CPO may either recommend the lowest Responsive and Responsible Bidder or re-bid.

(j)*Board Action.* Upon resolution of any bid protests, or expiration of the three-day protest period with no protests, the CPO shall either execute the Contract if within his/her authority, or submit the Contract to the Board, through its Finance Committee, for approval and authorization for the CPO to Execute the Contract. Once



the Contract has been approved by the Board, or executed by the CPO, the CPO shall post on the CPO's website information regarding the Procurement.

(k)*Right to reject Bids.* The County shall have the right to reject any and all Bids. The CPO is authorized to exercise this right on behalf of the Board. The CPO shall include a provision in the Bid Documents reserving the right to reject any and all Bids.

(l)*Procurements Under \$150,000.00.* The competitive bidding process for procurements greater than \$5,000.00 and less than \$150,000.00 may consist of a solicitation posted on the CPO's website. The CPO shall promulgate policies and procedures to implement such Procurements. The CPO is not required to read or announce such Bids publicly. The CPO shall select the lowest Responsive Bid made by a Responsible Person, and shall post on the CPO's website information regarding the Procurement.

#### **Sec. 34-137. Small procurements.**

Procurements of the same or similar supplies, goods, equipment or services by a Using Agency in an aggregate amount from the same vendor of less than \$5,000.00 in the same fiscal year do not require a competitive method. The CPO shall promulgate policies and procedures to implement such Procurements.

#### **Sec. 34-138. Requests for qualifications or proposals.**

(a)*Criteria for use of request for qualifications or proposals.* The CPO in consultation with the Using Agency may determine that it is in the best interest of the County to make a Procurement utilizing the Request for Qualifications or Request for Proposals process. Examples of Procurements for which an RFQ or RFP process is appropriate include, but are not limited to: Procurements involving services requiring a high degree of professional skill where the ability or fitness of the Person plays an important part; Procurements where the requirements are not clearly known; Procurements where quality rather than quantity is a primary factor; and Procurements where it is not in the best interest of the County to make price a primary determinative factor. An RFP process is a competitive process under this Procurement Code, and a Person selected through an RFP process is not considered a "sole source".

(b)*Content of RFQs and RFPs.* The CPO shall determine what provisions RFQs and RFPs should contain in consultation with the requesting Using Agency and will incorporate the necessary details, provisions and requirements for the RFQ or RFP. RFQs and RFPs shall include a provision stating that the County may negotiate a Procurement with one or more Respondents or Proposers.

(c)*Issuance.* The CPO shall issue an RFQ or RFP after receiving a written request from the Using Agency and approval from the Using Agency regarding the contents of the RFQ or RFP. Notice of all RFQs and RFPs shall be posted on the CPO's website.

(d)*Opening of Responses.* The Responses or Proposals shall be opened in the presence of one or more witnesses after the designated date and time for submission. A representative of the Using Agency may be present at the opening but shall not be required to attend the opening. The names of the Respondents or Proposers shall be available to the public after the Procurement has been completed.

(e)*Evaluation and Selection for Contract Negotiation.* The CPO in coordination with the Using Agency shall develop evaluation criteria which are included in the RFQ or RFP. These criteria may include, but are not limited to, experience and qualifications of the Respondent or Proposer, the quality, content and completeness of the Response or Proposal, the demonstrated willingness and ability of the Respondent or Proposer to satisfy the requirements as described in the RFQ or RFP, and, if applicable, the cost proposal. The evaluation shall be performed by a committee chaired by the CPO or a designee of the CPO with representatives of the Using Agency and other persons designated by the CPO. Respondents or Proposers shall be accorded fair treatment with regard

to evaluation of their Responses or Proposals. Any or all Respondents or Proposers may be requested to make presentations and/or submit clarifications or revisions to their Responses or Proposals for the purpose of obtaining best and final Responses or Proposals. The Using Agency shall document the results of the evaluation. The contents of the Responses or Proposals shall not be disclosed to competing Respondents or Proposers during the evaluation process or any discussions.

(f)*Contract negotiation, approval and Execution.* The Using Agency may send its recommendation to the CPO, setting forth the reasons for such recommendation, which shall be based upon the evaluation criteria. Board approval is not required to negotiate a Contract. Negotiation of a Contract's terms shall take place between the prospective Contractor(s) and representatives of the Purchasing Department and the Using Agency. After a Contract is negotiated, the CPO shall either Execute the Contract, if within the CPO's authority, or forward the Contract to the Board for approval and authorization for the CPO to execute the Contract. Such request shall include the justification for the Contract and the selection of the Contractor.

(g)*RFP or RFQ protest.* Any interested party who has a complaint about the RFP or RFQ process may submit a protest in writing and directed to the CPO. For all Contracts requiring Board approval, any protest must be submitted no later than three business days after the date upon which the CPO posts the recommended contract for award. For all Contracts which can be executed by the CPO, any protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Contract for execution. The subject of the protest for any RFP or RFQ shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process. Any RFP or RFQ protest must be submitted no later than three business days after the date upon which the CPO posts the recommended Response or Proposal for award. The protest must contain a detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process and the action requested of the CPO. A protest based on an issue which could have been clarified through a request for clarification or information, will not be considered if the protestor failed to make such request. When a protest has been submitted, no further action shall be taken on the Procurement until the CPO makes a decision. The CPO shall issue a written decision on the protest to the protestor and to any other Respondent or Proposer affected by such decision as soon as reasonably practicable. If the protest is upheld, the CPO shall consult with the Using Agency, and may exercise any of the following remedies: cancel the procurement; recommend commencing contractual negotiations to the next qualified Respondent or Proposer, or re-issue the RFP or RFQ.

(h) *Board or CPO related action.* Upon resolution of any protests, or expiration of the three-day protest period with no protests, the CPO shall either execute the contract if within his/her authority, or submit the Contract to the Board, through its Finance Committee, for approval and authorization for the CPO to Execute the Contract. Once the Contract has been approved by the Board or executed by the CPO, the CPO shall post on the CPO's website information regarding the Procurement.

#### **Sec. 34-139. Sole source procurements.**

Procurements of supplies, equipment, goods or services may be made without use of one of the competitive processes if there is either only one source or there is a need for the unique or specialized skill, experience, or ability possessed by a particular source. The Using Agency must submit a letter to the CPO justifying the sole source Procurement, and provide any other documents or information required by the CPO.

#### **Sec. 34-140. Comparable government procurement.**

If a governmental agency has awarded a contract through a competitive method for the same or similar supplies, equipment, goods or services as that sought by the County, the Procurement may be made from that vendor at a price or rate at least as favorable as that obtained by that government agency without utilizing a competitive procurement method set forth in this Procurement Code.

**Sec. 34-141. Emergency procurements.**

The CPO may make Procurements and execute Contracts without use of one of the competitive processes set forth in this Procurement Code and without prior approval of the Board, when such Procurements are necessary (i) due to a threat to public health or safety, (ii) for repairs to County property in order to protect against further loss or damage, (iii) to prevent or minimize serious disruption in County services, (iv) to ensure the integrity of County records, or (v) in the reasonable opinion of the CPO, for the best interests of the County. If practicable under the circumstances, the CPO shall obtain quotations or Proposals from at least three Persons. The CPO shall report the basis for the emergency Procurement and reasons for the selection of the Contractor to the Finance Committee of the Board within five business days of making an emergency Procurement.

**Sec. 34-142. Joint procurements.**

Procurements may be made pursuant to the Governmental Joint Purchasing Act, 30 ILCS 525.

**Sec. 34-143. Consortium and group procurements.**

Procurements may be made pursuant to the County's membership or participation in a purchasing consortium, provided that the Board has approved such membership or participation, for, at least in part, the purpose of obtaining advantageous pricing and other efficiencies for the County. Procurements made through a purchasing consortium shall be approved and executed as set forth in this Procurement Code.

**Sec. 34-144. Innovative procurement.**

(a)The CPO may make a Procurement using innovative methods of procurement, including, but not limited to, electronic procurement, reverse auctions, electronic bidding, electronic auctions, prequalification and pilot procurement programs that have no cost to the County. In order to implement innovative methods of procurement, either directly or through a service provider, the CPO must make a determination that such process is competitive and in the best interest of the County.

(b)As an alternative or in addition to directly conducting procurement using innovative methods, the CPO may make a Procurement of electronic procurement services for conducting reverse auctions, electronic auctions, or provide an on-line or electronic forum for competitive Bids, Requests for Qualifications and Requests for Proposals and other types of innovative methods of procurement on the County's behalf. The Contract for such Procurement may contain such terms as the CPO deems necessary, including, but not limited to, terms that specify the source and amount of the compensation. With respect to Procurements made pursuant to this section, the CPO is authorized to charge a reasonable service fee to the Contractors from which Procurements are made in order to cover part or all of the County's costs associated with such electronic procurement, including the costs of engaging a service provider. Such service fee shall be paid as directed by the CPO.

(c)The CPO shall have authority to adopt rules and regulations for the proper administration and enforcement of the provisions of this section, including the authority to modify the requirements of this Procurement Code as necessary to implement such innovative or electronic procurement method.

(d)Any document, affidavit, certification or form required by the Procurement Code or submitted in connection with any Procurement may be accepted by the CPO in electronic format subject to compliance with accepted means and methods of verification and authentication of electronic signatures.

**Sec. 34-145. Responsible bidder process for public works construction, maintenance and repair contracts.**

For purposes of evaluating whether a Bidder for a Public Works Contract is Responsible, the CPO shall determine that the Bidder:

(a) Is authorized to do business in Illinois and the County;

(b) Has, as applicable, a Federal Employer Identification Number or Social Security Number;

(c) Meets any applicable insurance requirements in the Bid Document;

(d) Has certified that it is in compliance with all provisions of the Illinois Prevailing Wage Act, and State and Federal equal employment opportunity laws;

(e) Has certified that it participates in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract;

(f) Contractually requires any subcontractor to participate in active apprenticeship and training programs approved and registered with the United States Department of Labor Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded Contract; and

(g) Has agreed to provide Certified payrolls as specified in the Illinois Prevailing Wage Act.

For purposes of this Section 34-145, the terms, "Public Works" and "Construction" shall have the meanings set forth in the Illinois Prevailing Wage Act, 820 ILCS 130/2.

**Sec. 34-146. Performance and Accountability in Professional Social Service Contracts and Agreements.**

All Professional Social Service Contracts and Professional Social Service Agreements entered into must include within its terms or general conditions a requirement that the contractor or provider of such social services submit an annual performance report to the Using Agency that includes, but is not limited to, relevant statistics, an empirical analysis where applicable, and a written narrative describing the goals and objectives of the contract or agreement and programmatic outcomes. The Chief Procurement Officer shall be responsible for ensuring that this requirement is included in said Professional Social Service Contracts and Professional Social Service Agreements. The annual performance report shall be provided and reported to the Cook County Board of Commissioners by the applicable Using Agency within 45 days of receipt. Failure of the contractor or provider to provide an annual performance report will be considered a breach of contract or agreement by the contractor or provider, and may result in termination of the contract or agreement.

**Secs. 34-147—34-159. Reserved.**

**DIVISION 3. WAGE REQUIREMENTS**

**Sec. 34-160. Living wage.**

(a) Unless expressly waived by the Board, any Contract requiring the use of full-time non-County Employees to provide services or labor under the Contract shall include a provision requiring that the Contractor shall pay not less than the Living Wage to such Employees, unless such Employees' Wages are governed by Federal or State law. The Contractor shall require all subcontractors to comply with this section. This Section shall not apply to Contracts with not-for-profit organizations or Contracts funded by Federal grants or loans.

(b) If a Contractor or any of its subcontractors is found to be in violation of this section, such Contractor be required to pay back pay to each affected Employee, and may also be fined by the County up to \$100.00 for

each affected Employee for each day paid at less than the Living Wage. Such penalties will not be imposed on any Person except after a hearing pursuant to Chapter 2, Article IX, Administrative Hearings.

(c) If a Contractor or any of its subcontractors is found to have retaliated against an affected Employee, the Contractor may be held to be in breach of the Contract and the Contract may be terminated unless such Contractor or the subcontractor appropriately reinstates or compensates such Employee.

(d) The CPO shall require that any such Contractor certify that it will comply with this section.

(e) Pursuant to County Code Chapter 2, Article V, Division 3, Subdivision I, Section 2-408, the CFO shall annually determine the Living Wage.

(f) The CPO shall post the current Living Wage on the CPO's website.

(g) Every Contractor and subcontractor required to pay the Living Wage shall notify its Employees of the Living Wage requirement and shall notify all of its Employees annually of any adjustment to the Living Wage. In addition, the Employer shall notify its Employees that if any Employee contends that the Employer is not paying a Living Wage or has otherwise violated this section, that Employee may file a complaint with the Cook County Commission on Human Rights ("Commission"). If at the conclusion of the Commission's investigation, the Commission finds that the Employer has violated this section, it shall (1) in the case of an Employer receiving a property tax incentive, notify the Assessor; or (2) in the case of a Contractor or a subcontractor required to pay the Living Wage, notify the CPO, who shall exercise such remedies as are in the best interest of the County, including ordering the Employer to pay back pay and penalties, as provided in this section.

**Sec. 34-161. Illinois prevailing wage.**

(a) To the extent required by the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et seq.) (the "Prevailing Wage Act"), the general prevailing rate of Wages in this locality for laborers, mechanics and other workers engaged in the construction of Public Works coming under the jurisdiction of this County shall be the same as the prevailing rate of Wages for construction work in the Cook County area as determined from time to time by the Department of Labor of the State of Illinois. The definition of any terms used in this section which are also used in the Prevailing Wage Act shall be the same as in said Act.

(b) Nothing herein contained shall be construed to apply the general prevailing rate of Wages to any work or employment except Public Works of this County and only to the extent required by the Prevailing Wage Act.

(c) The CPO shall include in the Bid Notice for any Public Works Contract, and shall include in the Bid Documents, a requirement that not less than the prevailing rate of Wages as found by the County or the Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under such Public Works Contract.

(d) Prior to awarding any Public Works Contract, the CPO shall ascertain whether the Bidder is debarred pursuant to the Prevailing Wage Act.

**Sec. 34-162. Federal prevailing wage.**

If a Procurement will be paid for using federal funds, and if such federal funding requires compliance with the Davis-Bacon Act (40 U.S.C. 276a-276a-7), then the Contract shall contain provisions requiring that the Contractor and any subcontractors shall pay the Federal Prevailing Wage.

**Sec. 34-163. Prevailing wages for covered services.**

(a) Not less than the prevailing rate of Wages shall be paid and prevailing working conditions shall be provided to any laborer, worker and mechanic providing Covered Services under a Contract.

(b) In order to be considered a Responsive Bidder for any Contract for Covered Services, the Bidder shall certify that Wages paid to its employees will be no less, and fringe benefits and working conditions of such employees shall be no less favorable, than those prevailing in the locality in which the Covered Services are to be performed, as determined by the Chief of the Bureau of Human Resources and posted on the website.

(c)The CPO of Cook County shall include in the Bid Notice for any Contract for Covered Services, and shall include in the specifications for any such Contract a provision that (i) not less than the prevailing rate of Wages shall be paid, and prevailing working conditions shall be provided, to all laborers, workers and mechanics performing Covered Services and (ii) all bonds required under such Contract shall include such provisions as will guarantee the faithful performance of such provision in the Contract.

**Sec. 34-164. Prompt payments to subcontractors for non-public works.**

When a Contractor doing business with the County receives any payment from the County for any goods, services, or equipment it has provided to the County pursuant to Contract, the Contractor must make payment to its subcontractors within 15 days after receipt of payment from the County, provided that such subcontractor has satisfactorily provided goods or services or completed its work or services in accordance with the Contract and provided the Contractor with all of the documents and information required of the Contractor. The Contractor may delay or postpone payment to a subcontractor when the subcontractor's work or materials do not comply with the requirements of the Contract, the Contractor is acting in good faith, and not in retaliation for a subcontractor exercising legal or contractual rights.

**Sec. 34-165. Prompt payments to subcontractors and material suppliers for public works.**

When a Contractor doing business with the County receives any payment from the County pursuant to a Public Works Contract, the Contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier less any retention within 15 days after receipt of payment from the County. If the Contractor receives less than the full payment due under the Public Works Contract, the Contractor shall be obligated to disburse on a pro rata basis those funds received with the Contractor, subcontractors and material suppliers, each receiving a prorated portion based on the amount of funds received. When, however, the County does not release the full payment due under the Contract because there are specific areas of work or materials the Contractor is rejecting or because the Contractor has otherwise determined such areas are not suitable for payment, then those specific subcontractors or suppliers involved shall not be paid for that portion of the work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid on a pro rata basis from the funds received, and shall receive full payment if funds are sufficient.

**Secs. 34-164~~6~~—34-169. Reserved.**

**DIVISION 4. DISQUALIFICATION, AND PENALTIES**

**Sec. 34-170. Disqualification due to contract default or termination.**

(a)If a Person has had a Contract terminated for cause by the County, or if a Person has failed to cure a default within any cure period provided by the Contract, such Person shall be ineligible to enter into a Contract with the County for a period of 24 months from the date of termination or notice of default.

(b)When a Contract has been terminated for cause or when an uncured default exists under a Contract, the Contractor may submit a request to the CPO for a reduction or waiver of the ineligibility period. The request shall be in writing and shall include documentation that one or more of the following actions have been taken:

- (1) There has been a bona fide change in ownership or Control of the ineligible Person;
- (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the termination or default; or
- (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the termination or default.

The CPO shall review the documentation, make any inquiries deemed necessary, and determines whether a reduction or waiver is appropriate.

(c) A Using Agency may request an exception to such period of ineligibility, by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved. If an exception is granted, such exception shall apply to that Procurement only and the period of ineligibility shall continue for its full term as to any other Procurements.

**Sec. 34-171. Disqualification ~~for~~ due to County tax or debt delinquency or obligation default.**

(a) A Person that is (i) delinquent in the payment of any tax (including real estate tax) or fees administered by the County; (ii) delinquent in the payment of any debt to the County; (iii) is in default of any obligation to the County; or (iv) is a "predatory lender," as determined pursuant to the Cook County Predatory Lending Ordinance, shall be ineligible to enter into a Contract with the County. Notwithstanding the foregoing, a Person shall not be ineligible, nor shall the County exercise any rights to set-off or other remedies set forth in ~~Section 34-196~~ this Division against a Person, if such Person is contesting liability for the delinquency in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; or if such Person has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.

(b) The CPO shall obtain a written certification from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of Subsection (a).

(c) The County shall not be prohibited from making a Procurement from, and shall not exercise rights to set-off or other remedies set forth in ~~Section 34-196~~ this Division against a Person who is contesting liability for the delinquency, in a pending administrative or judicial proceeding, or contesting the existence of a default, and shows proof of the contest; from a Person who has entered into an agreement for the payment of such delinquency and verifies compliance with the agreement.

(d) A Using Agency may request an exception to such ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Procurement be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved.

**Sec. 34-172. Disqualification ~~for~~ due to noncompliance with child support orders.**

(a) A Person shall be ineligible to enter into a Contract with the County if such Person or a Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367) of the County's Code is delinquent in the payment of a Court-Ordered Child Support Arrearage.

(b) The CPO shall obtain an affidavit from every Person from whom the County seeks to make a Procurement that such Person meets the requirements of Subsection (a).

~~(b)~~(c) If the County becomes aware that a Person or Substantial Owner becomes delinquent in payments under a Court-Ordered Child Support Arrearage after the County has entered into a Contract with such Person or Substantial Owner, then, after notice from the County of such noncompliance and a 30-day opportunity to pay such delinquency, such delinquency ~~of such Person or Substantial Owner~~ shall constitute a default under the



Contract. Such Person or Substantial Owner shall provide sufficient evidence to the CPO of payment of such delinquency.

**Sec. 34-173. Disqualification for illegal activity.**

(a)*Disqualifying Acts.* A Person who has been convicted of, entered a plea of *nolo contendere* as to, or made an admission of guilt, pursuant to the laws of any Federal, State or local jurisdiction, for any of the following, shall be ineligible to enter into a Contract for a period of five years from the date of conviction, entry of a plea or admission of guilt:

- (1)Bribing or attempting to bribe;
- (2)Bid-rigging, attempting to rig bids;
- (3)Price fixing or attempting to fix prices; or
- (4)Defrauding or attempting to defraud.

(b)*Disqualification due to acts of owner, partner or shareholder.* A Person shall be ineligible to enter into a Contract if an individual who Controls such Person would be disqualified under any provision of this section 34-173.

**Sec. 34-174. Disqualification for willful violation of Cook County Independent Inspector General Ordinance.**

A Person found to have willfully failed to cooperate in an investigation by the Cook County Independent Inspector General or to report to the Independent Inspector General any and all information concerning conduct which they know to involve corruption, or other criminal activity, by another County employee or official, which concerns his or her office of employment or County related transaction in accordance with Part I, Chapter 2, Article IV, Division 5, Section 2-285 of the County's Code shall be subject to disqualification as provided in Part I, Chapter 2, Article IV, Division 5, Section 2-291 of the County's Code.

**Sec. 34-175. Penalty for false statements.**

~~Any Person determined by the CPO to have who knowingly makes made a false statement of material fact to Cook County in writing in connection with any aspect of a Procurement is liable to the County for a penalty of \$2,500.00, and may be subject to termination of any Contract and disqualification for a period of up to five years from the date of such finding, in addition to any other remedy provided for in the Procurement Code or at law or in equity, including termination of any Contract or disqualification. Any person determined by the CCD to have made a false statement of material fact to Cook County in writing regarding the status or contractual participation of a MBE, WBE, VBE or SDVBE is liable to the County for a penalty of \$2,500.00, and may be subject to termination of any Contract and disqualification for a period of up to five years from the date of such finding in addition to any other remedy provided for in the Procurement Code or at law or in equity. No fine will be imposed on any Person except after any applicable proceeding pursuant to Chapter 2, Article IX, Administrative Hearings.~~

**Sec. 34-176. Penalty for failure to meet commitments.**

In the event that the CCD determines that a Person failed to fulfill in good faith a project specific goal, including but not limited to MBE, WBE, VBE, or SDVBE participation commitments reflected in a Utilization Plan, as may be amended through change orders or otherwise over the term of the Contract, the CPO may declare said Person to be in material breach of the Contract, and may withhold payments under the Contract, and recover contractual penalties, in addition to disqualification and any other remedy provided for in the Procurement Code at law or in equity. A contractual penalty for failure to meet MBE, WBE, VBE, or SDVBE participation commitments pursuant to this Section shall be in the amount of the discrepancy between actual MBE, WBE,

VBE, or SDVBE participation, and the goal set forth in the Utilization Plan, as may be amended through change orders or otherwise over the term of the Contract.

**~~Sec. 34-176.~~ Sec. 34-177. Penalties for failure to pay Cook County taxes and fees.**

The CPO shall include in every Contract a provision that entitles the County to set off and subtract from the Contract price a sum equal to any fines and penalties, including interest, for each tax or fee delinquency and any debt or obligation owed by the Contractor to the County.

**~~Sec. 34-177.~~ Sec. 34-178. Uniform penalties, interest and procedures.**

Violations of this Article and the assessment of any fine pursuant to this Article shall be adjudicated pursuant to Part I, Chapter 2, Administration, Article IX, Administrative Hearings, of this Code. The determination as to whether a Person is disqualified under any provision of this Division 4 or has made a false statement, shall be subject to said Person's petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.

**~~Secs. 34-178~~179—34-189. Reserved.**

**DIVISION 5. PROCUREMENT PROCEDURES AND POLICIES  
FOR CERTAIN PROCUREMENTS**

**Sec. 34-190. Percentage of work of public works projects to be performed by county residents.**

For any Public Works Contract having an estimated contract price of \$100,000.00 or more, where not otherwise prohibited by Federal or State law, at least 50 percent of the total hours worked on the site by employees of the Contractor and subcontractors shall be performed by residents of the County.

**Sec. 34-191. Green construction.**

For all competitive Bids for Public Works Contracts budgeted for \$2,000,000.00 or more, the Bid Documents shall comply with the requirements of Chapter 30, Environment, Article IX, Green Construction, Section 30-952, Emission Reduction, and any Contract resulting therefrom shall include all provisions required by Chapter 30, Article IX, Section 30-955.

**Sec. 34-192. Predatory lenders.**

With each Bid or Response submitted by a financial institution for any Contract, the following certification shall be signed by the chairman of the board, chief executive officer, or other officer of the financial institution acceptable to the Chief Financial Officer.

We pledge that we are not and will not become a predatory lender as defined in Cook County's Predatory Lending Ordinance. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in this Ordinance. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the County.

**Sec. 34-193. Contracts for consulting and auditing services.**

(a)The County will not enter into any Contract for Auditing Services, nor shall it consent to a subcontract for such Auditing Services, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for consulting services for or with the County. Additionally, the County will not enter into any Contract for Consulting Services, nor shall it consent to a subcontract for such Consulting Services, with any

Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract for Auditing Services for or with the County. For purposes of this provision, "County" shall refer only to offices which are administered by the President of the County Board and shall not refer to offices which are administered by Elected Officials.

(b)The County shall not enter into any Contract for Consulting Services on behalf of an Elected Official, nor shall it consent to a subcontract for such Consulting Services on behalf of an Elected Official, with any Person, if such Person, or any Affiliate of such Person, has a Contract or subcontract to provide Auditing Services for the Elected Official.

(c)The CPO shall require the Contractor in each Contract for Auditing or Consulting Services for the County (as defined in this section) to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Consulting or Auditing Services for the County which is prohibited under Subsection (a) of this section. In addition, the CPO shall require the Contractor in each Contract to provide Consulting Services for an Elected Official to provide a certification acceptable to the CPO that neither the Contractor nor any Affiliate of the Contractor has a Contract or a subcontract to provide Auditing Services for the Elected Official which is prohibited under Subsection (b) of this section.

**Secs. 34-194—34-199. Reserved.**

*Subdivision I. Selection of Professional Services for Debt Transactions and Management of Bond Proceeds; Continued Participation of MBEs, WBEs, VBEs, and SDVBEs.*

**Sec. 34-200. Definitions.**

The following words, terms and phrases, when used in this subdivision shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Broker-Dealer means a financial services Person who is registered as a broker-dealer with and in good standing with the United States Securities and Exchange Commission and the State of Illinois.

~~Co-managers means underwriting firms responsible for participating in the underwriting and the marketing of bonds issued by the County.~~

Financial advisor means a Person registered and in good standing as a municipal advisor with the United States Municipal Securities Rulemaking Board and the United States Securities and Exchange Commission.

Investment Bank means a Person responsible for participating in the underwriting and the marketing of bonds issued by the County or in the remarketing of short-term securities on behalf of the County.

~~Senior managers means underwriting firms responsible for assisting with the development of the financial plan and managing the underwriting and the marketing of the bonds.~~

**Sec. 34-201. Competitive process for legal counsel and finance teams for debt transactions.**

(a)The Chief Financial Officer ~~or may request that~~ the CPO, on request of the Chief Financial Officer, may issue an RFQ at least once every three years for selection of legal counsel and finance professionals required for debt transactions, including but not limited to bond counsel, pension disclosure counsel, and underwriters counsel; investment banks; and financial advisors.

(b)The RFQ for legal counsel shall request at least the following information:

- (1) ~~Descriptive information about the law~~each firm, including the experience of the attorneys within the law firm having expertise in the areas of municipal finance law and ~~or Federal tax law pertaining to tax exempt bonds;~~
- (2) ~~The~~ manner in and degree to which the law firm operates or is otherwise present in the County ~~or State;~~
- (3) Whether and by whom the law firm is certified as a MBE, WBE, VBE or SDVBE;
- (4) ~~The~~ manner in and degree to which the law firm is owned by minority, ~~or female woman,~~ or veteran attorneys;
- (5) ~~The~~ manner in and degree to which the law firm employs minority, ~~or female woman, or~~ veteran attorneys and promotes or incubates the participation of minority, ~~or female woman, or veteran~~ attorneys in public finance initiatives;
- (6) ~~The~~ law firm's written policies regarding sexual harassment; and
- (7) ~~Other~~ special areas of expertise or strength.

A "qualified" list shall be developed by the Chief Financial Officer for each type of financing.

(c) The RFQ for investment banks ~~underwriters and other professionals~~ shall request at least the following information, as applicable:

- (1) Experience and expertise in structuring and marketing bonds and notes, detailing experience with various types of issuances, including general obligation bonds, revenue bonds, variable rate demand bonds, commercial paper, and tax anticipation notes, and other debt instruments being contemplated by the County, and including examples of similar financings on which the ~~firm~~ investment bank has been senior manager or co-manager;
- (2) Financial strength of the ~~firm~~ investment bank, particularly its capital allocated to underwriting ~~governmental~~ municipal bonds;
- (3) Degree of corporate investment or "presence" in the County ~~and State~~, including the location of corporate offices, brokerage offices, or back-office operations;
- (4) The number and qualifications of personnel associated with efforts to sell municipal bonds, and the regular trading inventory of the investment bank with respect to municipal bonds;
- (5) Whether and by whom the investment bank is certified as a MBE, WBE, VBE or SDVBE;
- (6)(4) ~~The~~ manner in and degree to which the ~~firm~~ investment bank is owned by minorities, ~~or females~~ women, or veterans;
- (7) ~~The~~ manner and degree to which the ~~firm~~ investment bank employs minority, ~~or female woman,~~ or veteran finance professionals;
- (8) ~~The~~ manner in and degree to which the ~~firm~~ investment bank promotes or incubates the participation of minority ~~or female woman, or veteran~~ finance professionals in public finance initiatives; ~~and~~

(9) ~~The firm investment bank's~~ written policies regarding sexual harassment; and

(10~~5~~) Other special areas of expertise or strength.

(d) The RFQ for financial advisors shall request at least the following information, as applicable:

(1) Experience and expertise in structuring bonds and notes, detailing experience with various types of issuances, including general obligation bonds, revenue bonds, variable rate demand bonds, commercial paper, tax anticipation notes, and other debt transactions being contemplated by the County, including examples of similar financing initiatives as financial advisor.

(2) Degree of corporate investment or presence in the County, including the location of corporate offices;

(3) Whether and by whom the financial advisor is certified as a MBE, WBE, VBE or SDBVE;

(4) The manner in and degree to which the financial advisor is owned by minorities, women, or veterans;

(5) The manner in and degree to which the financial advisor employs minority, woman, or veteran finance professionals and promotes or incubates the participation of minority, woman, or veteran professionals in public finance initiatives;

(6) The financial advisor's written policies regarding sexual harassment; and

(7) Other specialized areas of expertise or strength.

(e) A "qualified" list of law firms, investment banks, underwriters and financial advisors and other professionals shall be developed by the Chief Financial Officer for each type of financing, applicable to a term of no more than three years per each RFQ.

### **Sec. 34-202. Selection.**

(a) For each debt transaction or for multiple debt transactions the Chief Financial Officer shall select three or more firms from the qualified list for each of the following, as required for the transaction: ~~bond counsel, co-bond-counsel, underwriter and co-underwriter counsel, special tax counsel, pension-disclosure counsel, senior manager and co-manager and financial advisor. The Chief Financial Officer shall request that each of the firms under consideration submit a Proposal which shall include at least the following, as applicable: experience with the particular type of financing; a recommended strategy for identifying and targeting Procurers of the bonds experience with tax issues; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees for the engagement; and the manner in and degree to which female and minority professionals will provide services in connection with the transaction.~~

(b) ~~The Chief Financial Officer shall recommend to the President the selection of counsel, professionals and underwriters based upon the Proposals. In making the recommendation the Chief Financial Officer shall consider a rotation to give each firm a fair opportunity to participate in County bond sales. The selection shall be made by the President upon the recommendation of the Chief Financial Officer, and shall be submitted to the County Board for approval. The President shall report to the County Board the reasons for selection of the firm assigned the work. The Proposals shall be available for review by members of the County Board. The President shall report to the County Board the reasons for making the selections. The Chief Financial Officer shall request that each of the law firms under consideration to provide legal services submit a Proposal which shall include at~~

least the following: experience with the relevant type of financing; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees or fee structure for the engagement; the firm's capacity for, experience in, and commitment to providing continuing legal advice and support in such areas as compliance and taxation; and the manner and degree to which the firm will use an engagement on the contemplated financing initiative to promote or incubate the participation of minorities, women, and veterans as finance professionals, on the potential engagement.

(c) The Chief Financial Officer shall request that each of the firms under consideration for investment banking services submit a Proposal which shall include at least the following: experience with the particular type of financing; a recommended strategy for identifying and targeting investors in the bonds or notes; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees or fee structure for the engagement; and the manner in and degree to which the firm will use an engagement on the contemplated financing initiative to promote or incubate the participation of minorities-and women as finance professionals on any potential engagement.

(d) The Chief Financial Officer shall request that each of the financial advisors under consideration provide financial-advisory services submit a Proposal which shall include at least the following: experience with the particular type of financing; knowledge of the County; the key personnel to be assigned for the engagement, including their qualifications and experience; the proposed fees for the engagement; the firm's capacity for, experience in, and commitment to providing advice and support in such areas as pricing and marketing of municipal bonds; and the manner in and degree to which the firm will use an engagement on the contemplated financing to promote or incubate the participation of minorities, women, and veterans as finance professionals, on the potential engagement.

(e) To redress the historical under-representation of minority and woman-owned firms in the financial services arena, in the selection of law firms, investment banks, and financial advisors associated with bond issuances, it shall be the continued goal of the County that (1) no less than 35 percent of the cumulative remunerated portion of legal services and financial-advisory services associated with a financing initiative shall be provided by law firms that are certified as MBEs or WBEs under Cook County's Minority- and Women-Owned Business Enterprise Ordinance and financial-advisor firms that are at least 51 percent owned, controlled, and managed by one or more persons who are either a minority or a woman and that consistently maintain and staff a functional commercial presence and office in the County; and (2) 35 percent of the cumulative underwriting liability in a financing initiative shall be undertaken by investment banks that consistently maintain and staff a functional commercial presence and office in the County and are at least 51 percent owned, controlled, and managed by minority individuals or women.

(f) The Chief Financial Officer shall recommend to the President the selection of legal counsel, investment banks, financial advisors, and other professionals based upon the proposals provided per this subdivision. In making the recommendation, the Chief Financial Officer shall consider methods ~~a rotation~~ to give ~~each~~ multiple firms a fair opportunity to compete for and participate in County bond sales. The selection shall be made by the President upon the recommendation of the Chief Financial Officer, and shall be submitted to the County Board for approval. The Chief Financial Officer shall report to the County Board a summary of the rationale of any proposed financing initiative; the financial benefits of a proposed financing approach with regards to the County's long-term fiscal health; a summary of the financing team proposed to work on the financing initiative; an identification of any firms that are certified as MBEs or WBEs or 51 percent owned, controlled, and managed by minority individuals or women; the total estimated participation of such firms as a percentage of professional services (comprised of legal and financial advisory services) and as a percentage of underwriting liability; and, on financing initiatives where circumstances are such that the 35 percent goals set forth in Subsection (e) cannot be prudently reached, an explanation of such circumstances. The Proposals by firms selected to work on a financing initiative shall be available for review by members of the County Board.

**Sec. 34-203. Specific bond underwriter requirements.**

Each Contract between the County and any bond underwriters shall include the following:

- (1) The underwriter shall use its best efforts to assure that the County meets its objectives in the fair and reasonable allocation of bond selling commissions to members of the underwriting syndicate, particularly to Cook County and minority- and women-owned firms;
- (2) The underwriter shall report the allocation of bond selling commissions and fees received by each member of the underwriting syndicate to the Chief Financial Officer within 30 days of closing of the bond issue; and
- (3) The underwriter shall comply with all limitations or disclosure requirements concerning political contributions that are or may be imposed by the Municipal Securities Regulatory Board or the Securities and Exchange Commission. Failure by the underwriter to comply with this provision shall not void the sale, but the underwriter may be subject to disqualification as set forth in Division 54.

**Sec. 34-204. Continued Management of Bond Proceeds.**

(a) When permissible and practicable under related bond ordinances, debt instruments, and debt agreements, the Chief Financial Officer shall maintain investment of bond proceeds in accord with (1) the County Taxpayers' Interest Assurance Ordinance; (2) the Illinois Public Funds Investment Act; or (3) such policies as are promulgated by the Chief Financial Officer, following submission to the County Board.

(b) In selecting financial institutions to serve as broker-dealers in acquiring investments of bond proceeds under this Section, the Chief Financial Officer shall, for each contemplated investment, elicit proposals from at least three broker-dealers deemed qualified under policies and procedures promulgated by the Chief Financial Officer, the State of Illinois, or the City of Chicago.

(c) In the selection of broker-dealers under this Section, it shall be the continued goal of the County that no less than 35 percent of the cumulative value of the proposed investment purchased in a given fiscal year shall be consummated by one or more broker-dealers that consistently maintain and staff a functional commercial presence and office in the County and are at least 51 percent owned, controlled, and managed by minority individuals or women.

**Secs. 34-2054—34-214. Reserved.**

*Subdivision II. Recycled Products*

**Sec. 34-215. Purpose.**

This subdivision shall be known as the "Cook County Recycled Product Procurement Policy".

Its purpose is to promote market development of recycled products, recyclable products, and equipment capable of using such materials by establishing preferential purchasing programs applicable to all Using Agencies and Contractors, thereby diverting materials from the solid waste stream.

**Sec. 34-216. Policies.**

(a) All Using Agencies shall whenever practicable use recycled products, recyclable products and reusable products to meet their demands.

(b) Using Agencies and the CPO shall, whenever practicable, specify in the Contract Documents the use of recycled products and recyclable products.

(c) In procuring designated products pursuant to this division, the CPO shall require recovered material and/or post-consumer material content to be factors in determining the lowest Responsive Bid in any competitive bidding procurement process.

**Sec. 34-217. Definitions.**

The following words, terms and phrases, when used in this subdivision shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:



*Chlorine-free paper or paper products* means recycled paper in which the virgin content is unbleached or bleached without chlorine or chlorine derivatives, or virgin paper which is unbleached or processed with a sequence that includes no chlorine or chlorine derivatives.

*Designated products* means all products that have been or may be identified pursuant to Section 34-218 as products that can be procured with significant levels of recovered materials.

*Minimum content standards* means standards set by the County Board, or in its absence, standards or guidelines currently promulgated by the United States Environmental Protection Agency, specifying the minimum level of recovered materials and/or post-consumer material necessary for designated products to qualify as recycled products.

*Paper and paper products* means all items manufactured from paper or paperboard.

*Post-consumer material* means only those products generated by a business or consumer which have served their intended end uses, and which have been separated or diverted from the solid waste stream for the purposes of collection, recycling, and disposition.

*Post-consumer paper material* means paper, paperboard, and fibrous waste including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards and used cordage after the point at which they have passed through their end use as consumer items.

*Practicable* means:

- (1)Able to perform in accordance with applicable specifications;
- (2)Offered as the low Bid under the procedures in Section 34-219(b), herein;
- (3)Available within a reasonable period of time; and
- (4)Maintaining a satisfactory level of competition.

*Recovered material* means material and byproducts which have been recovered or diverted from solid waste, but does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process (such as mill broke or home scrap).

*Recovered paper material* means paper waste generated after the completion of a paper making process, such as post-consumer material, envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, butt rolls, and mill wrappers, obsolete inventories, and rejected unused stock. Recovered paper material, however, shall not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

*Recyclable* means that the product is technically capable of being recycled, and that economic markets for collecting and recycling the product exist within a reasonable distance, including steel and plastic.

*Recycle or recycling* means any process by which materials that would otherwise become municipal waste are collected, separated or processed and returned to the economic mainstream in the form of new, reused or reconstituted products, but does not include the recovery of materials for fuel in combustion or energy production processes. For lubricating oil, the term recycling is to be synonymous with re-refining. For toner cartridges, the term recycling is to be synonymous with re-manufacture.

*Recycled designated product* means a product designated in or pursuant to Section 34-218 that meets or surpasses the County's minimum content standards, and all other criteria for qualification as specified in this division.

*Reusable product* means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ball point pen.

#### **Sec. 34-218. Designated products and recycled designated products.**

For all purposes of this subdivision, the products listed in this section or added pursuant to it are designated as products that can be readily procured with significant levels of recovered materials. Designated products shall qualify as recycled designated products if they meet minimum content standards established in this subdivision. Designated products shall include:

- (1) Paper and paper products.
- (2) Compost products.
- (3) Horticultural mulch made with recycled land clearing and other wood debris.
- (4) Construction aggregates made with recycled cement concrete, tire rubber, glass or asphalt.
- (5) Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, or tire rubber.
- (6) Antifreeze.
- (7) Recycled plastic products, including lumber shapes, refuse carts, traffic cones, insulation, receptacle liners and recycling bins, traffic barriers and office products.
- (8) Retreaded tires and products made from recycled tire rubber, including rubber mats and playfield surfaces.
- (9) Toner cartridges for computer printers.
- (10) Lubricating oil and hydraulic oil with re-refined oil content.
- (11) Insulation products.
- (12) Paint.
- (13) Wood products containing 50 percent or more reused or deconstructed wood.
- (14) Carpeting made from recycled fibers.
- (15) Office furniture.
- (16) All steel products.
- (17) Other products as designated by the CPO.

#### **Sec. 34-219. Requirements for procurements.**

(a) Bid Notices and requests for Quotations for the procurement of tangible supplies, equipment, or goods shall contain no terms, requirements or specifications prohibiting or discouraging post-consumer or recovered material content, unless a Using Agency provides the CPO with satisfactory evidence that, for technical reasons and for a particular end use, a product containing such materials will not meet reasonable performance standards.

(b) In determining the lowest Responsive and Responsible Bid for the Procurement of designated products, the CPO shall use the procedures and evaluation criteria specified in this subdivision. If the lowest price offered for a recycled designated product is not more than the specified percentage higher than the lowest offered price for that same designated product that is not recycled, the offered price for the recycled designated product shall be considered the low Bid if such Bidder is otherwise Responsive and Responsible. The specified percentage will not be less than ten percent. However, nothing contained in this division shall preclude Using Agencies from requiring post-consumer or recovered material content as a bid specification.

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(c)Each Contractor supplying the County with recycled designated products shall provide acceptable certification from all product manufacturers that the products being supplied meet or surpass County minimum content standards, and shall agree to reasonable verification procedures specified by the CPO.

(d)Bid Notices for designated products, whether recycled or not, shall require the successful Bidder to provide quarterly summaries of the quantities Procured by Using Agencies, unless the CPO determines that this requirement would significantly reduce the number of Bids received by Cook County.

(e)The County shall not Procure any item whose original manufacturer places restrictions on the remanufacturing of such item by other businesses.

**Sec. 34-220. Procurement of paper and printing services.**

(a)The County recycled paper procurement goal for Using Agencies (expressed as percentage of the total volume of paper Procured) shall be 60 percent. Each department shall be responsible for making its best effort to meet or surpass these goals.

(b)All paper Procured by the County shall be recycled paper, and all printed materials Procured by the County shall be on recycled paper, containing at least 30 percent post-consumer content, unless use of such recycled paper is not practicable. For all other paper products, the CPO shall adopt minimum content standards for recycled paper products which shall, at minimum, be consistent with standards presently promulgated by the United States Environmental Protection Agency.

(c)Printing services provided by the County or Procured by the County from an outside vendor shall utilize soy or other vegetable-based inks. If lithographic ink is used in printing performed by the County or in printing services Procured by the County from an outside vendor, the ink shall contain not less than the following percentages of vegetable oil:

- (1)News ink, 40 percent;
- (2)Sheet-fed and forms ink, 20 percent;
- (3)Heat-set ink, ten percent.

High quality color process printing on high speed heat-set presses is excepted when slow drying time significantly increases production costs.

(d)Departments shall publicize the County's use of recycled paper by printing the words "Printed on Recycled Paper" on all letterhead paper and on the title page of all reports printed on recycled paper.

(e)To reduce the volume of paper Procured, departments shall use both sides of paper sheets whenever practicable. If possible, copies shall be made by photo-copying from one computer-generated original, such that two-sided copies can be produced, rather than printing multiple one-sided originals.

(f)The CPO may enter into joint purchasing with other local and State agencies to reduce the cost of recycled paper product Procurements.

(g) All Bids for new equipment and services shall include language that will encourage the use of recycled paper and paper products, wherever practicable.

(h) Contracts shall contain provisions requiring all reports submitted by the Contractor shall use recycled paper, except where the specialized nature of certain materials (such as photographs) requires otherwise, and shall be printed two-sided unless two-sided printing is not practicable.

#### **Sec. 34-221. Responsibilities and reporting requirements CPO.**

The CPO is responsible for:

- (1) Revising or amending standard Bid Documents and contract language where necessary to implement this division.
- (2) Working with Using Agencies and the Department of Environmental Control, adopt and update minimum content standards or other specifications for designated recycled products.

#### **Sec. 34-222. Exemptions.**

Nothing in this division shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time.

**Secs. 34-223—34-2289. Reserved.**

### **DIVISION 6. BID INCENTIVES AND PREFERENCES**

#### **Sec. 34-229. Definitions.**

The following words, terms and phrases, when used in this Division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Terms not defined in this section are defined in Division I of this Procurement Code, or in Section 1-3 of the County Code.:

*Armed forces of the United States* means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant Marine that constitutes active duty under Section 401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this division.

*Committee* means Cook County Re-entry Employment Committee.

*Earned Credit* means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders.

*Eligible Veteran* means a person who (i) has been either a member of the armed forces of the United States or, while a citizen of the United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least 6 months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

Former Offenders means adults who are residents of the County and who have been convicted of a crime.

Labor hours means the total hours of workers receiving an hourly Wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing Wage requirements.

Qualifying Contract means a Contract for Public Works with a Bid Price in excess of \$100,000.00, for which the Contractor is eligible for Earned Credits.

Service-connected disability means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

Service-Disabled Veteran means an Eligible Veteran who has been found to have 10 percent or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

Service-Disabled Veteran-owned Business Enterprise (SDVBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Service Disabled Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

Time of hostilities with a foreign country means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

Veteran-owned Business Enterprise (VBE) means a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans or, in the case of a corporation, at least 51 percent or more of the stock of which is owned, controlled, and managed by one or more Eligible Veterans; (ii) that has its home office in Illinois, as certified by the CCD under policies and procedures promulgated by the CCD.

#### **Sec. 34-230. Local business preference; all contracts.**

The CPO shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsible and Responsive Bidder by more than five percent.

#### **Sec. 34-231. Re-entry employment bid incentive; public works contracts only.**

There is hereby established the Cook County Re-entry Employment Bid Incentive Ordinance, with the goal of working in conjunction with the Cook County Re-entry Employment Project to assist adults who are residents of the County and who are former offenders, in finding employment opportunities. This Ordinance is intended to increase public safety and reduce recidivism. For all Public Works Contracts with an estimated Bid Price of \$100,000.00 or more, advertised after the effective date of this Ordinance, the CPO shall include the Bid Incentive provision in all such advertisements.

**Sec. 34-232. Definitions.**

~~For purposes of this division only, the following definitions apply:~~

~~Committee means Cook County Re-entry Employment Committee.~~

~~Earned Credit means the amount allocated to a Contractor upon completion of a Qualifying Contract through which the Contractor met or exceeded the goals for the utilization of Former Offenders.~~

~~Former Offenders means adults who are residents of the County and who have been convicted of a crime.~~

~~Labor hours means the total hours of workers receiving an hourly Wage who are directly employed at the work site. "Labor hours" shall include hours performed by workers employed by the contractor and all subcontractors working at the work site. "Labor hours" shall not include hours worked by nonworking foremen, superintendents, owners and workers who are not subject to prevailing Wage requirements.~~

~~Qualifying Contract means a Contract for Public Works with a Bid Price in excess of \$100,000.00, for which the Contractor is eligible for Earned Credits.~~

**Sec. 34-233. Re-entry employment committee.**

(a) The President shall appoint the members of the Committee which will consist of:

- (1) A representative of the Cook County Bureau of Human Resources;
- (2) A representative of the Justice Advisory Council; ~~President's Office of Employment Training~~;
- (3) A representative of the Office of Contract Compliance;
- (4) A representative of a nonprofit organization whose mission is to reintegrate former Offenders into society;
- (5) Two representatives appointed by the President, one of whom shall be a representative of organized labor, and one of whom shall be a Commissioner.

(b) The Committee shall work with appropriate organizations to identify Former Offenders for participation in this program.

**Sec. 34-234. Re-entry eEmployment plan.**

A Contractor may qualify for Earned Credits by utilizing Former Offenders for work under a Qualifying Contract. In order to so qualify, a Bidder must include in its Bid for such Qualifying Contract an employment plan for Former Offenders by Contractor or any subcontractors. Bidders may request from the Committee a list of candidates. If the Bidder or any subcontractor employs Former Offenders or identifies potential candidates on its own, such candidates may be submitted to the Committee to determine if they are Former Offenders, as defined in this division.

**Sec. 34-235. Re-entry employment eEarned credits.**

(a) Upon the completion of a Qualifying Contract, a Contractor may apply to the CPO for Earned Credits, on such forms and including such information as required by the CPO. If the Contractor met or exceeded the Former Offender employment goals established in the Qualifying Contract. If the CPO determines that the Contractor has successfully met or exceeded its employment plan in the Qualifying Contract, the CPO shall issue an Earned Credit Certificate that evidences the amount of Earned Credits calculated as set forth below. The Contractor may utilize the Earned Credits as set forth in this division in a future Bid for a Contract for Public

Works of equal or greater value as the Qualifying Contract, by including a copy of the Earned Credit Certificate with its Bid.

(b) For any Qualifying Contract, the CPO shall determine the Earned Credits, as follows. And issue an Earned Credit Certificate, which shall be valid for three years from the date of issuance.

Percentage of Total Labor Hours Performed by Former Offenders	Earned Credit
5-10%	½% of Bid price
Over 10%	1% of Bid price

(c) For purposes of calculating the lowest Responsive and Responsible Bidder only, the CPO shall deduct from the Bid Price the amount of Earned Credit set forth on the Earned Credit Certificate submitted by a Bidder. If the Bidder is awarded the Contract, such Earned Credit Certificate may not be used again in a future Bid.

**Sec. 34-2365. Re-entry employment cContractor's records.**

A Contractor shall retain all records supporting any Certificate of Earned Credits issued to such Contractor for a period of at least three years after issuance of such Certificate. A Contractor shall impose this requirement by contract with any subcontractors included in the employment plan. The Office of the CPO shall have access to the Contractor's and such subcontractors' records.

**Sec. 34-2376. Eligible Veterans' preference, definitions.**

~~It is the policy of the County to provide an incentive for Contractors for Public Works Contracts when such Contractors utilize veterans for at least five percent of the hours worked under such Contract, as hereinafter set forth. For purposes of this Division, "Eligible Veterans" shall mean persons (a) who have been either members of the armed forces of the United States or while citizens of the United States, have been members of the armed forces of allies of the United States, (b) were members of such armed forces in time of hostilities occurring after September 11, 2001, and (c) have served (i) a total of at least six months; or (ii) for the duration of hostilities regardless of the length of engagement; or (iii) in the theater of operations for less than six months but was discharged on the basis of a hardship; or the veteran was released from active duty because of a service-connected disability and was honorably discharged. The preference provided for in this section will be one percent.~~

(e) Veterans' Workplace Preference. The CPO shall give a preference of one percent of the amount of the Contract to a Responsible and Responsive Contractor for a Public Works Contract when such Contractor has committed by affidavit to utilize Eligible Veterans for at least five percent of the hours worked under such Contract. Failure to utilize Eligible Veterans in accordance with the affidavit will result in breach of contract.

(f) Veteran-owned Business and Service Disabled Veteran-owned Business preference . The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive VBE or SDVBE.

The CPO shall develop procedures for implementation of this section. ~~This Section shall take effect six months after the date of adoption.~~

**Sec. 34-2387. Qualified v Veteran-owned businesses incentive.**

(a) ~~Qualified Veteran Owned Business~~ means a business entity that is 51 percent or more owned by one or more Eligible Veterans as defined in Section 34-237

(b) ~~The CPO shall give a preference of five percent of the amount of the Contract to a Responsible and Responsive Qualified Veteran Owned Business. The CPO shall develop procedures for implementation of this section 34-238(b). This section shall take effect six months after adoption.~~

(c) ~~It is the goal of the County to award each year not less than five~~three percent of its total expenditures for supplies, materials, equipment and services to ~~Qualified Veteran Owned Businesses~~ VBEs and SDVBEs. The Contract Compliance Director may count toward its ~~five~~three percent yearly goal that portion of all Contracts in which the Contractor subcontracts with a ~~Qualified Veteran Owned Business~~ VBE or SDVBE. Each year, the CCD shall report to the County Board on all of the following for the immediately preceding 12-month period:

- (1) The number of ~~Qualified Veteran Owned Businesses~~ VBEs and SDVBEs that ~~who~~ submitted a Bid.
- (2) The number of ~~Qualified Veteran Owned Businesses~~ VBEs and SDVBEs that ~~who~~ entered into Contracts and the total value of those Contracts.
- (3) Whether the County achieved the goal described in this subsection.

(b)(4) ~~Each year, the CCD shall review the five~~three percent goal with input from countywide veterans' service organizations and from the business community including ~~Qualified Veteran Owned Businesses~~ VBEs and SDVBEs, and shall make recommendations to the County Board regarding continuation, increases, or decreases in the percentage goal. The recommendations shall be based upon the number of ~~Qualified Veteran Owned Businesses~~ VBEs and SDVBEs and on the continued need to encourage and promote businesses owned by qualified veterans.

(c)(5) ~~The CPO will make best efforts to recruit and solicit bids and make procurements from VBEs and SDVBEs.~~

(d) ~~The above-stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.~~

(e) ~~The CCD, in consultation with the Using Agency, shall establish contract specific goals for each contract. In establishing a contract specific goal, the CCD shall consider the availability of sufficient certified VBEs and SDVBEs for supplies, materials and equipment, or services required as part of the procurement.~~

(f) ~~The provisions of this Division 6, Section 34-238(c) shall be effective as of July 1, 2013. The Contract Compliance Director shall by such date as soon as practicable develop and implement procedures and any corresponding regulations for certifying and monitoring utilization of VBEs and SDVBEs determining the availability of eligible veteran owned businesses and shall report back to the County Board on the appropriateness of the five percent goal, based on such availability.~~

**Sec. 34-2398. VBE/SDVBE Certification. ~~Qualified service-disabled veteran businesses incentive.~~**

(g) ~~The CCD shall certify a Person as a VBE when it is a small business (i) that is at least 51 percent owned, controlled, and managed by one or more Eligible Veterans; and (ii) that has its home office in Illinois.~~

(h) ~~The CCD shall certify Person as a SDVBE when it is a small business (i) that is at least 51 percent owned, controlled, and managed by one or more qualified service-disabled veterans; and (ii) that has its home office in Illinois.~~



(i) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met.

~~(e) Definitions. — For the purposes of this section the following terms are defined below: Service Disabled Veteran means an Eligible Veteran who became disabled in the line of duty while serving the United States Armed Forces, and who received an other than dishonorable discharge. Service Disabled Veteran Business means a Small Business (as defined in Division 8):~~

~~(1) Not less than 51 percent of which is owned by one or more Service Disabled Veterans; and~~

~~(2) — The management and daily business operations of which are controlled by one or more Service Disabled Veterans or, in the case of an Eligible Veteran with permanent and severe disability, the spouse of such veteran.~~

~~(b) In addition to the goals established pursuant to Section 34-238, it is the goal of the County to award each year not less than three percent of its total expenditures for supplies, materials, equipment and services to qualified Service Disabled Veteran Owned Businesses.~~

~~(c) The CPO will make best efforts to recruit and solicit bids and make procurements from qualified Service Disabled Veteran Owned Businesses.~~

~~(j) The above stated goal shall not be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.~~

~~(e) The provisions of this Division 6, Section 34-239 shall be effective as of July 1, 2013. The Contract Compliance Director shall by such date develop procedures for determining the availability of Service Disabled Veteran Owned Businesses and shall report back to the County Board on the appropriateness of the three percent goal, based on such availability.~~

**Secs. 34-240-39—34-249. Reserved.**

## **DIVISION 7. INTEGRITY IN THE PROCUREMENT PROCESS**

### **Sec. 34-250. Reporting irregularities suspected or known fraudulent activity.**

~~The Board encourages~~ Any Person involved in the Cook County Procurement process, including employees, contractors, and those seeking to do business with the County, shall report directly and without any undue delay, any suspected or known irregularities fraudulent activity in the County's procurement process to the County Compliance Officer of the Office of the Cook County Inspector General. In addition to any applicable laws protecting whistleblowers, the County shall ensure that a report made in good faith will not result in any adverse action taken by the Board or the County against the Person making such a report. The CPO's procedures will include a mechanism to publish this provision to all appropriate Persons.

### **Sec. 34-251. Communications.**

For all Procurements, the CPO shall establish procedures to ensure that communications from individuals outside the County regarding a Procurement shall be memorialized and maintained in the procurement file. Communications about a Procurement from or on behalf of an Elected Official or a Using Agency shall also be memorialized and maintained in the Procurement file.

**Secs. 34-252—34-259. Reserved.**

**DIVISION 8. MINORITY- AND WOMAN-OWNED BUSINESS ENTERPRISES**

*Subdivision I. General Provisions*

**Sec. 34-260. Short title.**

This subdivision shall be known and may be cited as the Cook County Minority-and Women-Owned Business Enterprise General Ordinance. This subdivision is applicable to all Contracts, except Public Works Contracts which are governed by Subdivision II of this Division 8.

**Sec. 34-261. Findings.**

(a)The County has heretofore adopted a Minority Business Enterprise Ordinance to ensure that minority and women's businesses are provided full and equal opportunity to participate in Contracts.

(f)The Supreme Court of the United States in *City of Richmond v. Croson*, 488 U.S. 469 (1989), has enunciated certain standards which are necessary to maintain effective affirmative action programs in compliance with constitutional requirements.

(g)The County is committed to implementing its affirmative action program in conformance with the United States Supreme Court's decision in *City of Richmond v. Croson*.

(d)In furtherance of this commitment, and at the direction of the Board, County staff and consultants conducted an investigation into the scope of any discrimination in County Procurements, and in the award of and participation in contracts in the metropolitan Chicago economy, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women's business enterprises equal opportunity to participate in Procurements and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.

(e)Minority and women's businesses continue to be awarded prime contracts and subcontracts in dollar amounts that are disproportionately lower than the availability of such businesses willing and able to perform Contracts.

(f)The County's procurement practices in the past have contributed to the above identified underutilization of minority and women's businesses on Contracts.

(g)Minority and women's businesses continue to be disadvantaged by discriminatory practices in the local construction industry and economy when competing for Contracts and in seeking subcontracting opportunities on such Contracts.

(h)The County was a passive participant in the discriminatory practices of businesses which discriminate against minority and women's businesses by entering into contracts with such businesses.

(i)Despite its good faith efforts and implementation of previous affirmative action programs, minority and women's businesses remain at a competitive disadvantage in competing for Contracts and subcontracts.

(j)Race and gender neutral measures or affirmative action programs without numerical goals have not and are not likely to eliminate the competitive disadvantage of minority and women's businesses in participating in Contracts due to discrimination in the local economy.

(k)The numerical goals for the participation of minority and women's businesses in Contracts are commensurate with the availability of minority and women's businesses willing and able to perform County work.

**Sec. 34-262. Policy and purpose.**

Based on the foregoing findings, the policy and purpose of this division are as follows:

(a) It is the public policy of the County to strive to achieve the full and equitable participation of minority and ~~female~~ woman-owned businesses in the County's procurement process as both prime and subcontractors.

(b) The County is committed to a policy of preventing discrimination in making Procurements, and eliminating arbitrary barriers to participation in Procurements by all persons, regardless of race, sex, or ethnicity.

(c) The purpose of this division is to establish and implement goals for participation of PCEs in Procurements, in compliance with all applicable laws.

**Sec. 34-263. Definitions.**

The following words, terms and phrases, when used in this ~~Subdivision I~~ Division, shall have the meanings ascribed to them in this section, ~~except where the context clearly indicates a different meaning.~~ ~~Capitalized~~ Terms not defined in this section are defined in Division 1 of this Procurement Code, or in Section 1-3 of the County Code. Additional terms applicable to Subdivision II are set forth in such subdivision.

*Affiliate.* An "Affiliate" of or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person Specified. Affiliates shall be considered together in determining whether a firm is a small business.

*Broker* means a Person who or which neither manufactures the supplies, equipment or goods supplied nor owns or operates a store, warehouse or other establishment (and related distribution equipment) in which it maintains, consistent with industry standards, an inventory of the supplies, equipment or goods, materials or supplies required for performance of the Contract for sale in the normal course of business. A Broker provides no substantial service other than acting as a conduit between his or her supplier and his or her customer.

~~*Certified or Certification* means registration of the Minority Business Enterprises or Women's Business Enterprise status of a business in the County's Directory of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises ("PCE Directory")~~

*Commercially Useful Function* means the performance of a distinct element of work required for the Procurement, with the requisite skill and expertise ~~shall have the meaning set forth in Section 34-383.~~

*Contract* means, ~~for purposes of this Division 8,~~ any Procurement or Contract (as defined in Section 34-121) in an amount exceeding \$25,000.00.

*Contract Specific Goals* means the goals established under Section 34-267 that are based upon relevant factors, including, but not limited to, the availability of MBEs or WBEs in the scopes of work of the Project.

*County Marketplace* means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

*Economically Disadvantaged* means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index for Urban Wage Earners and Clerical Workers, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2011.

*Expertise* means demonstrated skills, knowledge or ability to perform, as defined by normal industry practices, including licensure where required, in a field.

*Good Faith Efforts* shall have the meaning set forth in Section 34-271.

~~*Joint Venture* means an association formed by two or more Persons to carry out a single business enterprise, for which purpose they combine their expertise, property, capital, efforts, and skills.~~

*Manufacturer* means a Person that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required for a Procurement and of the general character described by the specifications.

*Minority Business Enterprise* or *MBE* mean a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Minority Individuals; and
- (3) Which has its principal place of business and a majority of its regular, full-time workforce located within the County's Marketplace.

*Minority Individual* means an individual in one of the following groups:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons ~~of~~who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (persons whose origins are in any of the original peoples of the Far East Asia, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent);  
or

- (5) Other groups, including, but not limited to, Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in-decreased opportunities to compete in the County's Marketplace.

*Owned* means having all the customary incidents of ownership, including the right of disposition, and the sharing in all risks and profits commensurate with the degree of ownership interest.

*Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other Certified MBE or WBE, provided that the other Person is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with a spouse, an individual's Personal Net Worth includes only that individual's share of such assets. An individual's Personal Net Worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

*Program* means the Minority-and Women-Owned Businesses Enterprise Program established in this division, and shall include the Public Works Participation Program.

*Program Goals* means the goals set forth in Section 34-267.

*Protected Class Enterprise* or *PCE* shall mean those Persons qualifying under the definitions of *Minority Business Enterprise* and *Women's Business Enterprise* contained in this section.

*Public Works Participation Program* means the program established pursuant to Subdivision II.

*Regular Dealer* means a Person that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, equipment, or commodities (excluding software licenses) of the general character required for the Procurement are bought, kept in stock, and regularly sold or leased in the usual course of business. To be a Regular Dealer, the Person must be an established business that engages, as its principal business and under its own name, in the Procurement and sale or lease of the products in question. A Person may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the Person both owns and operates distribution equipment for the products. Any supplementing of such Person's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacturer representatives, or other Persons who arrange or expedite transactions are not Regular Dealers.

~~*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the Person seeks to perform on Contracts. A Person is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the Person's previous five fiscal years, exceed the size standards of 13 CFR Part 121.~~

*Socially Disadvantaged* means an individual who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

~~Utilization Plan means a plan for utilization of PCEs described in Section 34-383.~~

Woman means a person of the female gender.

Woman ~~Owned~~ Business Enterprise or WBE means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent Owned by one or more Women, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is Owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Women; and
- (3) Which has its principal place of business and a majority of its regular, full-time work force located within the County's Marketplace.

The County shall use measures such as the following in implementing the Program.

(a) Establishing schedules for submitting Bids and Quotations with adequate time frames for identifying and contacting PCEs qualified to participate in the Procurement;

(b) Segmenting Procurements to facilitate the participation of MBEs, WBEs and other Small Businesses;

(c) Providing timely information on contracting procedures, Bid preparation and specific contracting opportunities;

(d) Holding pre-Bid conferences, where appropriate, to explain the projects and to encourage Contractors to use available qualified PCEs;

(e) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;

(f) Collecting information from all Contractors detailing the Bids or proposals received from all subcontractors for Procurements and the expenditures to PCEs;

(g) At the discretion of the CCD, in cooperation with the CPO, periodically entering into a procurement process without Program Goals or Project Specific Goals in order to determine MBE and WBE utilization in the absence of such goals;

(h) Referring complaints of discrimination to Cook County's Commission on Human Rights, or other appropriate authority, for investigation.

#### **Sec. 34-265. Program administration.**

(a) The Office of Contract Compliance, under the direction of the CCD, who shall report to the President, shall administer the Program. The duties of the CCD shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program, certification process, recertification process, and no-change affidavits, including time limitations for the submission of documents and information regarding certification applications and contract participation. The CCD is authorized to collect

certification and recertification processing fees in the amount of \$250.00 per Application; the collection of said processing fees shall be transacted by the CCD through the Bureau of Finance.

- (2) Providing information and assistance to PCEs and Small Businesses relating to the Program, and serve as a liaison to community, contractor, professional and supplier groups, and associations and organizations.
- (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Persons as PCEs, accepting certifications by other agencies, and maintaining a directory of Certified PCEs. Such procedures and criteria shall include non-certification or decertification for the willful submission of false or inaccurate material information and the failure to submit complete and accurate material information to the CCD regarding certification or a Procurement on a timely basis, and shall relate to both PCEs and PCE owners.
- (4) Establishing Contract Specific Goals based upon the availability of PCEs to provide the supplies, materials and equipment or services required by the Contract.
- (5) Monitoring Contracts to evaluate compliance with Contract Specific Goals and commitments.
- (6) Cooperating with and providing assistance to Using Agencies to facilitate participation by PCEs in Procurements.
- (7) Reviewing, approving or rejecting Utilization Plans for achievement of Contract Specific Goals, and evaluating the extent to which goals were achieved.
- (8) Monitoring contracts to ensure compliance with Section 34-388, Prompt Payment of PCEs.
- (9) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
- (10) Evaluating the effectiveness and utility of the Program.
- (11) Monitoring the Program and the County's progress towards the Program Goals. The CCD shall report on a quarterly and annual basis to the President on the Program.
- (12) ~~The CCD shall~~ Reporting to the CCC, at its request, information regarding the administration of the Program and its progress toward achieving the Program Goals.

(b)Using Agencies shall cooperate with the CCD in the administration of the Program, specifically including assisting the CCD with setting Contract Specific Goals and assisting in the identification of available MBEs and WBEs.

**Sec. 34-266. Contract compliance committee.**

The Contract Compliance Committee ("CCC") shall be a Standing Committee of the Board, consisting of seven members of the Board selected as set forth in Chapter 2, Article III, Section 2-105 of the Code. The CCC shall review procedures, proposed modifications to the Program or this Division 8, and complaints as referred by the CCD or the CPO.

**Sec. 34-267. Program goals.**

(a)The County aspires to the following annual Program Goals: A goal of 25 percent of the annual total dollar amount of Contracts other than Public Works Contracts to MBEs, and ten percent of the total dollar amount



of such Contracts to WBEs. In addition, the County sets an annual "best efforts" goal of 35 percent PCE participation for the total professional services and consulting services utilized by the County.

(b)The CCD, in consultation with the CPO and the Using Agency shall establish Contract Specific Goals for each Contract. In establishing a Contract Specific Goal, the CCD shall consider the availability of sufficient Certified MBEs and WBEs for the supplies, materials and equipment, and the CCD shall consider the availability of sufficient Certified PCEs for the~~or~~ services required as part of the Procurement.

(c)No goal shall be treated as a quota nor shall it be used to discriminate against any Person on the basis of race, color, national origin, religion or sex.

**Sec. 34-268. Certification Criteria.**

~~The CCD shall Certify only Persons that meet all the following criteria:~~

~~(a)The Person must be either an MBE or a WBE, or must establish that such Person has individually suffered bias such that his or her opportunities to form and operate a successful business have been substantially diminished because of race, ethnicity, culture or disability. Only Persons that meet the criteria for certification as an MBE or WBE may participate in the Program. The applicant has the burden of proof by a preponderance of the evidence.~~

(b)The Person must be either an individual who is Socially and Economically Disadvantaged or 51 percent Owned by one or more individuals who are Socially and Economically Disadvantaged.

- (1) The Ownership by a Socially and Economically Disadvantaged Person must be real, substantial, and continuing, going beyond pro forma ownership of the Person as reflected in Ownership documents.
- (2) The contributions to acquire the Ownership interest must be real and substantial, and in accord with generally accepted industry standards. If ~~e~~Expertise is part of the contribution, the Expertise must be of the requisite quality generally recognized in a specialized field, necessary to the Person's potential success, specific to the type of work the Person performs and documented in the Person's records.

(c)The Person must be managed and cControlled by one or more Socially and Economically Disadvantaged individual.

- (1) There must not be any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged individual(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged individual(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged individuals, from making any business decision of the Person, including the making of obligations or the dispersing of funds.
- (2) The Socially and Economically Disadvantaged individual(s) must possess the power to direct or cause the direction of the management and policies of the Person and to make day-to-day as well as long-term decisions on management, policy, operations and work.
- (3) The Socially and Economically Disadvantaged individual(s) may delegate various areas of the management or daily operations of the Person to individuals [who] are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged individual(s) must retain the power to hire and fire any such

Person. The Socially and Economically Disadvantaged individual(s) must actually exercise control over the Person's operations, work, management and policy.

- (4) The Socially and Economically Disadvantaged individual(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the Person's operations and work. The Socially and Economically Disadvantaged individual(s) must have the ability to intelligently and critically evaluate information presented by other participants in the Person's activities and to make independent decisions concerning the Person's daily operations, work, management, and policymaking.
- (5) If federal, state or local laws, regulations or statutes require a particular license or other credential to own or control a certain type of Person, then the Socially and Economically Disadvantaged owner(s) must possess the license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, then the fact that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
- (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the Person or prevent the owner from devoting sufficient time and attention to manage and Control the Person's day to day activities.

(d) Only an independent Person may be certified as a MBE or WBE. An independent Person is one whose viability does not depend on its relationship with another Person, and who has the capacity or ability to successfully undertake and complete the relevant work. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a Person is independent. In determining whether an applicant is an independent business, the CCD will:

- (1) Scrutinize relationships with non-Certified Persons in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
- (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Persons associated with non-Certified Firms compromise the applicant's independence.
- (3) Examine the applicant's relationships with non-Certified Persons to determine whether a pattern of exclusive or primary dealings with non-Certified Persons compromises the applicant's independence.
- (4) Consider the consistency of relationships between the applicant and non-Certified Persons with normal industry practice.

~~(e) The Person~~ The CCD shall certify only Persons that meet all the above criteria. An applicant shall be certified only for specific supplies, equipment, goods or services, or for types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the Person's operations and work.

(f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms, provided that the Joint Venture meets the criteria for certification as an MBE or WBE. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership

interest. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

~~(fg) In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities, provided that Cook County's requirements are met—In lieu of conducting its own certifications, the CCD by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CCD determines that the certification standards of such entities are comparable to those set forth herein.~~

~~(gh)~~The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the Person to seek recertification by filing the necessary documentation with the CCD as provided by rule may result in decertification.

~~(hi)~~It is the responsibility of the Certified PCE to notify the CCD of any change in its circumstances affecting its continued eligibility for the Program. Failure to do so may result in the PCE's decertification.

~~(ij)~~The CCD shall decertify a PCE that does not continuously meet the eligibility criteria.

~~(k) Disqualification pursuant to Division 4 of the Procurement Code shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.~~

~~(j)~~ Decertification by another agency shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.

~~(km)~~ A Person that has been denied certification or recertification or has been decertified may protest the denial or decertification ~~as provided by rule~~ by submitting a petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.

~~(ln)~~ A Person found to be ineligible may not apply for certification for ~~six months~~ one year after the effective date of the final decision.

~~(mo)~~ A third party may challenge the eligibility of an applicant for Certification or a Certified PCE pursuant to procedures established by the CCD. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for Certification or a Certified PCE. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CCD shall be the final arbiter of all challenges. The presumption that the challenged PCE is eligible shall remain in effect until the CCD renders a final decision.

### **Sec. 34-269. Utilization plan; commercially useful function.**

~~(a) Utilization Plan required.~~ The CPO shall include in Contract Documents for Contracts covered by this Division, a requirement that a Utilization Plan be submitted which either: (i) commits to PCE participation equal to or greater than the applicable Program Goals or Contract Specific Goals, or (ii) requests a waiver of all or a portion of a Program Goal or Contract Specific Goal.

(1)The Utilization Plan shall be in such form and contain such information as is required by the CCD, and may include such components as direct PCE participation, indirect PCE participation, and a mentoring relationship with one or more PCEs.

- (2)The Utilization Plan shall be due at the time the bid/proposal is due. Failure to include a Utilization Plan will render the submission not Responsive.
- (3)The CCD shall review and either approve or reject the Utilization Plan. For purposes of evaluation a Utilization Plan, only PCEs which perform a Commercially Useful Function relative to the supplies, equipment, goods, services, or types of work for which the PCE has been certified shall be considered.
- (4)Once a Utilization Plan has been approved, the Contractor cannot make changes to the Utilization Plan, including substituting PCEs named in the Utilization Plan, without the prior written approval of the CCD, CPO and the Using Agency. The CCD shall promulgate procedures for changes to the Utilization Plan.

(b) *Commercially Useful Function.* To be considered in meeting Goals, a PCE must perform a Commercially Useful Function, ~~as determined pursuant to this Subsection 34-269(b).~~ "Commercially Useful Function" means the performance of a distinct element of work required for the Procurement, with the requisite skill and Expertise.

- (1) In the case of a Procurement of goods or equipment, ordering from a manufacturer or distributor for delivery directly to the Using Agency is not a Commercially Useful Function; provided, however, that to the extent such practice is consistent with normal industry practices, a PCE subcontractor may enter into second tier subcontracts. However, if a PCE Contractor or subcontractor subcontracts a significantly greater portion of the work of the Contract than would be expected on the basis of normal industry practices, the PCE shall be presumed not to be performing a Commercially Useful Function.
- (2) In the case of a Procurement of services, a Person which subcontracts with another Person to perform the services required does not perform a Commercially Useful Function unless such Person also performs significant supervisory or management responsibilities. A Broker does not fulfill a Commercially Useful Function. In the case of a Joint Venture partner, each Joint Venture partner must perform a Commercially Useful Function.
- (e3) A PCE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the Contract through which funds are passed in order to obtain the appearance of PCE participation.
- (d4) When a PCE is presumed not to be performing a Commercially Useful Function, the Certified PCE and the Person seeking to include that PCE in its Utilization Plan, may present evidence to rebut this presumption.

~~(e) Once a Utilization Plan has been approved, the Contractor cannot make changes to the Utilization Plan, including substituting PCEs named in the Utilization Plan, without the prior written approval of the CCD, CPO and the Using Agency. The CCD shall promulgate procedures for changes to the Utilization Plan.~~

#### **Sec. 34-270. Methods to achieve goals and compliance.**

A Person may achieve the applicable Contract Specific Goals in any one or more of the methods set forth below. The same PCE, whether as a contractor, subcontractor or supplier, cannot be utilized as both a MBE and a WBE on the same Contract.

- (1) *PCE as prime Contractor.* An MBE or WBE may count its own participation toward the achievement of the applicable MBE or WBE goal. Such PCE will be required to meet the other goals by another method described herein. If a WBE is also a MBE, such WBE's participation may count toward either the MBE or WBE Goal but not both.
- (2) *Joint Venture with one or more PCE.* Where a Person engages in a Joint Venture with one or more PCEs, the Utilization Plan shall include a written agreement at least the information set forth in Subsection 34-384(ii)1 through 4 [(2)a. through d.] below. The CCD shall consider the following in determining whether the proposed Utilization Plan satisfies the Program Goals based upon such written Joint Venture agreement and the Utilization Plan.

- a. Each Joint Venture partner's initial capital investment;
  - b. The extent to which the PCE's proposed participation in the performance of the Contract constitutes a Commercially Useful Function;
  - c. Whether the PCE's share in the risks and profits of the Joint Venture is proportional to their ownership interest; and
  - d. Whether the PCE will have duties, responsibilities, management Control and risk with respect to the Joint Venture in proportion to its ownership interest.
- (3) *Subcontracting.* A Person may achieve the Contract Specific Goals by means of subcontracting with, or purchasing from one or more PCEs.

**Sec. 34-271. Request for a total or partial waiver; good faith efforts.**

(a) In reviewing a partial or total request for waiver of a Goal, the CCD shall determine whether a Person has made good faith efforts to meet the applicable Goals and to what extent the waiver request should be granted. In determining whether a Person has made Good faith efforts, the CCD will consider whether the Person has taken the following actions:

- (1) Review lists of PCEs maintained by the County and other State and local governments and agencies to identify qualified PCEs for solicitation for Bids;
- (2) Divide Procurement requirements into small tasks or quantities. This shall include, where appropriate, breaking out Contract work items into economically feasible units, consistent with the availability of PCEs, to facilitate PCE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces;
- (3) Adjust any insurance requirements imposed by the Person seeking PCEs, or otherwise assist PCEs in obtaining any required insurance, where economically feasible, to encourage participation by PCEs;
- (4) Make timely attempts to contact PCEs providing the type of supplies, equipment, goods or services required for the Procurement; and provide them with a convenient and timely opportunity to obtain and review all information concerning the Procurement necessary to enable such PCE to respond;
- (5) Follow up initial contacts of PCEs to determine if they are interested participating in the Procurement;
- (6) Negotiate in good faith and on a timely basis with PCEs to enable them to participate in the Procurement. Evidence of such negotiation includes the names, addresses, and telephone numbers of PCEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached. The Contractor may not reject PCEs as being unqualified without sound reasons. That there may be some additional costs involved in finding and using PCEs is not in itself sufficient reason for a Contractor's failure to meet the Goals, as long as such costs are reasonable;

- (7) Make efforts to assist interested PCEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate; provided, however, that such efforts shall not be inconsistent with the requirement that the PCE be responsible for actually obtaining and paying for such items;
- (8) Establish delivery schedules which will encourage participation by PCEs, where the requirements of the Procurement permit;
- (9) Use the services and assistance of the CCD's staff, the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce;
- (10) Timely notify appropriate community and minority and women's business organizations identified as assist agencies of the opportunity for participation in the Procurement; and
- (11) Demonstrate to the CCD that no PCE exists with which a mentor/protege relationship could be established, as described in Section 34-271.

(b) In determining whether a Bidder or Respondent has made Good Faith Efforts, the levels of participation by PCEs set forth in Utilization Plans submitted by other Persons for the same Procurement may be considered. For example, if the apparent successful Bidder or Respondent fails to meet the Contract Specific Goals, but meets or exceeds the average PCE participation obtained by other Bidders or Respondents, this may be evidence that the apparent successful Bidder or Respondent made Good Faith Efforts.

(c) Where the County requires professional services, the County must be able to call upon those professionals whose particular training and experience are most beneficial to the County.

- ~~(1) The County sets an annual "best efforts" goal of 35 percent PCE participation for the total professional services and consulting services utilized by the County.~~
- ~~(2)~~ A Utilization Plan shall be required, and if a waiver or partial waiver is requested, "good faith" efforts shall be demonstrated as set forth in Section 34-271; provided, however, that such Persons shall not be required to attempt to subcontract with PCEs if subcontractors would not typically be utilized for the type of Procurement. In such cases, the Person shall document the reasons for not subcontracting in a waiver request.
- ~~(3)~~ The Contractor will endeavor to maximize use of PCEs for supplies, equipment, goods or services for such Contractor's business operations not specifically for the Procurement.
- ~~(4)~~ If such Person is required to have or has an affirmative action plan and goals, such plan and goals shall be submitted with their Utilization Plan. The CCD shall compare such plan and goals with the Person's actual affirmative action achievements and such achievements may be considered by the County in future Procurements.

(d) *Mentor/protege agreements.* Where a Contractor enters into mentor/protege agreement with a PCE to improve or develop certain aspects of the business of the PCE, the CCD shall evaluate the effect of such agreement as a factor in determining good faith efforts. The mentor/protege agreement may provide for the Contractor to assist the PCE in such areas as technical aspects of the PCE's business, improving financial management, or providing on-the-job training. To constitute good faith efforts, the mentor/protege agreement shall satisfy the following requirements.

- (1) The PCE performs a Commercially Useful Function;
  - (2) The agreement shall be included in the Utilization Plan; and
  - (3) The agreement clearly defines the respective responsibilities of the Contractor and the PCE and includes specific, measurable goals to be attained by both parties through the performance of the agreement. In order to be a factor in establishing best efforts, the mentor/protege agreement must be for a reasonable period of time.
- (e) The CCD may grant a total or partial waiver based upon the following criteria:
- (1) There are not sufficient PCEs capable of providing the supplies, equipment, goods or services required for the Procurement;
  - (2) The Procurement cannot reasonably be divided;
  - (3) The price required by potential PCEs is more than ten percent above competitive levels; and
  - (4) Any other factor relating to good faith efforts as set forth in the Person's Utilization Plan.

**Sec. 34-272. Calculating PCE participation.**

In calculating a PCE's participation, only dollar amounts commensurate with a PCE's performance of a Commercially Useful Function may be counted.

- (a) The dollar value of that portion of a Procurement that is performed by the PCEs' own forces shall be counted, including the cost of supplies, materials and equipment furnished by the PCE for the Procurement, whether purchased or leased (except to the extent purchased or leased from the Contractor or the Contractor's Affiliate).
- (b) The dollar amount of fees or commissions charged by a PCE for providing a bona fide service, such as professional, technical, consultant, managerial, insurance brokerage or surety services, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.
- (c) When a PCE is a Joint Venture partner, only the dollar value of the distinct, clearly defined work performed by the PCE with its own forces, shall be counted.
- (d) Only the dollar value must be commensurate with the work the PCE actually performs.
- (e) One hundred percent of the cost of the supplies, equipment or goods obtained from a PCE Manufacturer, or Distributor, or Regular Dealer shall be counted.



- (f) One hundred percent of the fees or transportation charges for the delivery of supplies, equipment, materials or goods shall be counted only if the payment of such fees is a customary industry practice and such fees are commensurate with fees customarily charged for similar services.
- (g) If a PCE ceases to be Certified during its performance on a Procurement, the dollar value of work performed under a Contract with that Person after it has ceased to be Certified shall not be counted.
- (h) Only the dollar amount actually paid to the PCE shall be counted toward the participation of a PCE.

**Sec. 34-273. Review of contract performance.**

- (a) *Compliance with Utilization Plan.* The CCD shall review the Contractor's compliance with its Utilization Plan as necessary during the performance of the Contract. The CCD may establish such requirements for periodic Contractor reporting on compliance with its Utilization Plan as the CCD determines appropriate and necessary. A Contractor shall be required to provide any additional requested compliance documentation within 14 days of request by the CCD.
- (1) If the CCD determines that the Contractor has failed to comply with its Utilization Plan, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default. For purposes of this section, providing a plan for bringing the Contract into compliance with the Utilization Plan may constitute a cure, if compliance cannot reasonably be achieved within the applicable cure period, and if compliance is achieved in accordance with such plan.
  - (2) If a Contractor fails to provide any documentation required by the CCD, the CCD shall notify the CPO of such failure. The CPO shall then send notice of default to the Contractor, and the Contractor shall have such time to cure the default as is provided in the Contract. If no such period is provided, the Contractor shall have ten days to cure such default.
- (b) *Bid and target market programs.* To address more specifically the barriers to PCE participation as prime Contractors in County work, the CCD may recommend to the CPO to institute the following special PCE bidding provisions, following determination of the appropriateness of such provisions.
- (1) In connection with the award of a Contract subject to competitive bidding on which a PCE has bid and where the PCE is bidding on the item in question for the first time; and has never successfully bid on a Cook County purchasing contract, the Contract Compliance Director may, at the opening of the bids on the item, compare the PCE Bid with the lowest Bid, and, if the PCE's Bid is closely competitive as defined by guidelines to be established by the Contract Compliance Director with that of lowest actual Bids, direct the CPO to declare the PCE the successful Bidder. A PCE may use this procedure only once to become the successful Bidder on any particular item. Thereafter, the PCE must be totally competitive in terms of price to be the successful Bidder.
  - (2) The Contract Compliance Director shall develop and coordinate a target market program as follows:
    - a. The Contract Compliance Director shall review the availability of PCEs providing various goods and services and shall identify for inclusion in a potential program for bidding, Requests for Qualifications, and Requests for Proposals among PCE Persons certain commodity, goods or services areas with sufficient PCE availability to ensure that the County receives a competitive price. The Contract Compliance Director shall report his/her findings and recommendations to the Contract Compliance Committee;

- b. Upon a determination by the CCD that such a program is advisable for any particular commodity, goods or services procurement, the Contract Compliance Director will institute the following procedures:
1. The Contract Compliance Director will notify the CPO of identification of those commodity, goods, services, or North American Industry Classification Standard (NAICS) codes appropriate for a target market program;
  2. To the extent practicable, the CPO, with the aid of the Contract Compliance Director, shall divide procurement in the designated commodity, goods or services areas into economically feasible sizes to facilitate Bids, Requests for Qualifications, or Requests for Proposals ~~or offers~~ from PCEs and shall designate contracts to be offered under the target market program;
  3. The CPO shall offer PCEs the opportunity to bid on such contracts, or submit responses or proposals, in a limited competition;
  4. All standard County procurement rules for bidding, Requests for Qualifications, or Requests for Proposals, will then become effective and, provided that at least three PCEs Bid or submit responses or proposals ~~make an offer on the contract~~, the lowest Responsive and Responsible Bidder, Proposer, or Respondent among the PCEs will receive the contract; and
  5. In the event less than three PCEs Bid or submit responses or proposals pursuant to a Request for Qualifications or Request for Proposals ~~make an offer on the Contract, or in the event that if there is no Responsive Bid or best and final Response or Proposal offer~~ received from a Responsible PCE, the CPO shall rebid the Contract or reissue the Request for Qualifications or Request for Proposals not subject to the target market program.
- c. Participation in the target market program shall be limited to Minority Business Enterprises, Women's Business Enterprises and Joint Ventures consisting exclusively of Minority Business Enterprises, Women's Business Enterprises or both. The PCE Contractor on a target market Contract may subcontract up to 49 percent of the dollar value of the target market Contract to subcontractors who are not Minority Business Enterprises or Women's Business Enterprises.

#### **Sec. 34-274. Prompt payment of PCEs.**

If an invoice from a Contractor includes payment for supplies, equipment, goods or services furnished by a PCE, Contractor shall pay such PCE for such supplies, equipment, goods or services within ~~30~~15 days after receipt of payment from the County. The CCD shall investigate any complaint or charge of excessive delay in payment, and shall report the results of such investigations to the Contract Compliance Committee and to the County Comptroller. Failure of Contractor to comply with this section 34-388 shall constitute a material breach of the Contract.

#### **Sec. 34-275. Reporting and review.**

The CCD shall report to the Board on an annual basis with respect to the following:

- (1) The percentage of the total dollar amount of Procurements for such year actually received by PCEs;
- (2) The number of MBEs and WBEs available for participation in Procurements, by category;
- (3) An evaluation of the effectiveness of this division in ensuring equitable participation by PCEs in Procurements;

- (4) An assessment of the continuing need for the Program;
- (5) Identification of any enforcement problems; and
- (6) Any recommendations with respect to modifying or improving the Program, including discontinuing or modifying Program Goals in those cases where Minority Business Enterprises and Women's Business Enterprises no longer are disadvantaged by the effects of discrimination in their participation in Procurements.

**Sec. 34-276. Prohibited provisions.**

Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

**Secs. 24-277. —34-284. Reserved.**

*Subdivision II. Participation in Cook County Public Works Contracts*

**Sec. 34-285. Short title; incorporation of provisions.**

This subdivision may be known and cited as the Cook County Public Works Minority-and Women-Owned Business Enterprise Ordinance and may be cited as such.

**Sec. 34-286. Findings.**

- (a) The findings set forth in Subdivision I, Section 34-261 of this Division 8 are incorporated herein by this reference.
- (b) After the requirement in Subdivision I that minority- and women-owned businesses (M/WBEs) be allotted certain percentages of County construction contracts was ruled unconstitutional, the County witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation.
- (c) The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005); (ii) County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's Procurements; (iii) the Report title, "Review of Compelling Evidence of Discrimination Against Minority- and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;" as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's Public Works Contracts; and (v) receiving and considering written reports, adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in Public Works Contracts.
- (d) The County seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in Public Works Contracts.
- (e) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned and reviewed the study entitled "The Status of Minority- and Women-Owned Business Enterprises Relevant to Construction Activity In and Around Cook County, Illinois" (the "NERA Study") on the levels of PCE participation in Public Works Contracts, and has considered the evidence in relevant case law;

(f) The NERA Study made recommendations for a revised Minority-and Women-owned business program for construction contracting, emphasizing the establishment of Project-specific goals, implementation of race- and gender-neutral measures, and enhancements to data gathering, implementation and performance monitoring of the program; and

(g) The County has a compelling interest in preventing discrimination and desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

#### **Sec. 34-287. Policy.**

It is hereby found, determined and declared that the purpose of this Ordinance is to ensure the full and equitable participation of Minority- and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's Public Works contracts. The County is committed to a policy of preventing discrimination in the award of or participation in Public Works contracts and has recommended appropriate narrowly tailored remedies to eliminate any such discrimination.

#### **Sec. 34-288. Applicability.**

This subdivision shall apply to all Public Works contracts, regardless of the sources of other funds; provided that any Public Works contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

#### **Sec. 34-289. Severability.**

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

#### **Sec. 34-290. Definitions.**

The following terms shall have the following meanings:

~~*Affiliate of a person or entity* means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates shall be considered together in determining whether a firm is a Small Business.~~ *Affiliate.* An "Affiliate" of or a Person "Affiliated" with, a specified Person shall mean any Person that directly or indirectly through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the Person Specified. Affiliates shall be considered together in determining whether a firm is a small business.

*Annual Participation Goals* mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

*Applicant* means a person who submits documents and information seeking certification, continued certification, or re-certification as an MBE, WBE, VBE, or SDVBE to the Office of Contract Compliance.

*Business* means a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity.

*Certified Firm* means a firm that has been accepted by the County as a certified MBE or WBE. *Certified* or *Certification* means the granting of Minority Business Enterprises, or Women's Business Enterprise status to an Applicant.

*Contract* means any Procurement or Contract (as defined in Section 34-121) in an amount exceeding \$25,000.00.

*Contractor* means any Business that seeks to enter into a construction contract with the County, other than for professional services, and includes all partners and Affiliates Business.

*Commercially Useful Function* means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling such responsibilities as a Joint Venture partner.

*Compliance Contract Director* or "CC Director" means the Contract Compliance Director.

*County* means the County of Cook and its participating User Departments.

*County's Marketplace* means the six-county region, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

*Doing Business* means having a physical location from which to engage in for-profit activities in the scope(s) of expertise of the Business.

*Economically Disadvantaged* means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index for Urban Wage Earners and Clerical Workers, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2011.

*Expertise* means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the Business, as defined by normal industry practices, including licensure where required.

*Good Faith Efforts* means actions undertaken by a Contractor pursuant to Sec. 34-271 to achieve an MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

*Joint Venture* means an association of two or more Businesses proposing to perform a for-profit business enterprise. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

*Local Business* means a Business located within the County's Marketplace which has the majority of its regular, full-time work force located within the County's Marketplace.

*Local Small Business* means a Local Business which is also a Small Business.

*Manufacturer* means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

~~*Minority Business Enterprise (MBE)* means a Business:~~

- ~~(1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;~~
- ~~(2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more Minority Individuals;~~
- ~~(3) Which performs a Commercially Useful Function;~~

- ~~(4) Which is a Certified Firm; and~~
- ~~(5) Which is a Local Small Business.~~

~~Minority Individual means:~~

- ~~(1) African Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;~~
- ~~(2) Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American [sic];~~
- ~~(3) Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or~~
- ~~(4) Asian Americans, which includes persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent; or~~
- ~~(5) Individual members of other groups, including, but not limited to, Arab Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.~~

Minority Business Enterprise or MBE mean a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Minority Individuals; and
- (3) Which has its principal place of business and a majority of its regular, full-time workforce located within the County's Marketplace.

Minority Individual means an individual in one of the following groups:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons who are Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (persons whose origins are in any of the original peoples of the Far East Asia, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or
- (5) Other groups, including, but not limited to, Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's Marketplace.

*Owned* means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

~~*Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.~~ *Personal Net Worth* means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other Certified MBE or WBE, provided that the other Person is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with a spouse, an individual's Personal Net Worth includes only that individual's share of such assets. An individual's Personal Net Worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

*Program* means the Program established by the Minority- and Women-Owned Business Enterprise Interim Ordinance.

*Project Specific Goals* means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

*Public Works* means all fixed works constructed or demolished by the County, or paid for wholly or in part out of public funds administered by the County. "Public Works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through federal or State government, or the County. "Public Works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multifamily residence. "Public Works" includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

*Regular Dealer* means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular Business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

~~*Small Business* means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.~~

*Socially Disadvantaged* means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the



individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

*User Department* means the department of the County or elected official responsible for initiating the procurement process.

*Utilization Plan* means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

*Woman* means a person of the female gender.

~~*Woman-Owned Business Enterprise (WBE) means a Business:*~~

- ~~(1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned Business, at least 51 percent of all classes of the stock of which is owned by one or more Women;~~
- ~~(2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;~~
- ~~(3) Which performs a Commercially Useful Function;~~
- ~~(4) Which is a Certified Firm; and~~
- ~~(5) Which is a Local Small Business.~~

*Woman-owned Business Enterprise or WBE means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:*

- (1) Which is at least 51 percent Owned by one or more Women, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is Owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and Controlled by one or more such Women; and
- (3) Which has its principal place of business and a majority of its regular, full-time work force located within the County's Marketplace.

#### **Sec. 34-291. Program administration.**

(a) The CC Director, who shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, and whose duties shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program, certification process, recertification process, and no-change affidavits, including time limitations for the submission of documents and information regarding certification applications and contract participation. The CCD is authorized to collect certification and recertification processing fees in the amount of \$250.00 per Application; the collection of said processing fees shall be transacted by the CCD through the Bureau of Finance.
- (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.
- (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying Businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms. Such procedures and criteria shall include non-certification or decertification for the willful submission of false or inaccurate material information and the failure to submit complete and accurate

material information to the CCD regarding certification or a Procurement on a timely basis, and shall relate to both PCEs and PCE owners.

- (4) Establishing Project Specific Goals, in collaboration with the User Department.
  - (5) Evaluating Contractors' achievement of Project Specific Goals and/or Good Faith Efforts to meet Project Specific Goals.
  - (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
  - (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
  - (8) Collecting data to evaluate the Program and other County contracting initiatives.
  - (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The CC Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.
- (b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:
- (1) Assisting the CC Director with setting Project Specific Goals.
  - (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
  - (3) Performing other activities to support the Program.
  - (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
  - (5) Submitting subcontracting data as required to the CC Director.

**Sec. 34-292. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.**

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting, structuring or issuing contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;
- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;

- (d) Providing assistance to Business in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available qualified firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors within 15 days in accordance with Section 34-165;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;
- (i) At the discretion of the CC Director, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

**Sec. 34-293. ~~Program eligibility~~ Certification Criteria**

- (a) Only Businesses that meet the criteria for certification as an MBE or WBE may participate in the Program. The applicant has the burden of ~~persuasion~~ proof by a preponderance of the evidence.
- (b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as an MBE or WBE.
  - (1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.
  - (2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial and in accord with generally accepted industry standards. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.
- (c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as an MBE or WBE.
  - (1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the

Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the disbursing of funds.

- (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
  - (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
  - (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise directly related to, the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.
  - (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
  - (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day-to-day activities.
- (d) Only an independent firm may be certified as an MBE or WBE. An independent ~~firm~~Person is one whose viability does not depend on its relationship with another ~~firm~~Person, and who has the capacity or ability to successfully undertake and complete the relevant work. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent Business, the CC Director will:
- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
  - (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
  - (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
  - (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.

- (e) The CCD shall certify only Persons that meet all the above criteria. An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the ~~firm~~person's operations and work.
- (f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms, provided that the Joint Venture meets the criteria for certification as an MBE or WBE. To be considered an eligible Joint Venture, at least one partner of the Joint Venture must be a Certified Firm, with a share in the capital contribution, control, management, risks, and profits of the Joint Venture which is equal to its ownership interest. Each Certified Firm partner must contribute property, capital, efforts, skill and knowledge and be responsible for a distinct, clearly defined portion of the work of the contract. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.
- (g) In lieu of conducting its own certifications, the CC Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the CC Director determines that the certification standards of such entities are comparable to those of the County.
- (h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of Contract Compliance. Failure of the firm to seek recertification by filing the necessary documentation with the CC Director as provided by rule may result in decertification.
- (i) It is the responsibility of the Certified Firm to notify the CC Director of any change in its circumstances affecting its continued eligibility for the Program, including decertification by another agency. Failure to do so may result in the firm's decertification.
- (j) The CC Director shall decertify a firm that does not continuously meet the eligibility criteria.
- (k) Disqualification pursuant to Division 4 of the Procurement Code shall create a prima facie case for decertification by the County. The challenged PCE shall have the burden of proving that its County certification should be maintained.
- ~~(kl)~~ Decertification by another agency shall create a prima facie case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.
- ~~(lm)~~ A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification ~~as provided by rule~~ by submitting a petition for review in a proceeding made pursuant to Part I, Chapter 2, Article IX, Administrative Hearings, and the Administrative Rules promulgated thereunder.
- ~~(mn)~~ A firm found to be ineligible may not apply for certification for ~~six months~~one year after the effective date of the final decision.
- ~~(no)~~ A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified form. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The CC Director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the CC Director renders a final decision.

#### **Sec. 34-294. Annual aspirational goals.**

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County Public Works contracts and subcontracts shall be 24 percent for MBEs and ten percent for WBEs.

**Sec. 34-295. Project specific goals.**

The CC Director, in consultation with the User Department, shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

**Sec. 34-296. Counting MBE and WBE participation.**

- (a) The entire amount of that portion of a contract that is performed by the MBE's or WBE's own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work on the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).
- (b) The entire amount of fees or commissions charged by an MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.
- (c) When an MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.
- (d) Only expenditures to an MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether an MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. An MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If an MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When an MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.
- (e) ~~One hundred percent of the cost of the materials or supplies obtained from an MBE or WBE Manufacturer or Regular Dealer shall be counted.~~ One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.
- (k) One hundred percent of the cost of the supplies, equipment or goods obtained from a PCE Manufacturer shall be counted.
- (fg) Sixty percent of the cost of the supplies, equipment or goods obtained from a PCE Distributor or Regular Dealer shall be counted.
- ~~(fh)~~ If a firm ceases to be a Certified Firm for any other reason than graduation from the M/WBE Construction Program during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(gi) In determining achievement of Project Specific Goals, the participation of an MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

**Sec. 34-297. Contract pre-award compliance procedures.**

(a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid/proposal is due.

(b) Any agreement between a Contractor and an MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

(c) Where the Contractor cannot achieve the Project Specific Goal(s), the CC Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the Director will consider, at a minimum, the Contractor's efforts to:

- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.
- (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability [of] MBEs and WBEs to facilitate their participation.
- (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all scopes of work that could be subcontracted.
- (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
- (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
- (6) Use the services of the Office of Contract Compliance, available minority/women community organizations, minority/women contractors' groups, government-sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.

(d) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.



- (e) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.
- (f) The CC Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The CC Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.
- (g) If the CC Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the CC Director and User Department shall recommend award to Purchasing Agent.
- (h) If the CC Director finds that a Contractor did not make sufficient Good Faith Efforts, the CC Director shall communicate this finding to the Purchasing Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

**Sec. 34-298. Contract administration procedures.**

- (a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors and incorporated in the contract.
- (b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The CC Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including, without limitation, payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.
- (c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the CC Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.
  - (1) All requests for changes or substitutions of an MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the CC Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute an MBE or WBE subcontractor or perform the work designated for an MBE or WBE subcontractor with its own forces unless and until the CC Director, Purchasing Agent in consultation with the User Department, approves such substitution in writing. A Contractor shall not allow a substituted subcontractor to begin work until the Director, Purchasing Agent and the User Department have approved the substitution.

- (2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.
  - (3) Substitutions of the subcontractor shall be permitted only on the following bases:
    - (i) Unavailability after receipt of reasonable notice to proceed.
    - (ii) Failure of performance.
    - (iii) Financial incapacity.
    - (iv) Refusal by the subcontractor to honor the bid or proposal price.
    - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
    - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
    - (vii) The subcontractor's withdrawal of its bid or proposal.
  - (4) The final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the CC Director.
  - (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
  - (6) If the County requires the substitution of an MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of Contract Compliance in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.
- (d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the CC Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBEs and WBEs have a fair opportunity to bid on the new scope of work.
- (e) Changes to the scopes of work shall be documented by the User Department at the time they arise to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.
- (f) Prior to contract closeout, the CC Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

**Sec. 34-299. Sanctions and penalties.**

- (a) The following violations of this subdivision may result in a breach of contract:

- (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.
  - (2) Committing any other violations of this subdivision.
- (b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed nonresponsive in future County solicitations and contracts as determined by the County's Purchasing Agent, if it is found to have:
- (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;
  - (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
  - (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
  - (4) Failed to comply in good faith with substantive provisions of this subdivision.

**Sec. 34-300. Program review and sunset.**

- (a) The President and the Board of Commissioners shall receive quarterly and annual reports from the CC Director detailing the County's performance under the Program.
- (b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.
- (c) Within five years after the effective date of this ordinance, the County will review the operation of the Program and the evidentiary basis for the Program in order to determine whether the County has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.
- (d) This subdivision shall sunset on or before June 30, 2016.

**DIVISION 9. CONTRACT MANAGEMENT**

**Sec. 34-301. Contracts.**

- (a) *Purpose.* The purpose of this Division is to ensure that Contracts in an amount of \$1,000,000.00 or more are performed in accordance with the Contract terms.
- (b) *Applicability.* This Division shall only apply to Contracts of \$1,000,000.00 or more.
- (c) *Funding.* The extent to which this division shall be implemented shall be limited to the availability of funding. The Board encourages the County to seek out any available grant funding for this initiative.

**Sec. 34-302. Information to be contained in contracts.**

All Contracts over \$1,000,000.00 should contain, but not be limited to, the following information, as applicable:

- (a) Clearly state the specifications, contract period, allowable renewals or extension periods, and procedures for amendments or changes;
- (b) Provide for specific measurable deliverables and reporting requirements, including due dates;
- (c) Describe any payment schedules and escalation factors;
- (d) Contain performance standards;
- (e) Tie payments to the acceptance of deliverables or the final product;
- (f) Contain all standard or required clauses as published in an RFP. Order of precedence should be addressed in case of a discrepancy between the RFP and the Contract;
- (g) Contain appropriate signatures, approvals, acknowledgements, or witnesses; and
- (h) Be reviewed and approved as to form by an attorney from the Cook County State's Attorney's Office prior to execution.

**Sec. 34-303. ~~Contract m~~Management for contracts.**

- (a) Using Agency responsibilities are as follows:
  - (1) Designate one or more individuals as the "Contract Manager" with the knowledge, skills, ability and time to monitor the Contract;
  - (2) The CPO may provide staff to assist the Using Agency in complying with this division.
- (b) Contract Manager's duties:
  - (1) Monitor performance of the Contract in accordance with its terms;
  - (2) Track budgets and compare invoices and charges to contract terms and conditions;
  - (3) Document the timeliness and acceptance or rejection of deliverables and initiate appropriate action to enforce the Contract terms; and
  - (4) Evaluate and document compliance with Contract requirements on a periodic basis during the term of the Contract and submit to the CPO.
- (c) CPO's duties:
  - (1) Create uniform evaluation forms for use by Contract Managers, to evaluate the extent to which the Contractor satisfied the Contract terms;
  - (2) Establish appropriate procedures to ensure that evaluations are utilized in determining whether a Bidder or Proposer is Responsible; provided, however, that evaluations made only within the past three years shall be considered; and

- (3) Assist Using Agencies in obtaining training through the National Contract Managers Association, Institute of Supply Management or National Institute of Government Purchasing standards, for Contract Managers.

**Secs. 34-304—34-309. Reserved.**

**DIVISION 10. INVOICES FOR SERVICES RENDERED**

**Sec. 34-310. Invoices required for all service contracts.**

(a) *Work Performed.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to maintain and submit for review upon request by the Using Agency, itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

(b) *Expenses.* Contracts for services shall also require Contractors to submit documentation of the types and amounts of expenses incurred related to the work performed if the Contractor seeks reimbursement for any such expenses incurred.

(c) *Invoice Documentation.* All Contracts for services, regardless of compensation structure, shall contain a provision requiring the Contractor to submit itemized records indicating the dates or time period in which the services being invoiced were provided, a detailed description of the work performed for the time period being invoiced and the amount of time spent performing work for the time period in question. In addition, all Contracts for services that are procured as Sole Source must also contain a provision requiring the Contractor to submit itemized records indicating the dates that services were provided, a detailed description of the work performed on each such date, and the amount of time spent performing work on each such date.

(d) *Payment.* All Contracts for services shall further require that the itemized work and expense records required in Section 34-310(b) and (c) be submitted to the Using Agency with the Contractor's invoice as a condition of payment for any services rendered.

**Sec. 34-311. No payment prior to submission of invoice.**

The Comptroller shall not issue a payment to any Contractor providing services who has not submitted the requisite invoice with work and expense records unless the Contractor has been approved for advance payment per the Contract. The Comptroller shall not issue an advance payment to any Contractor providing services unless the invoice includes written authorization from the Using Agency documenting the contractual basis for the advance payment. Contractors approved for advance payment shall be required to submit invoices providing work and expense records as described above in Section 34-310 on at least a monthly basis.

**Secs. 34-312—34-365. Reserved.**

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32.1 Fee Schedule, of the Cook County Code, is hereby amended as follows:

**Sec. 32.1. Fee Schedule.**

The fees or charges provided for or required by the below-listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 34, FINANCE</b>		

<del>34-283(a)</del> 34-265	M/WBE Certification/ <u>Recertification</u> Fee	250.00
34-283(b)34-291	M/WBE <u>Certification/Recertification</u> Fee	<del>100.00</del> 250.00

**Effective date:** This Ordinance Amendment shall be in effect immediately upon adoption.

**14-1557**

**Presented by:** LARRY SUFFREDIN AND EDWIN REYES, County Commissioners

**PROPOSED ORDINANCE**

**AN ORDINANCE ALLOWING FOR THE CREATION OF A MUNICIPAL INSPECTOR GENERAL**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Sheriff, Division 4, Municipal Inspector General of the Cook County Code, Sections 46-93 - 46-101 is hereby enacted as follows:

**Sec. 46-93.Title**

This amendment shall be known and cited as the Cook County Municipal Inspector General Ordinance.

**Sec. 46-94.Definitions**

*Municipality* shall mean any city, village, town or other municipal entity, except the city of Chicago, whether such city, village, town or municipal entity is located partially or wholly within Cook County.

*Compliance Audit* shall have the meaning ascribed to it in the Illinois State Auditing Act and any additional auditing powers declared in Section 46-97 below.

*Financial Audit* shall have the meaning ascribed to it in the Illinois State Auditing Act and any additional auditing powers declared in Section 46-97 below.

*Performance Audit* shall have the meaning ascribed to it in the Illinois State Auditing Act and any additional auditing powers declared in Section 46-97 below.

*Comptroller* means the Comptroller of the State of Illinois.

*Sheriff* means the Cook County Sheriff.

**Sec. 46-95. Municipal Inspector General - Establishment.**

If any Municipality fails to file two consecutive annual audit reports or annual financial reports with the Comptroller as required pursuant to the Governmental Account Audit Act, 50 ILCS 310/01 *et. seq.*, and the Comptroller has not caused an audit of such Municipality’s finances to be performed within the twelve months of the close of the fiscal year of the second consecutive unfiled annual audit report or annual financial report, the Cook County Board President may, upon a majority vote of the Cook County Board, create the Office of Municipal Inspector General for such Municipality and appoint the Sheriff to such Office of Municipal Inspector General for a period of at least 90 days; however, the term of Municipal Inspector General may be extended by a majority vote of the Cook County Board.

**Sec. 46-96. Municipal Inspector General - Appointment.**

If the Office of Municipal Inspector General is created, the Sheriff shall be appointed as the Municipal Inspector General; however the Sheriff may conduct any investigation or audit in consultation or coordination with the Comptroller or the Cook County Office of the Comptroller, as determined by the Sheriff.

**Sec. 46-97. Municipal Inspector General - Powers and Duties.**

In addition to the rights and responsibilities conferred to the Sheriff under Section 3-6021 of the Counties Code as the conservator of the peace for Cook County, the Municipal Inspector General may:

(a) Exercise a general supervision over all the officers of the subject Municipality charged in any manner with the receipt, collection, or disbursement of the municipal revenue, or with the collection and return of the municipal revenue, or with the collection and return of the municipal revenue into the treasury.

(b) Have custody and control of all municipal documents, books and papers designated by the corporate authorities.

(c) Have the right to prepare and submit to the Municipality's corporate authorities and Cook County Board a report of the Municipal Inspector General's estimate, as nearly as may be, of the money necessary to defray the expenses of the Municipality in the current fiscal year. For the purpose of making this report, the Municipal Inspector General is authorized to require all officers to submit statements of the condition and expenses of their respective offices or departments, with any proposed Municipal improvements and the probable expense of those improvements, all unperformed contracts, and the amount of all unexpended appropriations of the preceding year.

(d) Prepare an annual audit or annual financial report required under state law for the most recent fiscal year and any proceeding year, and file such audit or financial report with the Comptroller. For the purpose of making this report, the Municipal Inspector General is authorized to take custody and control of all municipal documents, books and papers designated by the corporate authorities for the most recent fiscal year or any proceeding years.

(e) Complete or order any Compliance Audit, Financial Audit, or Performance Audit for the current year or any proceeding years, as deemed necessary, including, but not limited to, an audit of the subject Municipality's:

- (1)Criminal investigation reports;
- (2)administrative investigation reports;
- (3)firearm tracing records;
- (4)officer ethics;
- (5)the carry and use of weapons;
- (6)search and seizure procedures;
- (7)procedures for arrests with and without warrants;
- (8)alternatives to arrest;
- (9)the use of officer discretion;
- (10)strip searches and body cavity searches;
- (11)profiling;
- (12)use of reasonable force;
- (13)use of deadly force;
- (14)use of authorized less than lethal weapons;
- (15)reporting uses of force;
- (16)weapons and ammunition;

- (17)weapons proficiency and training;
- (18)crime analysis;
- (19)purchasing and requisitions;
- (20)department property;
- (21)inventory and control;
- (22)issue and reissue;
- (23)recruitment;
- (24)training attendance;
- (25)lesson plans;
- (26)remedial training;
- (27)officer training record maintenance;
- (28)department animals;
- (29)response procedures;
- (30)pursuit of motor vehicles;
- (31)roadblocks and forcible stops;
- (32)missing or mentally ill persons;
- (33)use of equipment;
- (34)use of vehicle lights and sirens;
- (35)equipment specifications and maintenance;
- (36)vehicle safety restraints;
- (37)authorized personal equipment;
- (38)protective vests and high risk situations;
- (39)mobile data access;
- (40)in-car video and audio;
- (41)case file management;
- (42)investigative checklists;
- (43)informants;
- (44)cold cases;
- (45)polygraphs;
- (46)shift briefings;
- (47)interviews of witnesses and suspects;
- (48)line-ups and show-ups;
- (49)confidential information;
- (50)juvenile operations;
- (51)offenders, custody, and interrogation;
- (52)crime prevention and community interface;
- (53)critical incident response and planning;
- (54)hostage negotiation;
- (55)search and rescue;
- (56)special events;
- (57)personnel, equipment, and facility inspections;
- (58)victim/witness rights, preliminary contact, and follow up;
- (59)next of kin notification;
- (60)traffic stops and approaches;
- (61)speed-measuring devices;
- (62)DUI procedures;
- (63)traffic collision reporting and investigation;
- (64)citation inventory, control and administration;
- (65)escorts;
- (66)towing procedures;



- (67)detainee searches and transportation;
- (68)search and inventory of vehicles;
- (69)escape prevention procedures and detainee restraint;
- (70)sick, injured, and disabled detainees;
- (71)vehicle safety;
- (72)holding facility standards;
- (73)collection and preservation of evidence including but not limited to:
  - a.photos;
  - b.video;
  - c.fingerprints;
  - d.computers;
  - e.records;
  - f.DNA samples;
  - g.controlled substances;
  - h.weapons;
  - i.and/or physical evidence;
- (74)police report standards and format;
- (75)submission of evidence to laboratories;
- (76)follow up of outstanding cases;
- (77)and/or application for charges with the State's Attorney, United States Attorney, Attorney General, or other prosecuting authority.

**Sec. 46-98. Audit Expenses.**

The expenses of any audit and investigation conducted or ordered by the Municipal Inspector General pursuant to this Ordinance shall be paid by the subject Municipality. Payment shall be ordered by the subject Municipality out of the funds of the Municipality and such Municipality authorities shall make provision for payment. Contracts for the performance of audits required by this Ordinance may be entered into without competitive bidding. If the audit is made by a licensed public accountant retained by the Municipal Inspector General or the State Comptroller, the subject municipality shall pay for the audit.

**Sec. 46-99. Municipality - Cooperation.**

During the term of the Municipal Inspector General, it shall be the duty of every officer, employee, contractor, subcontractor and licensee of the Municipality to cooperate with the Municipal Inspector General in the management and day-to-day operations of law enforcement duties and public safety initiatives overseen by the Municipal Inspector General.

**Sec. 46-100.Municipality - Auditing Duties.**

This Ordinance does not relieve the subject Municipality, Comptroller, any other governmental entity or any officer of such entity of the duties required by law with respect to the auditing of public funds or the disbursement of public funds.

**Sec. 46-101. Severability.**

If any provision, clause, section, part or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared to be the legislative intent of

the Cook County Board that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

**Effective date:** This ordinance shall be in effect immediately upon adoption.

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**A motion was made by Commissioner Suffredin, seconded by Commissioner Schneider, to accept the substitute for File ID 14-1557. The motion carried.**

**SUBSTITUTE PROPOSED ORDINANCE FOR FILE ID 14-1557**

**Sponsored by:** LARRY SUFFREDIN and EDWIN REYES, County Commissioners

**AN ORDINANCE ALLOWING FOR THE CREATION OF A MUNICIPAL OR SPECIAL DISTRICT INSPECTOR GENERAL**

**NOW THEREFORE BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 46 Law Enforcement, Article II, Sheriff, Division 4, Municipal Inspector General of the Cook County Code, Sections 46-93 – 46-101 is hereby enacted as follows:

**Sec. 46-93. Title**

This amendment shall be known and cited as the Cook County Municipal Inspector General Ordinance.

**Sec. 46-94. Definitions**

*Municipality* shall mean any city, village, town or other municipal entity, except the city of Chicago, whether such city, village, town or municipal entity is located partially or wholly within Cook County.

*Compliance Audit* shall have the meaning ascribed to it in the Illinois State Auditing Act and any additional auditing powers declared in Section YY below.

*Financial Audit* shall have the meaning ascribed to it in the Illinois State Auditing Act and any additional auditing powers declared in Section YY below.

*Performance Audit* shall have the meaning ascribed to it in the Illinois State Auditing Act and any additional auditing powers declared in Section YY below.

*Comptroller* means the Comptroller of the State of Illinois.

*Sheriff* means the Cook County Sheriff.

*Special District* includes any

(1)Cemetery Association established and organized pursuant to 70 ILCS 105/1, *et. seq.*;

(2)Drainage District established and organized pursuant to 70 ILCS 605/1, *et. seq.*;

(3) Mosquito Abatement District established and organized pursuant to 70 ILCS 1005/1, *et. seq.*;

(4) River Conservancy District established and organized pursuant to 70 ILCS 2105/1, *et. seq.*;

(5) Sanitary District established and organized pursuant to 70 ILCS 2805/0.01, *et. seq.*, 70 ILCS 2405/1, *et. seq.* or 70 ILCS 2805/1 *et. seq.*;

(6) Street Lighting District established and organized pursuant to 70 ILCS 3305/1, *et. seq.*;

(7) Water Commission established and organized pursuant to 65 ILCS-135-1, *et. seq.*;

that operates and is located within the boundaries of Cook County, Illinois and to which the President of the Cook County Board of Commissioners appoints the members of the governing body of the Special District.

**Sec. 46-95. Establishment of a Municipal Inspector General or Special District Inspector General.**

If any Municipality fails to file two consecutive annual audit reports or annual financial reports with the Comptroller as required pursuant to the Governmental Account Audit Act, 50 ILCS 310/01 *et. seq.*, and the Comptroller has not caused an audit of such Municipality's finances to be performed within the twelve months of the close of the fiscal year of the second consecutive unfiled annual audit report or annual financial report, the Cook County Board President may, upon a majority vote of the Cook County Board, create the Office of Municipal Inspector General for such Municipality and appoint the Sheriff to such Office of Municipal Inspector General for a period of at least 90 days; however, the term of Municipal Inspector General may be extended by a majority vote of the Cook County Board.

If any Special District fails to file two consecutive annual The Cook County Board President may, upon a majority vote of the Cook County Board, create the Office of Municipal Inspector General for any Special District that fails to file two consecutive full, complete, unabridged and unedited audited financial statements with the Cook County Treasurer as required pursuant to the Cook County Taxing District Debt Disclosure Act, Sec. 2-243 of the Cook County Code, the Cook County Board President, may upon a majority vote of the Cook County Board, may create the Office of Special District Inspector General for such Special District and appoint the Sheriff to such Office of Special District Inspector General for a period of at least 90 days; however the term of Special District Inspector General may be extended by a majority vote of the Cook County Board.

**Sec. 46-96. Appointment.**

If the Office of Municipal Inspector General or Special District Inspector General is created, the Sheriff shall be appointed as the Municipal Inspector General or Special District Inspector General; however the Sheriff may conduct any investigation or audit in consultation or coordination with the Comptroller, ~~or~~ the Cook County Office of the Comptroller, or the Cook County Treasurer as determined by the Sheriff.

**Sec. 46-97. Powers and Duties.**

In addition to the rights and responsibilities conferred to the Sheriff under Section 3-6021 of the Counties Code as the conservator of the peace for Cook County, the Municipal Inspector General or Special District Inspector General may:

- (a) Exercise a general supervision over all the officers of the subject Municipality or Special District charged in any manner with the receipt, collection, or disbursement of the municipal or Special District revenue, or with the collection and return of the municipal or Special District revenue, or with the collection and return of the municipal or Special District revenue into the treasury.
- (b) Have custody and control of all municipal or Special District documents, books and papers designated by the corporate authorities.
- (c) Have the right to prepare and submit to the Municipality's or Special District's corporate authorities and Cook County Board a report of the Municipal Inspector General's or Special District Inspector General's estimate, as nearly as may be, of the money necessary to defray the expenses of the Municipality or Special District in the current fiscal year. For the purpose of making this report, the Municipal Inspector General or Special District Inspector General is authorized to require all officers to submit statements of the condition and expenses of their respective offices or departments, with any proposed Municipal or Special District improvements and the probable expense of those improvements, all unperformed contracts, and the amount of all unexpended appropriations of the preceding year.
- (d) Prepare an annual audit or annual financial report required under state law or Cook County ordinance for the most recent fiscal year and any proceeding year, and file such audit or financial report with the Comptroller or Cook County Treasurer. For the purpose of making this report, the Municipal Inspector General or Special District Inspector General is authorized to take custody and control of all municipal or Special District documents, books and papers designated by the corporate authorities for the most recent fiscal year or any proceeding years.
- (e) Complete or order any Compliance Audit, Financial Audit, or Performance Audit for the current year or any proceeding years, as deemed necessary, including, but not limited to, an audit of the subject Municipality's or Special District's:

- 1. Criminal investigation reports;
- 2. administrative investigation reports;
- 3. firearm tracing records;
- 4. officer ethics;
- 5. the carry and use of weapons;
- 6. search and seizure procedures;
- 7. procedures for arrests with and without warrants;

- 8.alternatives to arrest;
- 9.the use of officer discretion;
- 10.strip searches and body cavity searches;
- 11.profiling;
- 12.use of reasonable force;
- 13.use of deadly force;
- 14.use of authorized less than lethal weapons;
- 15.reporting uses of force;
- 16.weapons and ammunition;
- 17.weapons proficiency and training;
- 18.crime analysis;
- 19.purchasing and requisitions;
- 20.department property;
- 21.inventory and control;
- 22.issue and reissue;
- 23.recruitment;
- 24.training attendance;
- 25.lesson plans;
- 26.remedial training;
- 27.officer training record maintenance;
- 28.department animals;
- 29.response procedures;
- 30.pursuit of motor vehicles;
- 31.roadblocks and forcible stops;
- 32.missing or mentally ill persons;
- 33.use of equipment;
- 34.use of vehicle lights and sirens;

- 35.equipment specifications and maintenance;
- 36.vehicle safety restraints;
- 37.authorized personal equipment;
- 38.protective vests and high risk situations;
- 39.mobile data access;
- 40.in-car video and audio;
- 41.case file management;
- 42.investigative checklists;
- 43.informants;
- 44.cold cases;
- 45.polygraphs;
- 46.shift briefings;
- 47.interviews of witnesses and suspects;
- 48.line-ups and show-ups;
- 49.confidential information;
- 50.juvenile operations;
- 51.offenders, custody, and interrogation;
- 52.crime prevention and community interface;
- 53.critical incident response and planning;
- 54.hostage negotiation;
- 55.search and rescue;
- 56.special events;
- 57.personnel, equipment, and facility inspections;
- 58.victim/witness rights, preliminary contact, and follow up;
- 59.next of kin notification;
- 60.traffic stops and approaches;
- 61.speed-measuring devices;

- 62.DUI procedures;
- 63.traffic collision reporting and investigation;
- 64.citation inventory, control and administration;
- 65.escorts;
- 66.towing procedures;
- 67.detainee searches and transportation;
- 68.search and inventory of vehicles;
- 69.escape prevention procedures and detainee restraint;
- 70.sick, injured, and disabled detainees;
- 71.vehicle safety;
- 72.holding facility standards;
- 73.collection and preservation of evidence including but not limited to:
  - i.photos;
  - ii.video;
  - iii.fingerprints;
  - iv.computers;
  - v.records;
  - vi.DNA samples;
  - vii.controlled substances;
  - viii.weapons;
  - ix.and/or physical evidence;
- 74.police report standards and format;
- 75.submission of evidence to laboratories;
- 76.follow up of outstanding cases; and/or
- 77.application for charges with the State's Attorney, United States Attorney, Attorney General, or other prosecuting authority.

**Sec. 46-98. Audit Expenses.**

The expenses of any audit and investigation conducted or ordered by the Municipal Inspector General or Special District Inspector General pursuant to this Ordinance shall be paid by the subject Municipality or Special District. Payment shall be ordered by the subject Municipality or Special District out of the funds of the Municipality or Special District and such Municipality or Special District authorities shall make provision for payment. Contracts for the performance of audits required by this Ordinance may be entered into without competitive bidding. If the audit is made by a licensed public accountant retained by the Municipal Inspector General or Special District Inspector General or the State Comptroller, the subject municipality or Special District shall pay for the audit.

**Sec. 46-99. Cooperation.**

During the term of the Municipal Inspector General or Special District Inspector General, it shall be the duty of every officer, employee, contractor, subcontractor and licensee of the Municipality or Special District to cooperate with the Municipal Inspector General or Special District Inspector General in the management and day-to-day operations of governmental functions and law enforcement duties and public safety initiatives overseen by the Municipal Inspector General or Special District Inspector General.

**Sec. 46-100. Auditing Duties.**

This Ordinance does not relieve the subject Municipality, Special District, Comptroller, any other governmental entity or any officer of such entity of the duties required by law with respect to the auditing of public funds or the disbursement of public funds.

**Sec. 46-101. Severability.**

If any provision, clause, section, part or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared to be the legislative intent of the Cook County Board that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

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**A motion was made by Commissioner Suffredin, seconded by Commissioner Schneider, that consideration of the proposed Ordinance Amendment be deferred to the April 9, 2014 meeting of the Finance Committee. The motion carried.**

**ADJOURNMENT**

**Commissioner Steele, seconded by Commissioner Moore, moved to adjourn the meeting. The motion passed and the meeting was adjourned.**

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**



Court Orders (pages 1-46)	Recommended for Approval
Workers' Compensation (pages 46-52)	Recommended for Approval
Subrogation Recoveries (page 52-53)	Recommended for Approval
Self-Insurance Claims (page 54)	Recommended for Approval
Proposed Settlements (pages 55-56)	Recommended for Approval
Employees' Injury Compensation (page 57)	Recommended for Approval
Revenue Report (page 57)	Recommended for Receiving and Filing
File ID 14-1232 (pages 58-182)	Recommended for Approval as Substituted
File ID 14-1557 (pages 182-193)	Recommended for Deferral to 4/9/14

Respectfully submitted,

COMMITTEE ON FINANCE

JOHN P. DALEY, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

\_\_\_\_\_  
**Commissioner Daley, seconded by Commissioner Sims, moved that the Report of the Committee on Finance be approved and adopted. The motion carried unanimously.**

**14-1743**

**REPORT OF THE ZONING AND BUILDING COMMITTEE**

March 12, 2014

**ATTENDANCE**

**Present:** Chairman Silvestri, Vice Chairman Murphy, Commissioners Butler, Daley, Fritchey, Gainer, García, Gorman, Goslin, Schneider, Sims, Steele, Suffredin, Tobolski and Moore (15)

**Absent:** Commissioners Collins and Reyes (2)

**PUBLIC TESTIMONY**

1. Peter Paraskis, Concerned Citizens
2. Chris Slattery, Director of Planning and Development, Forest Preserve District
3. George Blakemore, Concerned Citizen

**SECTION 1**

**SPECIAL USE/UNIQUE USE**

**14-1699**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** SU 13-06; Special Use Permit in a P-1 Public Land District

**Township:** Palos

**County District:** 17

**Property Address:** 9600 Wolf Road, Willow Springs, Illinois.

**Property Description:** The Subject Property is located off of Wolf Road South of 95th Street in Willow Springs

**Owner:** Forest Preserve District of Cook County

**Applicant:** Christine Slattery, Director of Development & Planning, Forest Preserve District of Cook County

**Current Zoning:** P-1 Public Land District

**Intended use:** Applicant seeks a Special Use Permit in a P-1 Public Land District to develop a new campground, Bullfrog Lake Campground. Bullfrog Lake Campground is to serve families and youth groups in unincorporated Palos Township.

**Recommendation:** ZBA Recommendation that the application be granted.

**Conditions:** None

**Objectors:** None

**History:**

Zoning Board Hearing: 1/13/ 2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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**A motion was made by Commissioner Gorman, seconded by Commissioner Butler, that the Zoning Board of Appeals Recommendation be recommended for approval. The motion carried.**

**14-1699  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE GRANTING A SPECIAL USE  
LOCATED IN PALOS TOWNSHIP  
AS AUTHORIZED BY THE COOK COUNTY ZONING ORDINANCE**

**WHEREAS**, the owner of a Subject Property located in Palos Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners for Special Use for a Permit to the 2001, Cook County Zoning Ordinance, as amended, in a P-1 Public Land District seeks a Special Use, at the 5 PINs are 23-07-103-002-0000 (93.65 acres), 23-07-200-001-0000 (79.44 acres), 23-07-301-001-0000 (40.94 acres), 23-07-202-003-0000 (44.69 acres) and 23-07-400-001-0000 (159.31 acres) to develop a new campground, Bullfrog Lake, to serve families and youth groups in unincorporated Palos Township; and

**WHEREAS**, the said petition was received by the Zoning Board of Appeals of Cook County as SU-13-06, public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

**WHEREAS**, the Zoning Board of Appeals entered detailed Findings in accordance with the Standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant as stated in the Findings of Fact, said application for a Special Use for permit; and

**WHEREAS**, it is the determination that said request be granted in accordance with the recommendations of the Zoning Board of Appeals.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of Cook County, Illinois:

**Section 1: BACKGROUND** That the following described Subject Property be granted a Special Use for a Permit in a P-1 Public Land District to develop a new campground, Bullfrog Lake, to serve families and youth groups in unincorporated Sections 7 and 8 of Palos Township; and

**Section 2: DESCRIPTION OF PROPERTY**

**LEGAL DESCRIPTION**

Of the W. 1/2 of the N.E. 1/4 of Sec. 7-37-12. E. of the 3rd P.M. and that part of the N.E. 1/4 of the N.W. 1/4 lying S. of the center line of Archer Road of Section 7, T-37-N, R-12-E. of the 3rd Principal Meridan. and the S.W. 1/4 of the S.W. 1/4 of Section 7-35-12. The N 1/2 of the S.E. 1/4 of Sec. 7-37-12. The S.E. 1/4 of the S.E. 1/4 of Sec. 7-37-12. The E 1/2 of the N.E. 1/4 of the S.W. 1/4 of Sec. 8-37-12. The W. 10° Ac of the N.W. 1/4 of the S.W. 1/4 of Sec. 8-37-12. The N.W. 1/4 of the S.E. 1/4 of Sec. 8-37-12.

The Subject Property has a commonly known address is 9600 Wolf Road, Willow Springs, Illinois., in the Township of Palos, unincorporated Cook County, Illinois.

**Section 3:** That the Special Use in the P-1 Public Land District as mentioned in Section 1 of this Ordinance is hereby authorized.

**Section 4: SPECIAL USE** That this Ordinance under the provisions of Section 13.8.9 of the Cook County Zoning Ordinance be in full force and effect from and after its passage and approval, except that if said use is not established within one year as provided in Section 13.8.14 said Special Use for shall be null and void. That said Subject Property be developed and constructed pursuant to the detailing set forth in the testimony and contained in the exhibits and Findings of the Cook County Zoning Board of Appeals hereby incorporated by reference into the Ordinance, as provided by law.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-1700**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** SU 13-10, Special Use Permit in a P-1 Public Land District

**Township:** Palatine

**County District:** 14

**Property Address:** 1801 North Quentin Road, Barrington, Illinois

**Property Description:** Camp Reinberg is located in Deer Grove Forest Preserve on Quentin Road between Lake Cook and Dundee Roads.

**Owner:** Forest Preserve District of Cook County

**Applicant:** Christine Slattery, Director of Planning and Development, Forest Preserve District of Cook County

**Current Zoning:** P-1 Public Land District

**Intended use:** Applicant seeks a Special Use Permit in a P-1 Public Land District to improve the campground facilities at Camp Reinberg. Camp Reinberg is to serve families and youth in unincorporated Palatine Township.

**Recommendation:** ZBA Recommendation that the application be granted as amended.

**Conditions:** The Amendment constitutes the proposed new toilet/shower building is no longer attached to the dining hall but would be a separate detached building near the dining hall (new configuration is attached in the Final Findings).

**Objectors:** None

**History:**

Zoning Board Hearing: 1/13/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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A motion was made by Commissioner Gorman, seconded by Commissioner Daley, that the Zoning Board of Appeals Recommendation be recommended for approval. The motion carried.

**14-1700**

**ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE GRANTING A SPECIAL USE  
LOCATED IN PALATINE TOWNSHIP  
AS AUTHORIZED BY THE COOK COUNTY ZONING ORDINANCE**

**WHEREAS**, the owner of a Subject Property located in Palatine Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners for Special Use for a Permit to the 2001, Cook County Zoning Ordinance, as amended, in a P-1 Public Land District seeks a Special Use, at PIN 02-03-300-002-0000, to improve the campground facilities. Camp Reinberg is to serve families and youth in unincorporated Palatine Township; and

**WHEREAS**, the said petition was received by the Zoning Board of Appeals of Cook County as SU-13-10, public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

**WHEREAS**, the Zoning Board of Appeals entered detailed Findings in accordance with the Standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant as stated in the Findings of Fact, said application for a Special Use for permit; and

**WHEREAS**, it is the determination that said request be granted as amended in accordance with the recommendations of the Zoning Board of Appeals. The amendment constitutes the proposed new toilet/shower building is no longer attached to the dining hall but would be a separate detached building near the dining hall.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of Cook County, Illinois:

**Section 1: BACKGROUND** That the following described Subject Property be granted as amended a Special Use for a Permit in a P-1 Public Land District to develop a new campground, Camp Reinberg, to serve families and youth groups in unincorporated Sections 3, 4 and 10 of Palatine Township; and

**Section 2: DESCRIPTION OF PROPERTY**

**LEGAL DESCRIPTION**

That part of the S.W. 1/4 of Section 3, the E. 1/2 of Section 4 and the N.W. 1/4 of Section 10, all in T. 42 N., R.10. E. of the 3rd P.M. described as follows. A strip of land 100 ft. in width and being 56 ft. in width on the W.ly side and 44 ft. on the E.ly side of the following described line. Commencing at a point on the N. line of said Sec. 4, being 44 ft. W. of the N.W. corner of the E. 1/2 of the N.E. 1/4 of said Sec. continuing thence S. parallel with and 44 ft. W. of the W. line of the E. 1/2 of the N.E. 1/4 of said Section, 739.2 ft. thence continuing S.E.ly along a 4°-11' curve, convex S.W.ly and tangent to the said last described course, 327.8 ft. thence S.E.ly along a thence continuing S.E.ly along a straight line tangent to last described curve a distance of 400 H; thence continuing S.E.ly along a 12°-48' curve convex N.E.Ly and tangent to the last described course 440 H; thence S.E.ly on a straight line tangent to the last described curve passing thru a point on the S. line of Section 3 being 1137.85 ft. E. of the S.W. corner of Said Section 3, 531.8 ft. to a point in the center line of Dundee Road, said point being 1251.85 ft. N.E.ly at the intersection of said center line of Dundee Road with the W. line of said Section 10.

The Subject Property has a commonly known address is 1801 North Quentin Road, Barrington, Illinois., in the Township of Palatine, unincorporated Cook County, Illinois.

**Section 3:** That the Special Use in the P-1 Public Land District as mentioned in Section 1 of this Ordinance is hereby authorized.

**Section 4: SPECIAL USE** That this Ordinance under the provisions of Section 13.8.9 of the Cook County Zoning Ordinance be in full force and effect from and after its passage and approval, except that if said use is not established within one year as provided in Section 13.8.14 said Special Use for shall be null and void. That said Subject Property be developed and constructed pursuant to the detailing set forth in the testimony and contained in the exhibits and Findings of the Cook County Zoning Board of Appeals hereby incorporated by reference into the Ordinance, as provided by law.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-1705**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** SU 13-08; Special Use Permit in a P-1 Public Land District

**Township:** Thornton

**County District:** 4

**Property Address:** 1000 Torrance Avenue, Calumet City, Illinois

**Property Description:** The subject property is located off of Torrence Av. between 159th Street and Michigan City Road in South Holland, Illinois.

**Owner:** Forest Preserve District of Cook County

**Applicant:** Christine Slattery, Director of Planning and Development, Forest Preserve District of Cook County

**Current Zoning:** P-1 Public Land District

**Intended use:** Applicant seeks the construction of a new camp site Camp Shabbona. Camp Shabbona is to serve families and youth groups

**Recommendation:** ZBA Recommendation that the application be granted.

**Conditions:** None

**Objectors:** None

**History:**

Zoning Board Hearing: 1/13/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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A motion was made by Commissioner Sims, seconded by Commissioner Steele, that the Zoning Board of

Appeals Recommendation be recommended for approval. The motion carried.

**14-1705  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE GRANTING A SPECIAL USE  
LOCATED IN THORTON TOWNSHIP  
AS AUTHORIZED BY THE COOK COUNTY ZONING ORDINANCE**

**WHEREAS**, the owner of a Subject Property located in Thornton Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners for Special Use for a Permit to the 2001, Cook County Zoning Ordinance, as amended, in a P-1 Public Land District seeks a Special Use, at PIN 29-13-401-001-0000 to construction of a new camp site Camp Shabbona. Camp Shabbona is to serve families and youth groups in unincorporated Thornton Township; and

**WHEREAS**, the said petition was received by the Zoning Board of Appeals of Cook County as SU-13-08, public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

**WHEREAS**, the Zoning Board of Appeals entered detailed Findings in accordance with the Standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant as stated in the Findings of Fact, said application for a Special Use for permit; and

**WHEREAS**, it is the determination that said request be granted in accordance with the recommendations of the Zoning Board of Appeals.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of Cook County, Illinois:

**Section 1: BACKGROUND** That the following described Subject Property be granted a Special Use for a Permit in a P-1 Public Land District to develop a new campground, Camp Shabbona, to serve families and youth groups in unincorporated Sections of Thornton Township; and

**Section 2: DESCRIPTION OF PROPERTY**

**LEGAL DESCRIPTION**

Of the N. 1/2 of N.E. 1/4 of Sec. 13-36-14 (Except that part thereof conveyed to H.P. Dohrn, described as follows. Commencing at a point 3.41 chs. E. of the N.W. corner of said quarter sec.; thence E. 16.31 chs. Thence, N.60° W. 18.73 chs. to the place of beginning.). Also the S. 15 Acs. of the E. 1/2 of the N.E.1/4 of the N. W. 1/4 of said Sec. 13. Also that part of the E.1/2 of the S. E.1/4 of Sec. 13-36-14, described as follows. Commencing 15 chs. N. of the S.E. corner of said S. E. 1/4; thence W. 10 chs., thence S. 5 chs. thence N. 17.5 chs. thence E. 20 chs, hence S. 12.5 chs. to place of beginning. Also the W. 1/2 of the S.E. 1/4 of Sec. 13-36-14 (Except 10 Acs. in the S. W .corner thereof.). Also the W. 909.2 ft. of the S. 1326 ft. and the E. 1009.2 ft. of the W. 1918.4 ft. of the S. 663 ft. and 100 ft. R.R. spur track of the S.W. 1/4 of Sec. 18-36-15 E. of the 3rd P.M. Also, that part of the S.W. 1/4 of Sec. 18-36-15 S. of N. 39 1/4 Acs. thereof, and W. of the E. 100 ft. thereof and N. of the S. 1326 ft. thereof. Also, the S. E. 1/4 of the N.E. 1/4 of Sec. 13-36-14. E. of the 3rd P.M.

The Subject Property has a commonly known address is 1000 Torrance Avenue, Calumet City, Illinois., in the Township of Thornton, unincorporated Cook County, Illinois.

**Section 3:** That the Special Use in the P-1 Public Land District as mentioned in Section 1 of this Ordinance is hereby authorized.

**Section 4: SPECIAL USE** That this Ordinance under the provisions of Section 13.8.9 of the Cook County Zoning Ordinance be in full force and effect from and after its passage and approval, except that if said use is not established within one year as provided in Section 13.8.14 said Special Use for shall be null and void. That said Subject Property be developed and constructed pursuant to the detailing set forth in the testimony and contained in the exhibits and Findings of the Cook County Zoning Board of Appeals hereby incorporated by reference into the Ordinance, as provided by law.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-1706**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** SU 13-09; Special Use Permit in a P-1 Public Land District

**Township:** Wheeling

**County District:** 14

**Property Address:** 218 Portwine Road, Northbrook, Illinois.

**Property Description:** The Campground is located off of Portwine Road between Lake Cook and Dundee Roads.

**Owner:** Forest Preserve District of Cook County

**Applicant:** Christine Slattery, Director of Planning and Development, Forest Preserve District of Cook County,

**Current Zoning:** P-1 Public Land District

**Intended use:** Applicant seeks to develop and improve the campground facilities, Camp Dan Beard. Camp Dan Beard is to serve families and youth groups

**Recommendation:** ZBA Recommendation that the application be granted as amended.

**Conditions:** The Amendments are as follows:

Phase One plans include building one (1) two-bedroom cabins, five (5) primitive cabins and two (2) group camp sites accommodating 200 people. A toilet shower building and a picnic shelter structure are also planned for



Phase One.

Phase Two includes four (4) additional primitive cabins (+2 future unfunded) and twenty-one (21) drive-in or walk-in tent sites, eight (8) will have electricity, one (1) new toilet shower building and small family picnic shelters up to 3 people.

**Objectors:** None

**History:**

Zoning Board Hearing: 1/13/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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**A motion was made by Commissioner Goslin, seconded by Commissioner Butler, that the Zoning Board of Appeals Recommendation be recommended for approval. The motion carried.**

**14-1706  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE GRANTING A SPECIAL USE  
LOCATED IN WHEELING TOWNSHIP  
AS AUTHORIZED BY THE COOK COUNTY ZONING ORDINANCE**

**WHEREAS**, the owner of a Subject Property located in Wheeling Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners for Special Use for a Permit to the 2001, as amended, Cook County Zoning Ordinance, in a P-1 Public Land District seeks a Special Use, at PIN two (2) PINs are 03-01-100-008-0000 and 03-01-100-002-0000, to develop and improve the campground facilities, Camp Dan Beard. Camp Dan Beard is to serve families and youth groups in unincorporated Wheeling Township; and

**WHEREAS**, the said petition was received by the Zoning Board of Appeals of Cook County as SU-13-09, public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

**WHEREAS**, the Zoning Board of Appeals entered detailed Findings in accordance with the Standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant as stated in the Findings of Fact, said application for a Special Use for permit; and

**WHEREAS**, it is the determination that said request be granted as amended in accordance with the recommendations of the Zoning Board of Appeals.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of Cook County, Illinois:

**Section 1: BACKGROUND** That the following described Subject Property be granted as amended that the following described Subject Property be granted as amended a Special Use for a Permit in a P-1 Public Land District to develop and improve the campground facilities, Camp Dan Beard. Camp Dan Beard to serve families

and youth groups in unincorporated Wheeling, Section 2, of Wheeling Township and, that the Amendments are as follows:

Phase One plans include building one (1) two-bedroom cabins, five (5) primitive cabins and two (2) group camp sites accommodating 200 people. A toilet shower building and a picnic shelter structure are also planned for Phase One.

Phase Two includes four (4) additional primitive cabins (+2 future unfunded) and twenty-one (21) drive-in or walk-in tent sites, eight (8) will have electricity, one (1) new toilet shower building and small family picnic shelters up to 3 people. If granted, all pertinent records, maps and the Comprehensive Plan shall be changed in accordance with this recommendation.

**Section 2: DESCRIPTION OF PROPERTY**

**LEGAL DESCRIPTION**

Of that part of the N.W.1/4 of Section 1 and the N.E. 1/4 of Section 2, all in T. 42 N.,R.11.E. of the 3rd P.M. described as follows: Commencing at the N.E. corner of the N.W. 1/4 of said Sec.1; thence W. on the N. line of Sec. 1 and 2 aforesaid to a point 1296.6 ft. W. of the N.E. corner of said Sec. 2; thence S.ly 974.0 ft. to a point 926.93 ft. due S. on the N. line of said Sec. 2 and 1009.8 ft. W. of the E. line of said Sec. 2; thence E.ly on a straight line to a point in the E. line of the N.W. 1/4 of said Section 1, 792 ft. S. of the N.E. corner of said N.W. 1/4 ; thence N. 792 ft. to the place of beginning (Except the E. 8 Acres there from.).

The Subject Property has a commonly known address is 218 Portwine Road, Northbrook, Illinois in the Township of Wheeling, unincorporated Cook County, Illinois.

**Section 3:** That the Special Use in the P-1 Public Land District as mentioned in Section 1 of this Ordinance is hereby authorized.

**Section 4: SPECIAL USE** That this Ordinance under the provisions of Section 13.8.9 of the Cook County Zoning Ordinance be in full force and effect from and after its passage and approval, except that if said use is not established within one year as provided in Section 13.8.14 said Special Use for shall be null and void. That said Subject Property be developed and constructed pursuant to the detailing set forth in the testimony and contained in the exhibits and Findings of the Cook County Zoning Board of Appeals hereby incorporated by reference into the Ordinance, as provided by law.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**VARIATIONS**

**14-1807**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** V 14-05; Variation to change height and dimension of sign

**Township:** Northfield

**County District:** 14

**Property Address:** 3001 Sanders Road, Northbrook, Illinois

**Property Description:** The Subject Property consists of approximately ~~45~~ 21.93 acres, located on the East side of Sanders Road approximately 5600 feet South of Willow Road

**Owner:** Modern Signs, Inc. - Ernie DiFiore

**Applicant:** Allstate Insurance - Jeanne Kersten

**Current Zoning:** C-7 Office/Research Park District

**Intended use:** Applicant seeks a variance to the 2001 Cook County Zoning Ordinance, as amended, in an in the C-7 Office/Research Park District to increase the height of a monument sign (North sign) from maximum allowed 20 feet to 25 feet and increase the area of sign face from maximum allowed 200 square feet to 525 square feet.

**Recommendation:** ZBA Recommendation that the application be granted as amended.

**Conditions:** None

**Objectors:** None

**History:**

Zoning Board Hearing: 2/19/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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**A motion was made by Commissioner Goslin, seconded by Commissioner Butler, that the Zoning Board of Appeals Recommendation be recommended for approval. The motion carried.**

**14-1808**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** V 14-04; Variation Permit in C-7

**Township:** Northfield

**County District:** 14

**Property Address:** 3001 Sanders Road, Northbrook, Illinois.

**Property Description:** The Subject Property consists of approximately ~~32~~ 41.68 acres, located on the East side of Sanders Road approximately 5600 feet South of Willow Road

**Owner:** Modern Signs, Inc. - Ernie DiFiore

**Applicant:** Allstate Insurance - Jeanne Kersten

**Current Zoning:** C-7 Office/Research Park District

**Intended use:** Applicant seeks a variance to the 2001 Cook County Zoning Ordinance, as amended, to increase the height of a monument sign (South sign) from maximum allowed 20 feet to 25 feet and increase the area of sign face from maximum allowed 200 square feet to 525 square feet

**Recommendation:** ZBA Recommendation that the application be granted as amended

**Conditions:** None

**Objectors:** None

**History:**

Zoning Board Hearing: 2/19/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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**A motion was made by Commissioner Goslin, seconded by Commissioner Butler, that the Zoning Board of Appeals Recommendation be recommended for approval. The motion carried.**

**14-1809**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** V 14-03; Variation to reduce set back

**Township:** Lyons

**County District:** 16

**Property Address:** 5413 South Edgewood, La Grange Highlands, Illinois.

**Property Description:** The Subject Property consists of approximately .5 acres, located on the East side of Edgewood Avenue approximately 411.56 feet North of 55th Street

**Owner:** Matthew and Jessica Pfennig

**Applicant:** Alan Moskiewicz

**Current Zoning:** R-4 Single Family Residence District

**Intended use:** Applicant seeks a variance to the 2001 Cook County Zoning Ordinance, as amended, in an R-4 Single Family Residence District to reduce the left interior side yard setback from the minimum required 15 feet to a proposed 11 feet, Variance is sought in order to construct a proposed detached garage

**Recommendation:** ZBA Recommendation that the application be granted

**Conditions:** None

**Objectors:** None

**History:**

Zoning Board Hearing: 2/19/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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**A motion was made by Commissioner Tobolski, seconded by Commissioner Steele, that the Zoning Board of Appeals Recommendation be recommended for approval. The motion carried.**

**MAP AMENDMENT**

**14-0061**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** MA 13-02; Map Amendment for the Subject Property from R-7 General Residence District to C-2 Restricted Office District

**Township:** Palos

**County District:** 17

**Property Address:** 13011 S. 104th Ave., Palos Park, Illinois

**Property Description:** The Subject Property location is the Northeast corner of 131st Street and 104th Avenue Palos Park, Illinois

**Owner:** Peace Properties, LLC

**Applicant:** George Maurides

**Current Zoning:** R-7 General Residence District

**Intended use:** Applicant seeks a Map Amendment to rezone the Subject Property from R-7 General Residence District to C-2 Restricted Office District. Map Amendment is sought in order to bring existing uses into compliance.

**Recommendation:** Recommendation of Approval as Amended.

**Conditions:** And request that the Planned Urban Development be amended accordingly.

**Objectors:** None

**History:**

Zoning Board Hearing: 1/15/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

A motion was made by Commissioner Tobolski, seconded by Commissioner Steele, that the Zoning Board of Appeals Recommendation be recommended for approval. The motion carried.

**14-0061  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE AMENDING THE COOK COUNTY ZONING ORDINANCE  
REZONING CERTAIN PROPERTY LOCATED IN PALOS TOWNSHIP**

**WHEREAS**, the owner of a certain Subject Property located in Palos Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners to reclassify the Subject Property from R-7 General Residence District to C-2 Restricted Office District in order to bring existing uses into compliance; and

**WHEREAS**, the said petition was received by the Zoning Board of Appeals of Cook County as MA-13-02, and a public hearing was held in regard to said request after due notice, all in accordance with the 2001 Cook County Zoning Ordinance, as amended, and the Statutes of the State of Illinois; and

**WHEREAS**, the Zoning Board of Appeals entered detailed Findings in accordance with the Standards set forth in the 2001 Cook County Zoning Ordinance, as Amended, recommending that the Cook County Board of Commissioners grant, the said application for amendment; and

**WHEREAS**, it is the opinion of the Board of Commissioners of Cook County that said Subject Property be rezoned and reclassified in accordance with the recommendations of the Zoning Board of Appeals.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Cook County, Illinois:

**Section 1: BACKGROUND** That the following described Subject Property be and the same is hereby rezoned from R-7 General Residence District to C-2 Restricted Office District in order to bring existing uses into compliance and request that the PUD be amended accordingly, in Section 33 of Palos Township, be granted as amended.

**Section 2: DESCRIPTION OF PROPERTY**

**LEGAL DESCRIPTION**

Lot 3 in Peace Memorial Village (A Planned Unit Development) of the West half of the Northwest quarter (except the South 175.00 feet of the North half of the South half of said West half of the Northwest quarter) all in Section 33, Township 37 North, Range 12 East of the Third Principal Meridian according to the plat thereof recorded March 9, 1987 as Document 87148085 in Cook County, Illinois.

The Subject Property consists of approximately 5.8 acres located on the Northeast corner of 131st Street and 104th Avenue Palos Park, Illinois. The commonly known address is 13011 S. 104th Ave., in the Township of Palos, unincorporated Cook County, Illinois.

**Section 3:** That the said Map Amendment in the as mentioned in Section 1 of this Ordinance is hereby authorized C-2 Restricted Office District. That the Zoning Map of Cook County all other pertinent records be and the same shall be changed to show the rezoning of the described property, hereby incorporated by reference to this Ordinance, as provided by law.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**The Zoning and Building Committee was recessed to the call of the Chair.**

**The meeting was reconvened by the call of the Chair.**

**14-1701**

**Presented by:** ANDREW PRZYBYLO, Secretary, Zoning Board of Appeals

**RECOMMENDATION OF THE ZONING BOARD OF APPEALS**

**Request:** SU 13-07; Special Use in a P-1 Public Land District

**Township:** Bremen

**County District:** 6

**Property Address:** The commonly known address is 14500 Oak Park Avenue, Oak Forest, Illinois

**Property Description:** The subject property is located off of Oak Park Avenue between 143rd street and 147th street in Oak Forest.

**Owner:** Forest Preserve District of Cook County

**Applicant:** Christine Slattery, Director of Planning and Development, Forest Preserve District of Cook County

**Current Zoning:** P-1 Public Land District

**Intended use:** Applicant seeks to expand the use of the existing campsite at Camp Sullivan. Camp Sullivan is to serve families and youth groups in unincorporated Bremen Township.

**Recommendation:** ZBA Recommendation that the application be granted as amended.

**Conditions:** The amendment constitutes the proposed ~~new toilet/shower building is no longer attached to the dining hall but would be a separate detached building near the dining hall (new configuration is attached in the Final Findings—revised site plan which reduces the density, prohibits Recreational Vehicles (RV's), and adds additional landscape screening.~~

**Objectors:** None

**History:**

Zoning Board Hearing: 1/13/2014

Zoning Board Recommendation date: 2/19/2014

County Board extension granted: N/A

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**A motion was made by Commissioner Goslin, seconded by Commissioner Schneider, that the Zoning Board of Appeals Recommendation be recommended for approval as amended. The motion carried.**

**14-1701  
ORDINANCE**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE GRANTING A SPECIAL USE  
LOCATED IN BREMEN TOWNSHIP  
AS AUTHORIZED BY THE COOK COUNTY ZONING ORDINANCE**

**WHEREAS**, the owner of a Subject Property located in Bremen Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners for Special Use for a Permit to the 2001, Cook County Zoning Ordinance, as amended, in a P-1 Public Land District Use, at 3 PINs are as follows 28-07-100-001-0000 (145.6 acres), 28-07-200-001-0000 (19.86 acres) and 28-07-301-00-0000 (73.87 acres) to expand the use of the existing campground facilities at Camp Sullivan. Camp Sullivan is to serve families and youth groups in unincorporated Bremen Township; and

**WHEREAS**, the said petition was received by the Zoning Board of Appeals of Cook County as SU-13-07, public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

**WHEREAS**, the Zoning Board of Appeals entered detailed Findings in accordance with the Standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant as stated in the Findings of Fact, said application for a Special Use for permit; and

**WHEREAS**, it is the determination that said request be granted as amended in accordance with the recommendations of the Zoning Board of Appeals. The Recommendations are follows:

Amended Application  
10 drive-up camp sites  
15 walk-in tent sites  
6 small seasonal cabins  
1 toilet/shower building + 1 toilet building (no change)

There is no change to the type of proposed structures for the Group Campground side of the campground site (listed below):

- Renovation of three existing bunkhouses
- Renovation of an existing barn for indoor programs and activities
- 6 new small seasonal cabins
- 2 group camping sites (to accommodate 25 people each)
- 1 new toilet/shower building



- 1 new picnic/program shelter structure

However, the layout of the seasonal cabins has been modified slightly since the original application. (See submitted Revised Group Site Plan).

Per the amended request, the plans include two (2) new primitive cabins are proposed on the Camp Sullivan side and that will not have heat or plumbing and six (6) additional primitive cabins that were also proposed in the group camp site north of the drive-in camp sites.

Two (2) new toilet shower buildings and one toilet building are also proposed. The existing water and sewer service from the Village of Oak Forest would be improved.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of Cook County, Illinois:

**Section 1: BACKGROUND** That the following described Subject Property be granted as amended a Special Use for a Permit in a P-1 Public Land District to expand the use of the existing campground facilities at Camp Sullivan, to serve families and youth groups in unincorporated Sections of Bremen Township; and

**Section 2: DESCRIPTION OF PROPERTY**

**LEGAL DESCRIPTION**

Of Lot 13 in division of N.W. 1/4 of Section 7-36-13 (except the W. 7ch thereof). Also that part of the E 1/2 of the SW 1/4 of Section 7. Lying N. of the center line of the Midlothian Turnpike (except the W. 7 ch. thereof.) and of Lots 1,12,14, Lot 13 (except the W. 7 chains thereof), and Lot 2 (Except the W. 121 ft. of the N. 720 ft. thereof) in the Division of the N.W. 1/4; also Lots, 9, 10, and 11 in the Subdivision of the W. 1/2 of the N.E. 1/4; also that part of E 1/2 of S.W. 1/4 (Exc. the W. 7 chs. thereof) lying N. of the center of Midlothian Turnpike Road; all in Sec. 7-T.36 N.R. 13. E. of the 3rd P.M. Also Lot 3 in the Division of the N.W. 1/4 of Section 7, T. 36 N., R.13. E. of the 3rd P.M. Also the W. 121 ft. of the N. 720 ft. of Lot 2 in the Division of N.W.1/4 of Sec. 7, T.36 N., R.13 E. of the 3rd P.M.

The Subject Property has a commonly known address is commonly known address is 14500 Oak Park Avenue, Oak Forest, Illinois. in the Township of Bremen, unincorporated Cook County, Illinois.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**ADJOURNMENT**

**A motion was made by Commissioner Butler, seconded by Commissioner Daley, that the Zoning and Building Committee be adjourned. The motion carried.**

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

File Id No. 14-1699	Recommended for Approval
File Id No. 14-1700	Recommended for Approval
File Id No. 14-1701	Recommended for Approval as Amended
File Id No. 14-1705	Recommended for Approval
File Id No. 14-1706	Recommended for Approval
File Id No. 14-1807	Recommended for Approval
File Id No. 14-1808	Recommended for Approval
File Id No. 14-1809	Recommended for Approval
File Id No. 14-0061	Recommended for Approval

Respectfully submitted,

COMMITTEE ON ZONING AND BUILDING

PETER N. SILVESTRI, Chairman

ATTEST: MATTHEW B. DELEON, Secretary

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**Commissioner Silvestri, seconded by Commissioner Murphy, moved that the Report of the Committee on Zoning and Building be approved and adopted. The motion carried unanimously.**

**14-1744**

**REPORT OF THE ROADS AND BRIDGES COMMITTEE**

March 12, 2014

**ATTENDANCE**

**Present:** Chairman Sims, Vice Chairman Gorman, Commissioners Butler, Daley, Fritchey, García, Goslin, Moore, Schneider, Silvestri, Steele, Suffredin and Tobolski (13)

**Absent:** Commissioners Collins, Gainer, Murphy and Reyes (4)

**PUBLIC TESTIMONY**

The Secretary announced that there were no public speakers.

**SECTION 1**

**14-1392**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED SUPPLEMENTAL IMPROVEMENT RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Project Type:** Motor Fuel Tax Project Motor Fuel Tax Project Supplemental Improvement Resolution

**Request:** Approval

**Project:** The existing soil conditions necessitated a change in the roadway construction method to a more costly use of timber piles to support the roadway embankment. Additional funding is needed for replacement of approximately 900 feet of existing pavement with a pile supported embankment system, reconstruction of side streets to the curb return, and removal and replacement of existing drainage structures, storm sewers and driveway culverts.

**Location:** 104th Avenue, 167th Street to 159th Street, in the Village of Orland Park and Unincorporated Orland Township

**Section:** 06-W2509-05-FP

**County Board District:** 17

**Centerline Mileage:** 1.01

**Fiscal Impact:** \$865,000.00

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Board Approved Date and Amount:** 4/5/2006

**Increased Amount:** \$865,000.00

**Total Adjusted Amount:** \$8,365,000.00

**Summary:** The Department of Transportation and Highways respectfully submits for adoption, a supplemental resolution appropriating additional funds for the improvement of 104th Avenue from 167th Street to 159th Street in the Village of Orland Park and unincorporated Orland Township.

This improvement, as proposed, will be reconstruction and widening of the existing two-lane bituminous pavement to a single lane in each direction separated by a continuous/flush median with shoulders and ditch drainage, replacement of approximately 900 feet of existing pavement with a pile supported embankment system and corresponding raising of the road to address flooding of the roadway and shall include channelization, replacement of an existing culvert, reconstruction of side streets to the curb return; removal and replacement of existing drainage structures, storm sewers and driveway culverts; right-of-way acquisition, landscaping, pavement marking, traffic control and protection, detour routing, engineering and other necessary highway appurtenances.

On 4/5/2006, your Honorable Body approved an Improvement Resolution appropriating \$7,500,000.00 towards completion of this improvement. At the time of this improvement resolution, the proposed construction method for raising the roadway profile included the placement of Light Weight Fill and Porous Granular Embankment.

**Legislative History:** 2/19/14 Board of Commissioners referred to the Roads and Bridges Committee

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**A motion was made by Vice Chairman Gorman, seconded by Commissioner Steele, that this Supplemental Improvement Resolution (Highway) be recommended for approval. The motion carried.**

**14-1392  
SUPPLEMENTAL APPROPRIATING RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**STATE OF ILLINOIS  
SUPPLEMENTAL RESOLUTION FOR IMPROVEMENT BY COUNTY  
UNDER THE ILLINOIS HIGHWAY CODE**

**BE IT RESOLVED**, by the County Board of Commissioners of Cook County, Illinois, that the following described County Highway be improved under the Illinois Highway Code:

County Highway W25, 104th Avenue, beginning at a point near 167th Street and extending along said route in a northerly direction to a point near 159th Street, a distance of approximately 1.01 miles; and

**BE IT FURTHER RESOLVED**, that the type of improvement shall be the reconstruction and widening of the existing two lane bituminous pavement to include a single lane in each direction separated by a continuous/flush median with shoulders and ditch drainage, replacement of approximately 900 feet of existing pavement with a pile supported embankment system and corresponding raising of the road to address flooding of the roadway and shall include channelization, replacement of an existing culvert, reconstruction of side streets to the curb return; removal and replacement of existing drainage structures, storm sewers and driveway culverts; right-of-way acquisition, landscaping, pavement marking, traffic control and protection, detour routing, engineering and other necessary highway appurtenances and shall be designated as Section: 06-W2509-05-FP MFT; and

**BE IT FURTHER RESOLVED**, that the improvement shall be constructed by contract; and

**BE IT FURTHER RESOLVED**, that there is hereby appropriated the additional sum of Eight Hundred Sixty-Five Thousand and No/100 Dollars, (\$865,000.00) from the County's allotment of Motor Fuel Tax Funds for the construction of this improvement; and

**BE IT FURTHER RESOLVED**, that the Clerk is hereby directed to transmit two (2) certified copies of this Resolution to the District Office of the Illinois Department of Transportation.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**14-1393**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED SUPPLEMENTAL IMPROVEMENT RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Project Type:** Motor Fuel Tax Project Supplemental Appropriating Resolution

**Request:** Approval

**Project:** The Department of Transportation and Highways respectfully submits for adoption, a supplemental resolution appropriating additional funds for a preliminary engineering study along 88th Avenue from 87th Street to 79th Street in the City of Hickory Hills and the Village of Justice.

This appropriation, as proposed, shall be for the development of Part A preliminary engineering plans and includes data collection and coordination, surveys, traffic counts and accident analysis, geotechnical investigations, intersection design studies, hydraulic analysis, drainage investigations, alternate geometric studies, local coordination, administration and other tasks as specified in an Engineering Services Agreement and includes review by County Forces.

**Location:** 88th Avenue - 87th Street to 79th Street in the City of Hickory Hills and the Village of Justice

**Section:** 01-W3019-06-EG

**County Board District:** 6

**Centerline Mileage:** 1.03

**Fiscal Impact:** \$20,000.00

**Accounts:** Motor Fuel Tax Funds (600-585)

**Board Approved Date and Amount:** 12/1/2001, \$315,000.00

**Increased Amount:** \$20,000.00

**Total Adjusted Amount:** \$335,000.00

**Summary:** On 12/4/2001, your Honorable Body approved an Appropriating Resolution appropriating \$315,000.00 towards the implementation of this study. Additional funding is required for unanticipated drainage investigations, alternate geometric studies, local coordination and administration which were not included in the original appropriating resolution.

**Legislative History:** 2/19/14 Board of Commissioners referred to the Roads and Bridges Committee

**A motion was made by Vice Chairman Gorman, seconded by Commissioner Steele, that this Supplemental Improvement Resolution (Highway) be recommended for approval. The motion carried.**

**14-1393**

**SUPPLEMENTAL APPROPRIATING RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**BE IT RESOLVED**, by the County Board of Commissioners of Cook County, Illinois, that the following described County Highway be improved under the Illinois Highway Code:

County Highway W30, 88th Avenue, beginning at a point near 87th Street and extending along said route in a northerly direction to a point near 79th Street, a distance of approximately 1.03 miles; and

**BE IT FURTHER RESOLVED**, that the appropriation shall be for the development of preliminary engineering for a proposed reconstruction improvement and includes data collection, coordination, surveys, traffic counts and accident analysis, geotechnical investigations, intersection design studies, hydraulic analysis, drainage investigations, alternate geometric studies, local coordination, administration and other tasks as specified in an Engineering Services Agreement previously approved by this Honorable Body, and includes review by County Forces and shall be designated as Section: 01-W3019-06-EG MFT; and

**BE IT FURTHER RESOLVED**, that the studies shall be conducted by an outside engineering consultant; and

**BE IT FURTHER RESOLVED**, that there is hereby appropriated the additional sum of Twenty Thousand and No/100 Dollars, (\$20,000.00) from the County's allotment of Motor Fuel Tax Funds for the design of this improvement; and

**BE IT FURTHER RESOLVED**, that the Clerk is hereby directed to transmit two (2) certified copies of this Resolution to the District Office of the Illinois Department of Transportation.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**ADJOURNMENT**

**A motion was made by Commissioner Steele, seconded by Vice Chairman Gorman, that the Roads and Bridges committee be adjourned. The motion carried.**

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

File Id No. 14-1392  
File Id No. 14-1393

Recommended for Approval  
Recommended for Approval

Respectfully submitted,

COMMITTEE ON ROADS AND BRIDGES

DEBORAH SIMS, Chairman

ATTEST: MATTHEW B. DELEON, Secretary

\_\_\_\_\_  
**Commissioner Sims, seconded by Commissioner Gorman, moved that the Report of the Committee on**

Roads and Bridges be approved and adopted. The motion carried unanimously.

14-1842

**REPORT OF THE LEGISLATION AND INTERGOVERNMENTAL RELATIONS COMMITTEE**

March 12, 2014

**ATTENDANCE**

**Present:** Chairman Suffredin, Vice Chairman Fritchey, Commissioners Daley, Gainer, García, Gorman, Goslin, Moore, Murphy, Schneider, Silvestri, Sims, Steele and Tobolski (14)

**Absent:** Commissioners Butler, Collins and Reyes (3)

**Also Present** Daniel F. Gallagher – Deputy State’s Attorney, Chief of the Civil Actions Bureau; Darrius Lightfoot; Rhoda D. McSweeney; Hedy M. Ratner; Betty A. Gutierrez

**PUBLIC TESTIMONY**

Chairman asked the Secretary to the Board to call upon the registered public speakers, in Accordance with Cook County Code, Sec. 2-107(dd).

1. George Blakemore, Concerned Citizen

**SECTION 1**

**14-1446**

**Presented by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED APPOINTMENT**

**Appointee:** Assistant State’s Attorney Daniel F. Gallagher

**Position:** Member

**Department/Board/Commission:** Medical Examiner’s Advisory Committee

**Effective date:** Immediate

**Expiration date:** Not applicable. Appointment pursuant to the requirement that the Medical Examiner’s Advisory Committee contain at least one (1) attorney from the Cook County State’s Attorney’s Office

Mr. Gallagher made a statement regarding his interest in and qualifications for this position, and submitted a statement of interest, a resume and an affidavit as well.

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Appointment be recommended for approval. The motion carried.**

**14-1449**

**Presented by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED APPOINTMENT**

**Appointee:** Darrius Lightfoot

**Position:** Member

**Department/Board/Commission:** Cook County Juvenile Temporary Detention Center Advisory Board

**Effective date:** Immediate

**Expiration date:** 6/30/2014, or until a successor is appointed

Mr. Lightfoot made a statement regarding his interest in and qualifications for this position, and submitted a statement and an affidavit as well.

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Appointment be recommended for approval. The motion carried.**

**14-1451**

**Presented by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED APPOINTMENT**

**Appointee:** The Honorable Rhoda Sweeney

**Position:** Member

**Department/Board/Commission:** Cook County Justice Advisory Council

**Effective date:** Immediate

**Expiration date:** 3/12/2018, or until a successor is appointed

Ms. Sweeney made a statement regarding her interest in and qualifications for this position, and submitted a statement and a resume as well.

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Appointment be recommended for approval. The motion carried.**

**14-1453**

**Presented by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED APPOINTMENT**

**Appointee:** Hedy Ratner



**Position:** Member

**Department/Board/Commission:** Cook County Commission on Human Rights

**Effective date:** Immediate

**Expiration date:** 7/1/2015, or until a successor is appointed. Ms. Ratner will fill the vacancy of Shelley Davis

Ms. Ratner made a statement regarding her interest in and qualifications for this position, and submitted a vita, and an affidavit as well.

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Appointment be recommended for approval. The motion carried.**

**14-1648**

**Sponsored by:** JESÚS G. GARCÍA, County Commissioner

**PROPOSED APPOINTMENT**

**Appointee:** Betty Gutierrez

**Position:** Commissioner for 7th District

**Department/Board/Commission:** Cook County Commission for Women's Issues

**Effective date:** Immediate

**Expiration date:** 12/1/2015, or until reappointed or a successor is appointed.

Ms. Gutierrez made a statement regarding her interest in and qualifications for this position, and submitted a resume and an affidavit as well.

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**A motion was made by Commissioner Daley, seconded by Commissioner Silvestri, that this Appointment be recommended for approval. The motion carried.**

**ADJOURNMENT**

**Commissioner Silvestri, seconded by Commissioner Steele, moved to adjourn the meeting. The motion passed and the meeting was adjourned.**

**SECTION 2**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTIONS  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

File ID 14-1446  
File ID 14-1449  
File ID 14-1451

Recommended for Approval  
Recommended for Approval  
Recommended for Approval

File ID 14-1453  
File ID 14-1648

Recommended for Approval  
Recommended for Approval

Respectfully submitted,

COMMITTEE ON LEGISLATION AND INTERGOVERNMENTAL RELATIONS

LARRY SUFFREDIN, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

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**Commissioner Fritchey, seconded by Commissioner Murphy, moved that the Report of the Committee on Legislation and Intergovernmental Relations be approved and adopted. The motion carried unanimously.**

**OFFICE OF THE COUNTY AUDITOR**

**14-1530**

**Presented by:** SHELLY A. BANKS, C.P.A., County Auditor

**REPORT**

**Department:** Office of the County Auditor

**Request:** Refer to Audit Committee

**Report Title:** Veterans Assistance Commission of Cook County (VACCC)

**Report Period:** For the period ended 11/30/2013

**Summary:** The purpose of this report was to assess the accounting, record keeping and internal control procedures of the VACCC

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**A motion was made by Commissioner Daley, seconded by Commissioner Murphy, that this Report be referred to the Audit Committee. The motion carried.**

**BUREAU OF FINANCE**  
**OFFICE OF THE COUNTY COMPTROLLER**

**14-1772**

**Presented by:** LAWRENCE WILSON, County Comptroller

**REPORT**

**Department:** Comptroller's Office

**Request:** Receive and File

**Report Title:** Bills and Claims Report

**Report Period:** 1/30/2014 - 2/19/2014

**Summary:** This report to be received and filed is to comply with the Amended Procurement Code Chapter 34-125 (k).

The Comptroller shall provide to the Board of Commissioners a report of all payments made pursuant to contracts for supplies, materials and equipment and for professional and managerial services for Cook County, including the separately elected Officials, which involve an expenditure of \$150,000.00 or more, within two (2) weeks of being made. Such reports shall include:

1. The name of the Vendor;
2. A brief description of the product or service provided;
3. The name of the Using Department and budgetary account from which the funds are being drawn; and
4. The contract number under which the payment is being made.

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A motion was made by Commissioner Daley, seconded by Commissioner Sims, that this Report be received and filed. The motion carried.

**BUREAU OF ADMINISTRATION**  
**OFFICE OF THE MEDICAL EXAMINER**

**14-1716**  
**RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,**  
**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AUTHORIZING BANK SIGNATURES**

**WHEREAS**, the Cook County Board of Commissioners has the legal authority to authorize its departments and offices to open and maintain checking and savings accounts at various banks; and

**WHEREAS**, it is now necessary to update those persons who are authorized to be signers on the account.

**NOW, THEREFORE, BE IT RESOLVED**, that the checking account at Charter One Bank, for the following purposes, be updated for estate, fax cremation, petty cash and fee accounts; and

**BE IT FURTHER RESOLVED**, that the following persons who are authorized to sign checks, wire or otherwise transfer funds:

1. Stephen Cina, M.D.
2. Ponni Arunkumar, M.D.
3. Nadine Jakubowski

**BE IT FURTHER RESOLVED**, that the following name as signer on the account be added:

1. James Sledge

**BE IT FURTHER RESOLVED**, that any funds drawn on the account for deposit shall be transmitted to the Cook County Comptroller with an itemization of collections and designation of the account in the Office of the Comptroller.

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**A motion was made by Commissioner Daley, seconded by Commissioner Sims, that this Resolution be approved. The motion carried.**

**BUREAU OF ADMINISTRATION**  
**DEPARTMENT OF TRANSPORTATION AND HIGHWAYS**

**14-1394**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED INTERGOVERNMENTAL AGREEMENT (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** City of Harvey, Illinois

**Request:** Authorization to enter and execute

**Goods or Services:** City of Harvey will direct the Phase II Design Engineering Services and preparation of construction plans, specifications, estimates and contract documents for improvements along Center Street from 171st Street to 159th Street. The County will reimburse the City for the full cost of the Phase II Design Engineering Services.

**Location:** Center Street, 171st Street to 159th Street in the Village of Harvey Centerline Mileage: 1.51 miles

**Section:** 02-W5208-02-RP

**County Board District:** 5

**Agreement Number(s):** N/A

**Agreement Period:** 12/9/2014. Two (2) years after project letting date.

**Fiscal Impact:** \$709,552.00

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Summary:** This Phase II Design Engineering follows a recently completed City Phase I Engineering Study along the subject Center Street corridor and was conducted through a previous County/City Agreement. The County will reimburse the City for the full cost of the Phase II Design Engineering Services; estimated total County cost \$709,552.00.

The improvement covered by this Agreement will promote economic development along this crucial truck route and provide a safe, comfortable and sustainable highway.

The Agreement has been examined and approved by this Department and by the State's Attorney's Office.

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Intergovernmental Agreement (Highway) be approved. The motion carried.**

**14-1396**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED IMPROVEMENT RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Project Type:** Motor Fuel Tax Project Improvement Resolution

**Request:** Approval of appropriation of Motor Fuel Tax Funds

**Project:** Improvement to existing bridge.

**Location:** Central Avenue over Midlothian Creek (south of 167th Street) in unincorporated Bremen Township

**Section:** 14-W3908-01-BR

**County Board District(s):** 6

**Centerline Mileage:** N/A

**Fiscal Impact:** \$500,000.00

**Accounts:** Motor Fuel Tax Fund: (600-585 Account)

**Summary:** This improvement, as proposed, shall be repair of the existing bridge and shall include removal and replacement of the existing wingwall stems that have deteriorated and failed, traffic control and protection, engineering and other necessary highway appurtenances.

This improvement is needed to protect the public investment in the highway system and provide a safe, efficient and sustainable highway.

**14-1396  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**State of Illinois  
Resolution for Improvement by County  
Under the Illinois Highway Code**

**BE IT RESOLVED**, by the County Board of Commissioners of Cook County, Illinois, that the following described County Highway be improved under the Illinois Highway Code:

County Highway W39, Central Avenue over Midlothian Creek (south of 167<sup>th</sup> Street); and,

**BE IT FURTHER RESOLVED**, that the type of improvement shall be repair of the existing bridge and shall include removal and replacement of the existing wingwall stems, traffic control and protection, engineering and other necessary highway appurtenances and shall be designated as Section: 14-W3908-01-BR MFT; and,

**BE IT FURTHER RESOLVED**, that the improvement shall be constructed by contract; and,

**BE IT FURTHER RESOLVED**, that there is hereby appropriated the sum of Five Hundred Thousand and NO/100 Dollars, (\$500,000.00) from the County's allotment of Motor Fuel Tax Funds for the construction of this improvement; and,

**BE IT FURTHER RESOLVED**, that the Clerk is hereby directed to transmit two certified copies of this resolution to the District Office of the Illinois Department of Transportation.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Improvement Resolution (Highway) be approved. The motion carried.**

**14-1397**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED IMPROVEMENT RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Project Type:** Motor Fuel Tax Project Improvement Resolution

**Request:** Approval of appropriation of Motor Fuel Tax Funds

**Project:** Repair of existing bridge

**Location:** Roberts Road over Stony Creek (south of 107th Street) in the City of Palos Hills

**Section:** 14-W3216-04-BR

**County Board District(s):** 17

**Centerline Mileage:** N/A

**Fiscal Impact:** \$150,000.00

**Accounts:** Motor Fuel Tax Fund: (600-585 Account)

**Summary:** Repair of the existing bridge and shall include removal and replacement of the existing expansion joints, approach slab repairs (partial & full depth), concrete curb repairs, traffic control and protection, engineering and other necessary highway appurtenances. This improvement is needed to protect the public investment in the highway system and provide a safe, efficient and sustainable highway.

**14-1397  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**State of Illinois**

**Resolution for Improvement by County**

**Under the Illinois Highway Code**

**BE IT RESOLVED**, by the County Board of Commissioners of Cook County, Illinois, that the following described County Highway be improved under the Illinois Highway Code:

County Highway W32, Roberts Road over Stony Creek (south of 107<sup>th</sup> Street); and,

**BE IT FURTHER RESOLVED**, that the type of improvement shall be repair of the existing bridge and shall include removal and replacement of the existing expansion joints, approach slab repairs (partial & full depth), concrete curb repairs, traffic control and protection, engineering and other necessary highway appurtenances and shall be designated as Section: 14-W3216-04-BR MFT; and,

**BE IT FURTHER RESOLVED**, that the improvement shall be constructed by contract; and,

**BE IT FURTHER RESOLVED**, that there is hereby appropriated the sum of One Hundred Fifty Thousand and NO/100 Dollars, (\$150,000.00) from the County's allotment of Motor Fuel Tax Funds for the construction of this improvement; and,

**BE IT FURTHER RESOLVED**, that the Clerk is hereby directed to transmit two certified copies of this resolution to the District Office of the Illinois Department of Transportation.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Improvement Resolution (Highway) be approved. The motion carried.**

**14-1555**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED COMPLETION OF CONSTRUCTION APPROVAL RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Capitol Cement Company, Inc., Chicago, Illinois

**Action:** Approval

**Good(s) or Service(s):** Reconstruction of existing concrete pavement

**Location of Project:** 170th (167th) Street Bishop Ford Freeway to Burnham Avenue in the Village of South Holland and Lansing

**Section:** 08-B5935-05-RP

**County Board District:** 6

**Contract Number:** N/A

**Federal Project Number:** N/A

**Federal Job Number:** N/A



**Final Cost:** \$557,213.95 from the Motor Fuel Tax Fund (600-600)

**Percent Above or Below Construction Contract Bid Amount:** 6.8% above the Construction Contract Bid Amount

**Summary:** The work, consisting of reconstruction of the existing concrete pavement from west of Cregier Road to west edge of Burnham Avenue with a concrete pavement with 15 feet joint spacing along with aggregate subgrade, combination concrete curb and gutter and landscaped medians at various locations and repairing the existing concrete pavement from west of Cregier Road to Jeffrey Avenue with patching along with diamond grinding and repairing curb and gutter and median, providing the entire stretch with signing, pavement marking, tree planting, parkway restoration with top soil and sod, traffic protection, temporary traffic signals, also including partial depth patching and overlay of existing concrete pavement during construction, traffic signal modernization, bridge deck sealing and joint repairs on Thorn Creek Bridge and bridge approaches, all other related work and miscellaneous appurtenances, has been completed under the supervision and to the satisfaction of the Superintendent of Highways.

**14-1555  
APPROVAL RESOLUTION**

**WHEREAS,** the highway improvement, 170<sup>th</sup> (167<sup>th</sup>) Street- Bishop Ford Expressway to Burnham Avenue, Section: 08-B5935-05-RP, consisting of reconstruction of the existing concrete pavement from west of Cregier Road to west edge of Burnham Avenue with a concrete pavement with 15 feet joint spacing along with aggregate subgrade, combination concrete curb and gutter and landscaped medians at various locations and repairing the existing concrete pavement from west of Cregier Road to Jeffrey Avenue with patching along with diamond grinding and repairing curb and gutter and median, providing the entire stretch with signing, pavement marking, tree planting, parkway restoration with top soil and sod, traffic protection, temporary traffic signals, also including partial depth patching and overlay of existing concrete pavement during construction, traffic signal modernization, bridge deck sealing and joint repairs on Thorn Creek Bridge and bridge approaches, all other related work and miscellaneous appurtenances, have been regularly awarded by the Board of County Commissioners for construction as a County Highway improvement, and

**WHEREAS,** the aforesaid highway improvement has been satisfactorily completed in accordance with the provisions and stipulations of aforesaid contract

**NOW, THEREFORE, BE IT RESOLVED,** that the work and construction of aforesaid contract be, and hereby, is approved.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Completion of Construction Approval Resolution (Highway) be approved. The motion carried.**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED CHANGE IN PLANS AND EXTRA WORK (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** K-Five Construction Corporation, Lemont, Illinois

**Action:** Refer to the Committee of Roads and Bridges

**Section:** 03-W3017-03-FP

**Location:** 88th Avenue, 103rd Street to 87th Street in the Cities of Palos Hills and Hickory Hills

**Board District:** 17

**Good(s) or Service(s):** The quantities as shown on the contract documents were estimated for bidding purposes only. This change represents the difference between the estimated quantities and actual field quantities of work performed with savings due to less quantities being required for porous granular embankment subgrade, protective coat, storm sewer removal, detector loop, electrical related items, pavement marking tape, Type III, 4", and elimination of light pole foundation, 24" dia. offset, per field conditions.

**Fiscal Impact:** \$34,743.64 decrease

**Accounts:** 600-600

**Summary:** On 7/12/2011, your honorable Body awarded a contract to K-Five Construction Corporation, Lemont, Illinois for the aforesaid improvement to be completed in accordance with the plans and specifications.

New items were added for various drainage items, bituminous patching, ComEd fee to install transformer, grinding butt joints to meet IDOT standards, driveway, polyurea pavement marking, aggregate wedge shoulder, landscaping for erosion control measure, were required but not included in the original contract.

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Change in Plans and Extra Work (Highway) be referred to the Roads and Bridges Committee. The motion carried.**

**14-1558**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED CHANGE IN PLANS AND EXTRA WORK (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Albin Carlson & Company, Addison, Illinois

**Request:** Refer to Committee of Roads and Bridges

**Section:** 04-B8431-08-PV Federal Project No.: CMM-HPD-M8003-(427) State Job No.: C-91-278-04  
Contract No.: 10212

**Location:** 171st Street, Wood Street to Ashland Avenue in the Villages of East Hazel Crest, Hazel Crest and the City of Harvey

**Board District:** 5, 6

**Good(s) or Service(s):** The quantities as shown on the contract documents were estimated for bidding purposes only. This change represents the difference between the estimated quantities and actual field quantities of work performed.

**Fiscal Impact:** \$15,014.66 increase

**Accounts:** Motor Fuel Tax Fund (600-600)

**Summary:** New items were added for ComEd design modification installation of soft start motor starters for two (2) twenty-five (25) HP pumps.

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Change in Plans and Extra Work (Highway) be referred to the Roads and Bridges Committee. The motion carried.**

**14-1559**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED CHANGE IN PLANS AND EXTRA WORK (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Path Construction Company, Arlington Heights, Illinois

**Request:** Refer to the Committee of Roads and Bridges

**Section:** 12-W4612-06-BR

**Location:** Kedzie Avenue Bridge over N.I.R.C. near 141st Street in the Villages of Robbins, Midlothian, Posen and the City of Blue Island

**Board District:** 5

**Good(s) or Service(s):** Adjustment in quantities of work performed with additional quantities required for

structural repairs of concrete per field conditions.

**Fiscal Impact:** \$197,640.00

**Accounts:** 600-600

**Additional Details:** Contract No.: 1355-12834

**Summary:** This change represents the difference between the estimated quantities and actual field quantities of work performed with additional quantities required for structural repairs of concrete (depth equal to or less than 5 In.) and (depth greater than 5 in.) in the south abutment and piers 2,3,5,6,7,8, and 9, temporary concrete barrier, per field conditions.

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Change in Plans and Extra Work (Highway) be referred to the Roads and Bridges Committee. The motion carried.**

**14-1560**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED CHANGE IN PLANS AND EXTRA WORK (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Arrow Road Construction, Mount Prospect, Illinois

**Request:** Refer to the Committee of Roads and Bridges

**Section:** Section: 11-A5916-06-RS

Contract No.: 12-28-060

**Location:** Group 3-2012 Euclid Avenue, Elmhurst Road (IL-83) to Wolf Road, Euclid Avenue over Illinois Rte. 53 in the Villages of Mount Prospect, Palatine and Wheeling, in the Cities of Prospect Heights and Rolling Meadows

**Board District:** 14, 17

**Good(s) or Service(s):** New Items. Additional Barricades to be replaced and monitored due to increase curb quantity. The quantities as shown on the contract documents were estimated for bidding purposes only.

**Fiscal Impact:** \$4,857.79

**Accounts:** Motor Fuel Tax Fund: 600-600 Account

**Summary:** This change represents the difference between the estimated quantities and actual field quantities of

work performed.

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Change in Plans and Extra Work (Highway) be referred to the Roads and Bridges Committee. The motion carried.**

**14-1561**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**REPORT**

**Department:** Department Transportation and Highways

**Request:** Receive and File

**Report Title:** Bureau of Construction's Progress Report

**Report Period:** 1/31/2014

**Summary:** Submitted is a copy of the Construction Bureau Progress Report ending 1/31/2014

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Report be received and filed. The motion carried.**

**14-1568**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED CHANGE IN PLANS AND EXTRA WORK (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** A Lamp Concrete Contractors, Inc., Village of Schaumburg, Illinois

**Request:** Refer to the Committee of Roads and Bridges

**Section:** 05-A5021-07-RP

**Location:** Lake Cook Road, Pfingsten Road to Waukegan Road in the Village of Deerfield

**Board District:** 14

**Good(s) or Service(s):** New item was added at the request of Village of Deerfield for work on their infrastructure. This change represents the difference between the estimated quantities and actual field quantities of work performed with more diamond grinding of concrete pavement, concrete curb, concrete sidewalk, sidewalk

detectible warnings, and inlets type A.

**Fiscal Impact:** \$95,110.58 (increase)

**Accounts:** Motor Fuel Tax Fund 600-600

**Summary:** The Department of Transportation and Highways respectfully submits a change in plans and extra work of the above captioned project in the Village of Deerfield. The quantities as shown on the contract documents were estimated for bidding purposes only. The cost of this item will be reimbursed by the Village of Deerfield

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Change in Plans and Extra Work (Highway) be referred to the Roads and Bridges Committee. The motion carried.**

**14-1707**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED AGREEMENT FOR REIMBURSEMENT (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Village of Skokie, Illinois

**Request:** Execute

**Goods or Services:** First Amendment to Storm Sewer Reimbursement Agreement with the Village of Skokie. This Amendment increases the County's participatory share of costs.

**Location:** Howard Street, East Prairie Road to the North Shore Channel in the Village of Skokie

**County Board District:** 13

**Centerline Mileage:** N/A

**Agreement Period:** N/A

**Agreement Number(s):** N/A

**Fiscal Impact:** Board approved amount 6/6/2004: \$325,000.00

This increase requested: 62,374.08

Adjusted amount: \$387,374.08

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Summary:** This Amendment increases the County's participatory share of costs for design engineering, construction and construction engineering and provides for reimbursement to the Village of Skokie for said additional costs (estimated total increase \$62,374.08) that were not anticipated in the original Agreement.

This amendment has been approved by this Department and by the State's Attorney's Office.

**14-1707  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**RESOLVED**, by the members of The Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, to authorize and direct its President to execute, by original signature or authorized signature stamp, two (2) copies of First Amendment to Storm Sewer Reimbursement Agreement with the Village of Skokie, said Amendment attached, wherein the Village is Lead Agency for design and construction of an improvement and said Agreement is amended to increase the County's participatory share of costs for design engineering, construction and construction engineering, not to exceed \$387,374.08 (originally estimated \$325,000.00); and, Cook County is to reimburse the Village of Skokie for said costs as part of the Howard Street from East Prairie Road to the North Shore Channel improvement, Section: 03-04405-01-SS; and, the Department of Transportation and Highways is directed to take the necessary actions called for under the terms of the Amendment and is further directed to return one executed copy of said Amendment with this Resolution attached to the Village of Skokie to evidence the formal Agreement hereby resulting, and be bound by the terms thereof on behalf of the County.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Agreement for Reimbursement (Highway) be approved. The motion carried.**

**14-1711**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED LOCAL AGENCY AGREEMENT FOR JURISDICTIONAL TRANSFER  
(TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Illinois Department of Transportation and the Village of Morton Grove, Illinois

**Request:** Approval

**Goods or Services:** A Resolution with a Local Agency State Agreement for Jurisdictional Transfer between the Illinois Department of Transportation, the Village of Morton Grove and Cook County to transfer jurisdiction and maintenance of the Edens Expressway west frontage road from Oakton Street to Linder Avenue from the County to the Village. Cook County shall improve the west frontage road.

**Location:** Edens Expressway (FAI-94) west frontage road Oakton Street to Linder Avenue (south of Greenwood Avenue) Village of Morton Grove

**Section:** 13-26339-02-RS

**Centerline Mileage:** 1.37 miles

**Agreement Period:** N/A

**Agreement Number(s):** N/A

**County Board District:** 13

**Fiscal Impact:** \$730,000.00

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Summary:** As part of the agreement, the County shall improve the west frontage road for an estimated construction cost of \$730,000.00. The transfer of jurisdiction shall become effective twenty-one (21) days after execution of this Agreement by the State of Illinois.

This agreement has been examined and approved by this Department and by the Cook County State's Attorney's Office.

**14-1711  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**RESOLVED** by the members of The Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, to authorize and direct its President to execute, by original signature or authorized signature stamp, five copies of a LOCAL AGENCY AGREEMENT FOR JURISDICTIONAL TRANSFER with the Village of Morton Grove and the State of Illinois, wherein the County will improve the Edens Expressway (FAI-94) west frontage road, from Oakton Street to Mango Avenue (south of Lincoln Avenue); and, from Mango Avenue (north of Lincoln Avenue) to Central Avenue (south of Dempster Street); and, from Central Avenue (north of Dempster Street) to Linder Avenue (south of Greenwood Avenue), (estimated County cost \$730,000) and said agreement attached; that effective twenty-one (21) days after execution of this Agreement by the State of Illinois for the Edens Expressway (FAI-94) west frontage road Improvement Project identified as County Section: 13-26339-01-RS, the Village of



Morton Grove is to assume jurisdiction and maintenance of the Edens Expressway (FAI-94) west frontage road, from Oakton Street to Mango Avenue (south of Lincoln Avenue); and, from Mango Avenue (north of Lincoln Avenue) to Central Avenue (south of Dempster Street); and, from Central Avenue (north of Dempster Street) to Linder Avenue (south of Greenwood Avenue), in its entirety; that said road segment be deleted from the highway system of Cook County; and, the Cook County Department of Transportation and Highways is directed to forward five (5) executed copies of the Agreement to the Illinois Department of Transportation for approval and take the necessary action called for under the terms of the agreement.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Intergovernmental Agreement (Highway) be approved. The motion carried.**

**14-1712**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED LOCAL AGENCY AGREEMENT FOR JURISDICTIONAL TRANSFER  
(TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Illinois Department of Transportation and the Village of Morton Grove, Illinois

**Request:** Approval

**Goods or Services:** A Resolution with a Local Agency State Agreement for Jurisdictional Transfer between the Illinois Department of Transportation, the Village of Morton Grove and Cook County to transfer jurisdiction and maintenance of the Edens Expressway east frontage road from Parkside Avenue to Central Avenue from the State and/or County to the Village. Cook County shall improve the east frontage road.

**Location:** Edens Expressway (FAI-94) east frontage road, Parkside Avenue to Central Avenue (north of Oakton Street) in the Village of Morton Grove

**Section:** 13-26339-02-RS

**Centerline Mileage:** 0.07 miles

**Agreement Period:** N/A

**Agreement Number(s):** N/A

**County Board District:** 13

**Fiscal Impact:** \$70,000.00

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Summary:** As part of the agreement, the County shall improve the east frontage road for an estimated construction cost of \$70,000.00. The transfer of jurisdiction shall become effective twenty-one (21) days after execution of this Agreement by the State of Illinois.

This action follows an inquiry from the Village and subsequent coordination for the transfer of said road segment.

The Agreement has been examined and approved by this Department and by the State's Attorney's Office.

**14-1712  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**RESOLVED** by the members of The Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, to authorize and direct its President to execute, by original signature or authorized signature stamp, five copies of a LOCAL AGENCY AGREEMENT FOR JURISDICTIONAL TRANSFER with the Village of Morton Grove and the State of Illinois, wherein the County will improve the Edens Expressway (FAI-94) east frontage road, from Parkside Avenue to Central Avenue (north of Oakton Street), estimated County cost \$70,000 and said agreement attached; that effective twenty-one (21) days after execution of this Agreement by the State of Illinois for the Edens Expressway (FAI-94) east frontage road Improvement Project identified as County Section: 13-26339-02-RS, the Village of Morton Grove is to assume jurisdiction and maintenance of the Edens Expressway (FAI-94) east frontage road, from Parkside Avenue to Central Avenue (north of Oakton Street), in its entirety; that said road segment be deleted from the highway system of Cook County; and, the Cook County Department of Transportation and Highways is directed to forward five (5) executed copies of the Agreement to the Illinois Department of Transportation for approval and to take the necessary action called for under the terms of the agreement.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Intergovernmental Agreement (Highway) be approved. The motion carried.**

**14-1713**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED APPROPRIATING RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** N/A

**Request:** Approval

**Good(s) or Services(s):** Traffic Data Engineering Services

**Location:** Various locations throughout Cook County

**Section:** 14-6TDES-01-ES

**Fiscal Impact:** \$150,000.00

**Accounts:** Motor Fuel Tax Project (660-585 Account)

**Summary:** Traffic Data Engineering Services are needed to conduct the implementation of a traffic data & analysis software system, including County access to the software through an online interface, data migration, accommodation of various queries for crash reports and traffic data, manipulation of travel time for various analyses and the ability to generate various reports to be utilized by the Department with traffic studies at various locations throughout Cook County, and said services shall be supervised by County Forces. These services are needed to enable the Department to reduce accidents on County Highways and improve intersection Level of Service. This appropriation is made in anticipation of a forthcoming contract to be submitted to your Honorable Body at a later date.

**14-1713**

**APPROPRIATING RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, it is becoming increasingly necessary to maximize the service, efficiency and safety of the Cook County Highway System; and,

**WHEREAS**, implementation of a traffic data & analysis software system in the Cook County Department of Transportation and Highways will improve safety by reducing accidents on County roads and improve the intersection Level of Service by providing the necessary data, reports and analysis to implement the most efficient and effective countermeasures; and,

**WHEREAS**, the County Department of Transportation and Highways does not have the technical resources to implement the traffic data & analysis software system; and,

**WHEREAS**, the undertaking of investigations and studies related to County highways is authorized under Section 605 ILCS 5/5-701.6 of the Road and Bridge Laws of Illinois.

**NOW, THEREFORE, BE IT RESOLVED**, that an outside consulting engineering firm conduct the implementation of the traffic data & analysis software system, including County access to the software through an online interface, data migration, accommodation of various queries for crash reports and traffic data, manipulation of travel time for various analyses, ability to generate various reports, system testing, user training workshops and webinars, offsite storage of information and disaster recovery services, service warranties, annual maintenance support and other necessary engineering tasks and shall include supervision by County Forces as more fully described in a forthcoming contract to be executed by this Honorable Body; and, that said services shall be designated as Section: 14-6TDES-01-ES; and,

**BE IT FURTHER RESOLVED**, that there is hereby appropriated the sum of One Hundred Fifty Thousand and NO/100 Dollars, (\$150,000.00) from the County's allotment of Motor Fuel Tax Funds for engineering studies; and,

**BE IT FURTHER RESOLVED**, that the Clerk is hereby directed to transmit two certified copies of this resolution to the District Office of the Illinois Department of Transportation

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Appropriating Resolution (Highway) be approved. The motion carried.**

**14-1714**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED INTERGOVERNMENTAL AGREEMENT (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Village of Lincolnwood, Illinois

**Request:** Authorization to enter and execute

**Goods or Services:** Cook County will design and construct improvements along Crawford Avenue from Devon Avenue to Oakton Street, including water main, fire hydrants, street lighting, sidewalk, landscaping, storm water flow meter system and EVPD system for the Village. The Village will reimburse the County for its share of

improvement costs.

**Location:** Crawford Avenue, Devon Avenue to Oakton Street in the Village of Lincolnwood Centerline  
Mileage: 2.00 miles

**Section:** 08-W4337-03-PV

**County Board District:** 13

**Agreement Number(s):** N/A

**Agreement Period:** N/A

**Fiscal Impact:** \$2,578,062.34 (\$2,511,211.44 to be reimbursed from the Village of Lincolnwood)

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Summary:** The Village will reimburse the County for its share of improvement costs, estimated total Village share \$2,511,211.44. This Agreement is necessitated by the improvement and is needed to provide a safe, comfortable and sustainable highway.

The Agreement has been examined and approved by this Department and by the State's Attorney's Office.

**14-1714  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**RESOLVED** by the members of The Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, to authorize and direct its President to execute, by original signature or authorized signature stamp, two (2) copies of an Intergovernmental Agreement with the Village of Lincolnwood, said agreement attached, wherein the County will include the installation of water main, fire hydrants, new sidewalk, Emergency Vehicle Pre-Emptive Device (EVPD) system, street lighting and tree plantings/landscaped medians for the Village as part of the County's roadway construction project along Crawford Avenue from Devon Avenue to Oakton Street, Section: 08-W4337-03-PV; and, in consideration of said tree plantings/landscaped medians, the Village will operate and maintain the landscaped medians and parkways along Crawford Avenue from Devon Avenue to Jarvis Avenue; that the Village shall reimburse the County of Cook for its share of construction costs for said improvements, estimated total Village cost \$2,511,211.44; and, the Department of Transportation and Highways is authorized and directed to return an executed copy of this Resolution with Agreement to the Village of Lincolnwood and implement the terms of the Agreement.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Intergovernmental Agreement (Highway) be approved. The motion carried.**

**14-1759**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED INTERGOVERNMENTAL AGREEMENT (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Other Part(ies):** Village of Robbins, Illinois

**Request:** Authorization to enter and execute

**Goods or Services:** Village of Robbins will be the lead agency for design and construction of a drainage improvement along 137th Street at Claire Boulevard. The County will reimburse the Village for its share of the improvement costs.

**Location:** 137th Street at Claire Boulevard in the Village of Robbins

**Section:** 13-B8029-03-DR

**County Board District:** 5

**Agreement Number(s):** N/A

**Agreement Period:** N/A

**Fiscal Impact:** \$105,285.00

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Summary:** The improvement covered by this Agreement was initiated by the Village of Robbins to alleviate drainage issues along the pavement and roadside ditches and is needed to ensure the safety of pedestrians, the motoring public and adjacent property owners.

The Agreement has been examined and approved by this Department and by the State's Attorney's Office.

**14-1759  
RESOLUTION  
Sponsored by**

**THE HONORABLE TONI PRECKWINKLE  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**RESOLVED**, by the members of The Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, to authorize and direct its President to execute, by original signature or authorized signature stamp, two (2) copies of an Intergovernmental Agreement with the Village of Robbins, attached, wherein the Village has secured federal funding and will be the lead agency for design and construction of drainage improvements along 137<sup>th</sup> Street at Claire Boulevard, including storm sewer system installation, ditch re-grading, drainage structure additions and adjustments and landscaping; that the County of Cook will pay for the Local Share balance of costs and reimburse the Village of Robbins for its share of construction and construction engineering costs incurred by the Village for the improvements (estimated County share \$105,285.00) to be invoiced as Section: 13-B8029-03-DR; and, the Department of Transportation and Highways is authorized and directed to return one (1) executed copy of the Agreement with a certified copy of this Resolution to the Village of Robbins to evidence the formal Agreement hereby resulting, and be bound by the terms thereof on behalf of the County.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Intergovernmental Agreement (Highway) be approved. The motion carried.**

**14-1769**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED RESOLUTION, MAINTENANCE (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Request:** Approval

**Type of Project:** County Highway Maintenance Resolution Pavement Marking Maintenance for calendar Years 2014 & 2015 at Various Locations in County Board Districts 1, 4, 5, 6, 9, 11, 13-17 and Cook County Department of Transportation and Highways Maintenance Districts 1, 2, 3, 4, 5.

**Section:** 14-8PVMK-36-GM.

**Maintenance District(s):** 1, 2, 3, 4, 5

**County Board District(s):** 1, 4, 5, 6, 9, 11, 13-17

**Fiscal Impact:** \$1,335,000.00

**Account(s):** Motor Fuel Tax Fund (600-585 Account)

**Summary:** The Department of Transportation and Highways respectfully submits for adoption a resolution appropriating funds for the contract maintenance services of centerline, edgeline, lane line and other incidental traffic control pavement markings on various County Highways. These services are required by the Department to maintain the pavement markings on our roadway network to ensure public safety and traffic control. This appropriation is made in anticipation of a forthcoming contract to be submitted to your Honorable Body at a later date.

**14-1769  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE**

**PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**Maintenance Resolution**

**RESOLVED**, by the County Board of Commissioners, Cook County, that \$1,335,000.00 is appropriated from the Motor Fuel Tax allotment for the maintenance of traffic control markings located on County Highways and meeting the requirements of the Illinois Highway Code.

<u>Amount</u>	
1) Centerline, edgeline, laneline and other incidental traffic control markings	\$1,167,850.00
2) Supervision by County Forces	\$ 50,000.00
3) Contingencies	\$ 117,150.00
<b>Total</b>	<b>\$1,335,000.00</b>

and be it further

**RESOLVED**, that the above designated items be maintained under the provisions of said Illinois Highway Code during the one-year period ending July 9, 2015, as Section: 14-8PVMK-36-GM and be it further

**RESOLVED**, that the County Superintendent of Highways shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from the balances remaining in funds authorized for expenditure by said Department under this appropriation, and be it further

**RESOLVED**, that the County Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved and adopted this 12th day of March 2014.



TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Resolution, Maintenance (Highway) be approved. The motion carried.**

**14-1783**

**Presented by:** JOHN YONAN, P.E., Superintendent, Department of Transportation and Highways

**PROPOSED SUPPLEMENTAL IMPROVEMENT RESOLUTION (TRANSPORTATION AND HIGHWAYS)**

**Department:** Transportation and Highways

**Project Type:** Motor Fuel Tax Project Improvement Supplemental Improvement

**Request:** Refer to the Committee on Roads and Bridges

**Project:** Improvement of Smith Road, Lemont Township.

**Location:** Smith Road, 135th Street to 127th Street in the Village of Lemont and Unincorporated Lemont Township

**Section:** 06-V6713-02-RS

**County Board District:** 17

**Centerline Mileage:** 1.00 miles

**Fiscal Impact:** \$123,000.00

**Accounts:** Motor Fuel Tax Fund (600-585 Account)

**Board Approved Date and Amount:** 12/21/2005, \$525,000.00

**Increased Amount:** \$123,000.00

**Total Adjusted Amount:** \$648,000.00

**Concurrence(s):**

N/A

**Summary:** This improvement, as proposed, will be milling and resurfacing the existing pavement and shall include full depth patching and pavement widening to provide competent travel lanes, aggregate shoulders, curb and gutter, pipe culvert replacement, drainage additions and adjustments, ditch regrading, traffic control and protection, landscaping, pavement marking, engineering and other necessary highway appurtenances.

On 12/21/2005 your Honorable Body approved an Improvement Resolution appropriating \$525,000.00 towards completion of this improvement. At the time of this improvement resolution, the primary scope of the improvement was limited to milling and resurfacing with full depth patching.

Subsequently, the inadequate pavement width necessitated a change in the scope of work to include pavement widening. Additional funding is needed for pavement widening to provide competent travel lanes, aggregate shoulders, curb and gutter, pipe culvert replacement and ditch regrading.

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**A motion was made by Commissioner Sims, seconded by Commissioner Gorman, that this Supplemental Improvement Resolution (Highway) be referred to the Roads and Bridges Committee. The motion carried.**

**BUREAU OF ECONOMIC DEVELOPMENT**  
**DEPARTMENT OF BUILDING AND ZONING**

**14-1347**

**Presented by:** TIMOTHY P. BLEUHER, Commissioner, Department of Building and Zoning

**PROPOSED REDUCED FEE PERMIT**

**Department:** Building and Zoning

**Other Part(ies):** Chicago Botanic Garden

**Request:** Approval of a fee waiver request

**County District:** 13

**Township:** Northfield

**Property:** 1000 Lake Cook Road, Glencoe, Illinois

**Permit Number:** 131703

**Description:** South Water Main Project

**Original Permit Fee:** \$1,799.20

**Percent Waived:** 10%

**Amount Waived and Fiscal Impact:** \$179.47

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**A motion was made by Commissioner Silvestri, seconded by Commissioner Murphy, that this Reduced Fee Permit be approved. The motion carried.**

**14-1562**

**Presented by:** TIMOTHY P. BLEUHER, Commissioner, Department of Building and Zoning

**PROPOSED REDUCED FEE PERMIT**

**Department:** Building and Zoning

**Other Part(ies):** Forest Preserve District of Cook County/Little Red School House

**Request:** Approval of a fee waiver request

**County District:** 17

**Township:** Palos

**Property:** 9800 S. 104th Avenue, Willow Springs, Illinois

**Permit Number:** 131732

**Description:** Interior Renovations

**Original Permit Fee:** \$778.50

**Percent Waived:** 10%

**Amount Waived and Fiscal Impact:** \$77.85

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**A motion was made by Commissioner Silvestri, seconded by Commissioner Murphy, that this Reduced Fee Permit be approved. The motion carried.**

**BUREAU OF ECONOMIC DEVELOPMENT**  
**OFFICE OF CAPITAL PLANNING AND POLICY**

**Presented by:** JOHN COOKE, Director, Office of Capital Planning and Policy

**JOB ORDER CONTRACT**

**Department:** Office of Capital Planning and Policy

**Summary:** This project will be completed using the JOC program. The Gordian Group will manage the JOC process and will verify that all proposals and work are compliant with the terms and conditions outlined in the Job Order Contracting contract with the County.

**Project Descriptions:** The existing Officer's Dining Room at the Department of Corrections (DOC) Division V is currently not being utilized. The Department of Corrections, Office of Capital Planning and Policy and CBM/Buona Beef have been working together to renovate the existing kitchen and dining room space to provide a central meeting place for DOC staff to dine. This space will not only provide food service to the current DOC staff, but will also generate revenue for the County. The Contractor for this project will provide all construction services required to complete this project. The scope of services includes, but is not limited to: removal/replacement of all kitchen equipment, HVAC and lighting upgrades, and renovate dining areas with new finishes, furniture & televisions.

**Budgets:** Additional Construction Funds Required - F.H. Paschen - \$750,000.00

**Schedule:** Construction - 4 months

**Account(s):** 20000 - County Physical Plant

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**A motion was made by Commissioner Murphy, seconded by Commissioner Butler, that this Contract be approved. The motion carried.**

**14-1662**

**Presented by:** JOHN COOKE, Director, Office of Capital Planning and Policy

**PROPOSED CONTRACT**

**Department(s):** Office of Capital Planning and Policy

**Vendor:** The Chicago Consultants Studio, Inc., Chicago, Illinois

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** Professional Services

**Contract Value:** \$2,408,000.00

**Contract period:** 3/12/2014 - 5/11/2015 with one (1) three (3) month extension option

**Potential Fiscal Year Budget Impact:** \$2,408,000.00

**Accounts:** 28000 - Cook County Health and Hospitals

**Contract Number(s):** 1430-13421

**Concurrences:**

Vendor has met the Minority and Women Business Enterprise Ordinance.

The Chief Procurement Officer Concurs

**Summary:** Technical expertise will be provided by the Consultant related to Urban Land Use Planning & Consulting Services to ensure a successful RFP process for both the core need component and the redevelopment of other real estate as revenue-producing and campus enhancing components.

This strategic development process will solve Cook County needs at the Stroger Campus, by addressing the core functions/uses and identifying potential opportunities for redevelopment. The master development program that will be implemented will establish a vibrant mixed use campus for Cook County and the surrounding community.

This is a Comparable Government Procurement pursuant to Section 34-140 of the Procurement Code. The Chicago Consultants Studio, Inc. was previously awarded a contract by the Illinois Medical District Commission through a competitive Request for Proposal process. Cook County wishes to leverage this procurement effort.

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**A motion was made by Commissioner Murphy, seconded by Commissioner Butler, that this Contract be approved. The motion carried.**

**14-1806**

**Presented by:** JOHN COOKE, Director, Office of Capital Planning and Policy

**PROPOSED PAYMENT APPROVAL**

**Department(s):** Office of Capital Planning and Policy

**Action:** Approval of payment

**Payee:** Clean World Engineering (CWE), LTD., Wheaton Illinois

**Good(s) or Service(s):** Professional Design Services

**Fiscal Impact:** \$32,320.00

**Accounts:** 9000 - Provident Medical Center

**Contract Number(s):** OMP-10-45-2530

**Summary:** Provident Hospital had 2-Underground Storage Tanks (UST), one (1)-5,000 and one (1)-15,000

gallon tank, both installed in 1993; the tanks are used to store fuel for the Hospital's emergency generators.

The City of Chicago, Bureau of Fire Protection issued notice in September 2008 to comply with the State of Illinois rules for abandon and removal of the 5,000 gallon UST after an initial test conducted by Provident Hospital (July 2008) failed the tank tightness test.

Cook County entered into contract with Clean World Engineering (CWE), LTD., for engineering services, for removal and replacement of one (1) 5,000 gallon UST. Subsequently the Chicago Fire Department followed up with the hospital in 2010 and restricted the usage of the second tank (15,000 gallon) due to corroded piping and possible contamination. After receiving the notification, the County expanded the scope of work to include the 15,000 gallon UST to be removed and replaced.

This additional professional services scope resulted in an increase of \$32,320.00 to the project.

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**A motion was made by Commissioner Murphy, seconded by Commissioner Butler, that this Payment Approval be approved. The motion carried.**

**BUREAU OF ECONOMIC DEVELOPMENT**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**14-1702**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**PROPOSED HOME INVESTMENT PARTNERSHIPS PROGRAM**

**Department:** Planning and Development

**Other Part(ies):** Thorncreek Senior Living, LP

**Request:** Approval of Project Loan for Thorn Creek Senior Apartment Building, Thornton, Illinois

**Total Development Cost:** \$11,723,074.00

**Project Loan Amount:** \$2,000,000.00

**Fiscal Impact:** None

**Account(s):** 772-8202

**Summary:** The Bureau of Economic Development respectfully submits the attached HOME Investment Partnerships Program (HOME) project loan recommendation in the amount of \$2,000,000.00 to Thorncreek Senior Living, LP which will consist of Weiss Properties, Inc., Skokie, IL 74% general partner and Turnstone Development Corporation, Chicago, IL 26% general partner and a to be named limited partner. This project loan

will be utilized to support HOME-eligible project costs incurred during the new construction of a forty-six (46) unit multi-family rental housing project in Thornton, Illinois. Nineteen (19) units will be HOME-assisted. The total development cost (TDC) is \$11,723,074. The requested HOME funds account for seventeen (17) percent of the TDC. Additional funding sources include MB Financial as a first mortgage lender, a DECO Energy Grant and Equity generated through the sale of Low Income Housing Tax Credits.

The requested HOME funds would subsidize the project via a permanent loan based upon the following terms: A 1%, 30-year loan, payable at 1% interest only, principal accrual until sale, refinance, or end of the loan term. The loan will be due on sale or transferrable with Cook County permission. A twenty (20) year affordability period will also apply.

I respectfully request approval of this project, and that the Bureau Chief of Economic Development or his/her designee be authorized to execute, on behalf of the County of Cook, any and all documents necessary to further the project approved herein, including, but not limited to, funding agreements, intergovernmental agreements, amendments, and modifications thereto. The approval of this project by the Honorable Body will permit staff to issue necessary commitments to allow this project to move forward.

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**A motion was made by Commissioner García, seconded by Commissioner Murphy, that this HOME Investment Partnerships Program be approved. The motion carried.**

**14-1802**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

**PROPOSED RESOLUTION**

**MR. N LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and

**WHEREAS**, the County Board of Commissioners has received and reviewed an application from Mr. N LLC or Assignee and Resolution No. 40-13 from the Village of Elk Grove Village for an abandoned industrial facility located at 951 East Oakton Street, Elk Grove Village, Cook County, Illinois, Cook County District 17, Permanent Index Number 08-27-102-046-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the

property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was abandoned for three (3) months at the time of application, and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will retain 60 full-time jobs; create 10 new full-time jobs and 5 new part-time jobs; and 10-15 construction jobs; and

**WHEREAS**, the Village of Elk Grove Village states the Class 6b is necessary for development to occur on this specific real estate. The municipal Resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value pending approval of the Class 6b and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and Board of Commissioners of the County of Cook validate the property located at 951 East Oakton Street, Elk Grove Village, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

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**A motion was made by Commissioner García, seconded by Commissioner Murphy, that this Resolution be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. The motion carried.**

**14-1801**

**Presented by:** HERMAN BREWER, Chief, Bureau of Economic Development

**Sponsored by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners and JOAN PATRICIA MURPHY, County Commissioner

**PROPOSED RESOLUTION**

**DAUBERT CROMWELL, LLC 6B PROPERTY TAX INCENTIVE REQUEST**

**WHEREAS**, the Cook County Board of Commissioners has adopted a Real Property Assessment Classification 6b that provides an applicant a reduction in the assessment level for an industrial facility; and



**WHEREAS**, the County Board of Commissioners has received and reviewed an application from Daubert Cromwell, LLC and Resolution No. 2013-8-R-2 from the Village of Alsip for an abandoned industrial facility located at 3655 West 127th Street, Alsip, Cook County, Illinois, Cook County District 6, Permanent Index Number 24-35-100-028-0000; 24-35-100-033-0000 and 24-35-200-010-0000; and

**WHEREAS**, Cook County has defined abandoned property as buildings and other structures that, after having been vacant and unused for at least 24 months, are purchased for value by a purchaser in whom the seller has no direct financial interest; and

**WHEREAS**, industrial real estate is normally assessed at 25% of its market value, qualifying industrial real estate eligible for the Class 6b can receive a significant reduction in the level of assessment from the date that new construction or rehabilitation has been completed, or in the case of abandoned property from the date of substantial re-occupancy. Properties receiving Class 6b will be assessed at 10% of the market value for 10 years, 15% for the 11th year and 20% in the 12th year; and

**WHEREAS**, in the instance where the property does not meet the definition of abandoned property, the municipality or the Board of Commissioners, may determine that special circumstances justify finding that the property is abandoned for purpose of Class 6b; and

**WHEREAS**, in the case of abandonment of less than 24 months and purchase for value, by a purchaser in whom the seller has no direct financial interest, the County may determine that special circumstances justify finding the property is deemed abandoned; and

**WHEREAS**, Class 6b requires the validation by the County Board of the shortened period of qualifying abandonment in cases where the facility has been abandoned for less than 24 consecutive months upon purchase for value; and

**WHEREAS**, the Cook County Board of Commissioners has determined that the building was abandoned for five (5) months at the time of application and that special circumstances are present; and

**WHEREAS**, the applicant estimates that the re-occupancy will retain 43 full-time jobs; create 5 new full-time jobs and 10 construction jobs; and

**WHEREAS**, the Village of Alsip states the Class 6b is necessary for development to occur on this specific real estate. The municipal Resolution cites the special circumstances include that the property has been vacant for less than 24 months; will be purchased for value pending approval of the Class 6b; and is in need of substantial rehabilitation; and

**WHEREAS**, the applicant acknowledges that it must provide an affidavit to the Assessor's Office stipulating that it is in compliance with the County's Living Wage Ordinance prior to receiving the Class 6b incentive on the subject property.

**NOW, THEREFORE, BE IT RESOLVED**, by the President and the Board of Commissioners of the County of Cook, that the President and Board of Commissioners validate the property located at 3655 West 127th Street, Alsip, Cook County, Illinois, is deemed abandoned with special circumstances under the Class 6b; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Office of the Cook County Assessor.

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**A motion was made by Commissioner Garcia, seconded by Commissioner Murphy, that this Resolution be referred to the Finance Subcommittee on Real Estate and Business and Economic Development. The**

**motion carried.**

**14-1819**

**Presented by:** MICHAEL JASSO, Director, Department of Planning and Development

**PROPOSED GRANT AWARD**

**Department:** Planning and Development

**Grantee:** Cook County Department of Planning and Development

**Grantor:** US Department of Housing and Urban Development (HUD)

**Request:** Authorization to accept grant

**Purpose:** Recovery from Floods of 4/16/2013 - 5/5/2013

**Grant Amount:** \$13,900,000.00

**Grant Period:** 12/23/2013 - 9/30/2019

**Fiscal Impact:** N/A

**Accounts:** N/A

**Concurrences:**

The Budget Department has received all requisite documents and determined the fiscal impact on Cook County, if any

**Summary:** Transmitted herewith is a request for the approval to accept a U.S. Department of Housing and Urban Development (HUD) grant of Community Development Block Grant Disaster Recovery (CDBG-DR) funds in response to disasters occurring in 2013, authorized under the Disaster Relief Appropriations Act, 2013. The purpose of the CDBG-DR program is to assist targeted areas that have been affected by a natural disaster (in this case, severe storms and flooding during the period of 4/16/2013 to 5/5/2013). The program will provide necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (Stafford Act). Cook County has been allocated \$13.9 million. The Cook County Department of Planning and Development met with or consulted studies done by the Cook County Departments of Homeland Security and Emergency Management, Environmental Control, and Transportation and Highways, the Cook County Forest Preserve District, the Illinois and Federal Emergency Management Agencies (IEMA and FEMA, respectively), the Metropolitan Water Reclamation District, the U.S. Army Corps of Engineers, as well as municipal and township leaders to discuss areas that were most affected by the 2013 disaster and important projects that need to be done.

The Department of Planning and Development desires to fund projects that strategically assist with the recovery

efforts and support other investments which are occurring in the area. The proposed budget line items are outlined in the Action Plan, which will be posted for public comment upon Board approval of this request.

Cook County plans to enter into CDBG-DR agreements with municipalities, townships, for-profit and non-profit entities to implement CDBG-DR activities or to directly implement activities.

I respectfully request approval to accept this grant award and that the Chief of the Bureau of Economic Development or his designee, is authorized to execute on behalf of the County of Cook, any and all documents necessary to facilitate administration of the program approved here in, including but not limited to the CDBG-DR grant agreement and any modifications thereto. The approval of this of the Program by this Honorable Body will ermit the CDBG-DR program to continue its forward progress.

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**A motion was made by Commissioner García, seconded by Commissioner Murphy, that this Grant Award be approved. The motion carried.**

**BUREAU OF ECONOMIC DEVELOPMENT**  
**REAL ESTATE MANAGEMENT DIVISION**

**14-1458**

**Presented by:** ANN ASHCRAFT, Director, Real Estate Management Division

**PROPOSED REDI-TAPE AGREEMENT**

**Department:** Real Estate Management

**Summary:** Requesting approval of a REDI-TAPE agreement covering the use of 2013, 2014 and 2015 tax roll data, when available, to Property Info Corp., a Stewart Company. Property Info Corp. will pay the County the total due each year in advance of receiving the data.

This lease is in accordance with Ordinance No. 05-O-20, an ordinance establishing and approving the increase of rental charges for the lease of Cook County Real Estate Tax Data by commercial users.

**Revenue generating:** \$185,437.19 per year plus CPI increase (if any)

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**A motion was made by Commissioner García, seconded by Commissioner Murphy, that this REDI-TAPE Agreement be approved. The motion carried.**

**14-1538**

**Presented by:** ANN ASHCRAFT, Director, Real Estate Management Division

**PROPOSED INTERGOVERNMENTAL AGREEMENT (REAL ESTATE)**

**Department:** Real Estate Management

**Landlord:** County of Cook

**Tenant:** City of Chicago

**Request:** Approval of a License Agreement between the County of Cook, as Licensor, and the City of Chicago, as Licensee, for use of a small office within the Cermak Health Services Building located in the Cook County Correctional Facility Complex

**Location:** 2750 South California Avenue, Chicago, Illinois

**Agreement Period:** Commencing upon Board Approval, expiring 12/31/2018

**Termination:** By either party with a 60 day prior written notice

**Space Occupied:** 120 Square Feet

**Fiscal Impact:** Nominal consideration, no fiscal impact

**Accounts:** N/A

**Summary:** The City of Chicago acknowledges that its Department of Public Health has been in possession of the space in the Cermak Health Services Building under a verbal agreement for many years. Pursuant to the City Chicago/Cook County Collaboration initiative, the Real Estate Management Division is working with the City's Department of Fleet and Facilities Management to appropriately document such arrangements.

The Chicago Department of Public Health provides infectious diseases monitoring and counseling services to individuals detained within the Cook County Correctional Facility Complex and receiving services at the Cermak Health Services Building.

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**A motion was made by Commissioner García, seconded by Commissioner Murphy, that this Lease Agreement be approved. The motion carried.**

**DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT**

**14-1365**

**Presented by:** MICHAEL MASTERS, Executive Director, Department of Homeland Security and Emergency Management

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Homeland Security and Emergency Management

**Vendor:** Safeware, Inc., Landover, Maryland

**Request:** Authorization for the Chief Procurement Officer to increase contract

**Good(s) or Service(s):** Countywide Public Safety and Emergency Preparedness Goods and Related Services

**Original Contract Period:** 7/24/2012 - 9/14/2014

**Proposed Contract Period Extension:** N/A

**Total Current Contract Amount Authority:** \$5,561,644.00

**Original Approval (Board or Procurement):** 7/24/2012, \$5,561,644.00

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** N/A

**This Increase Requested:** \$4,000,000.00

**Potential Fiscal Impact:** None. Grant Funded Amount \$4,000,000.00

**Accounts:** 769-521

**Contract Number(s):** 12-30-208

**Concurrences:**

Vendor has met the Minority and Women Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** The Cook County Department of Homeland Security and Emergency Management is requesting an increase to the Safeware, Inc. Countywide contract. This contract will be used for the ongoing purchase of homeland security and emergency preparedness supplies and equipment for County agencies and also for the benefit of first responders throughout Cook County.

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**A motion was made by Commissioner Tobolski, seconded by Commissioner Gainer, that this Contract Amendment be approved. The motion carried.**

**BUREAU OF HUMAN RESOURCES**

**14-1749**

**Presented by:** TASHA CRUZAT, Interim Chief, Bureau of Human Resources, LAWRENCE WILSON, County Comptroller

**REPORT**

**Department:** Bureau of Human Resources

**Request:** Receive and File

**Report Title:** Human Resources Activity Reports for Pay Period 2 of 2014 and the Fiscal Year 2014 Budget

**Report Period:** Pay Period 2: 12/29/2013 - 1/11/2014 and the Fiscal Year 2014 Budget: 12/1/2013 - 12/2/2013

**Summary:** Submitting the Human Resources Activity report covering the pay period listed above and the FY2014 Budget changes.

A motion was made by Commissioner Daley, seconded by Commissioner Sims, that this Report be received and filed. The motion carried.

**14-1752  
RESOLUTION**

**Sponsored by**

**THE HONORABLE TONI PRECKWINKLE,  
PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS**

**PREVAILING WAGES FOR OPERATING ENGINEERS LOCAL 399**

**WHEREAS**, the County is obligated to pay the prevailing rate for these categories of employees pursuant to the state statute and the collective bargaining agreement between the County of Cook and the Union(s); and

**WHEREAS**, the unions representing this category of employees have been properly certified that the below-listed rates are the prevailing rates for the effective date(s) set forth herein; and

**WHEREAS**, the Annual Appropriation Bill creates Accounts 490-115, 499-115 and 899-115 for Appropriation Adjustments for the Corporate, Public Safety and Health Funds if necessary; and

**NOW, THEREFORE, BE IT RESOLVED**, that the prevailing wages and salaries of the following positions be fixed as follows:

**ACCOUNT 490-115 (CORPORATE FUND) 499-115(PUBLIC SAFETY) & 899-115 (HEALTH)**

<b>Job Code</b>	<b>Job Classification</b>	<b>Hourly Wage Rate</b>	<b>Effective Date</b>
2451	Operating Engineer I	\$43.97	7/1/2013
2452	Operating Engineer II	\$46.28	7/1/2013

2453	Operating Engineer III	\$50.91	7/1/2013
2454	Operating Engineer IV	\$57.16	7/1/2013
4009	Operating Engineer Trainee	\$13.00	7/1/2013

**BE IT FURTHER RESOLVED**, that the Chief of the Bureau of Human Resources and the Cook County Comptroller are hereby authorized to implement the prevailing rates and salary adjustments pursuant to state statute.

Approved and adopted this 12th day of March 2014.

TONI PRECKWINKLE, President  
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

**A motion was made by Commissioner Murphy, seconded by President Pro Tempore Steele, that this Resolution be referred to the Finance Subcommittee on Labor. This motion was withdrawn.**

**A motion was made by Commissioner Murphy, seconded by Commissioner Tobolski, that this Resolution be motion to reconsider. The motion carried.**

**A motion was made by Commissioner Murphy, seconded by Commissioner Tobolski, that this Resolution be approved. The motion carried.**

**OFFICE OF THE CHIEF JUDGE**  
**JUDICIARY**

**14-0654**

**Presented by:** TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Office of the Chief Judge, Circuit Court of Cook County

**Vendor:** McDermott Center, Chicago, Illinois

**Request:** Authorization for the Chief Procurement Officer to increase contract

**Good(s) or Service(s):** McDermott Center currently is under contract to provide specialized services to nonviolent offenders participating in the Circuit Court’s Drug Treatment Court Program. These services include group and individual counseling provided in both residential and outpatient settings. The purpose of the amendment would be to increase the contract amount to provide services to 32 additional participants in the Circuit Court’s two Adult Redeploy Illinois Program specialty courts, Access to Community Treatment Program (ACT) and Adult Redeploy Illinois (ARI).

**Original Contract Period:** 6/1/2013 - 5/31/2016

**Proposed Contract Period Extension:** N/A

**Total Current Contract Amount Authority:** \$207,000.00

**Original Approval (Board or Procurement):** 5/29/2013, \$207,000.00

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** N/A

**This Increase Requested:** \$173,131.00: \$138,131.00 for the Access to Community Treatment Program (ACT Court) and \$35,000.00 for the Adult Redeploy Illinois Program (ARI Court)

**Potential Fiscal Impact:** None, grant funded

**Accounts:** 7931301-260 - \$138,131.00; 9401303-260 - \$35,000.00

**Contract Number(s):** 1388-12593

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs

**Summary:** The original and current amount of the McDermott Center contract for services to the Drug Treatment Court Program is \$207,000.00. That contract was approved by the Cook County Board of Commissioners on 5/29/2013. McDermott Center was selected to provide services to the ACT and ARI Courts based on their record in providing quality service, service capacities and geographic locations.

The ARI Court and the ACT court are problem-solving courts that target different offender populations but share the common goal to divert defendants with behavioral needs from incarceration into community-based services. ACT Court is a new program in which participants with a new arrest for Class four felony possession of a controlled substance or Class three and four retail theft offenses, and with at least one prior commitment to the Illinois Department of Corrections. The ARI Court was established in February 2012 and targets offenders who are currently on probation and have noncompliant behavior. The ARI Court has accepted 343 cases of which 146 have been successfully diverted from incarceration.

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**A motion was made by Commissioner Suffredin, seconded by President Pro Tempore Steele, that this Contract Amendment be approved. The motion carried.**

**OFFICE OF THE CHIEF JUDGE**  
**JUVENILE PROBATION AND COURT SERVICES**

**14-0083**

**Presented by:** TIMOTHY C. EVANS, Chief Judge, Circuit Court of Cook County

**PROPOSED CONTRACT AMENDMENT**

**Department(s):** Juvenile Probation and Court Services Department, Circuit Court of Cook County



**Vendor:** Heartland Human Care Services Inc., Chicago, Illinois

**Request:** Authorization for the Chief Procurement Officer to increase and extend

**Good(s) or Service(s):** Contract to administer the Juvenile Detention Reduction Project.

**Original Contract Period:** 2/8/2013 - 11/30/2013.

**Proposed Contract Period Extension:** 4/1/2014 - 3/31/2015.

**Total Current Contract Amount Authority:** \$1,500,000.00.

**Original Approval (Board or Procurement):** 2/5/2013, \$1,500,000.00.

**Previous Board Increase(s) or Extension(s):** N/A

**Previous Chief Procurement Officer Increase(s) or Extension(s):** 12/1/2013 - 03/31/2014

**This Increase Requested:** \$1,500,000.00

**Potential Fiscal Impact:** \$750,000.00, FY 2015 \$750,000.00

**Accounts:** 326-298

**Contract Number(s):** 13-50-025

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs

**Summary:** On 2/5/2013, the Cook County Board of Commissioners authorized a contract for detention reduction initiatives under the auspices of the Circuit Court of Cook County's Juvenile Probation and Court Services Department. The target population is court-involved minors who may be in jeopardy of an imminent referral to the Juvenile Temporary Detention Center due to non-compliance with court order/orders.

This continuum of community-based services is designed to keep at-risk minors in their homes and engaged in pro-social interventions in lieu of detention. The contract will provide a wide range of respite care, including educational, therapeutic and recreational programming, emergency shelter beds and expedited access to clinical services, which respond to the needs of the juveniles who are referred to participate in this program. The program curricula will be redesigned over time to incorporate additional services for referred minors.

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**A motion was made by Commissioner Suffredin, seconded by President Pro Tempore Steele, that this Contract Amendment be approved. The motion carried.**

**OFFICE OF THE SHERIFF**  
**FISCAL ADMINISTRATION AND SUPPORT SERVICES**

**14-1379**

**Presented by:** THOMAS J. DART, Sheriff of Cook County

**PROPOSED CONTRACT**

**Department(s):** Cook County Sheriff

**Vendor:** PropertyRoom.com, Fredrick, Maryland

**Request:** Authorization for the Chief Procurement Officer to enter into and execute

**Good(s) or Service(s):** The collection and selling of unclaimed/forfeited surplus property.

**Contract Value:** \$0.00 cost

**Contract period:** 3/13/2014 - 3/12/2019

**Potential Fiscal Year Budget Impact:** None. Revenue Generating, estimated to be \$50,000.00 in first year of contract

**Accounts:** N/A

**Contract Number(s):** 1411-13472

**Concurrences:**

The vendor has met the Minority and Women Owned Business Enterprise Ordinance.

The Chief Procurement Officer concurs.

**Summary:** This internet based auction service will collect and sell unclaimed/forfeited surplus property that has been collected by the Cook County Sheriff Department, in the process of its law enforcement operations. All surplus property collected shall be sold by public auction over the internet to the highest bidder. The County will receive a set percent of all items sold. Funds received will be remitted to the County's Miscellaneous Revenue.

This is a Comparable Government Procurement pursuant to Section 34-140 of the Procurement Code. PropertyRoom.com was previously awarded a contract by the New York City Police Department, New York through a competitive Request for Proposal process. Cook County wishes to leverage this procurement effort.

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**A motion was made by Commissioner Gorman, seconded by President Pro Tempore Steele, that this Contract be approved. The motion carried.**

**14-1804**

**Presented by:** THOMAS J. DART, Sheriff of Cook County

**PROPOSED INTERGOVERNMENTAL AGREEMENT**

**Department:** Sheriff of Cook County

**Other Part(ies):** Chicago Transit Authority (CTA), Chicago, Illinois

**Request:** To enter into an Intergovernmental Agreement between the County of Cook, Cook County Sheriff's Office and the Chicago Transit Authority (CTA)

**Goods or Services:** transfer of title of two (2) CTA buses

**Agreement Number(s):** N/A

**Agreement Period:** one-time agreement

**Fiscal Impact:** \$1.00

**Accounts:** 210-333

**Summary:** Intergovernmental Agreement between Chicago Transit Authority (CTA), the County of Cook and the Cook County Sheriff's Office, regarding the transfer of title of two (2) CTA buses from CTA to Cook County and the Cook County Sheriff. This agreement will assist the Cook County Sheriff's Office in performing its' duties in the Sheriff's Work Alternative Program (SWAP). The buses will be used to transport offenders performing their community service obligations in SWAP.

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**A motion was made by Commissioner Gorman, seconded by President Pro Tempore Steele, that this Intergovernmental Agreement be approved. The motion carried.**

**NEW ITEMS**

**In accordance with Cook County Code Section 2-107(z)(1) Amendment or suspension of rules, Commissioner Daley, seconded by President Pro Tempore Steele, moved to suspend Section 2-107(h)(1) Prior notice to public; agendas. The motion carried unanimously.**

**14-2000**

**Presented by:** JULIANA STRATTON, Executive Director, Justice Advisory Council and ANDREA GIBSON, Director, Department of Budget and Management Services

**REPORT**

**Department:** Justice Advisory Council; Budget and Management Services

**Request:** Receive and File

**Report Title:** Feasibility Review of a Revolving Bail Bond Loan Fund

**Report Period:** 3/1/2014

**Summary:** Pursuant to Resolution 13-2161, which was approved by the Board of Commissioners on 11/13/2013, this report contains the assessment of the Justice Advisory Council and the Department of Budget and Management Services regarding the feasibility and financial implications of a Revolving Bail Bond Fund to provide prompt posting of bail for detainees charged with non-violent offenses.

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**A motion was made by Commissioner Suffredin, seconded by President Pro Tempore Steele, that this Report be received and filed. The motion carried.**

**14-2037**

**Presented by:** TONI PRECKWINKLE, President, Cook County Board of Commissioners

**PROPOSED REAPPOINTMENT**

**Appointee(s):** Edward S. Lezza

**Position:** Commissioner

**Department/Board/Commission:** Hillside-Berkeley Water Commission

**Effective date:** Immediate

**Expiration date:** 3/12/2020, or until a successor has been appointed

**Summary:** N/A

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**A motion was made by Commissioner Suffredin, seconded by President Pro Tempore Steele, that this Reappointment be referred to the Legislation and Intergovernmental Relations Committee. The motion Carried.**

**14-2029**

**Presented by:** JOHN A. FRITCHEY, County Commissioner

**MISCELLANEOUS ITEM OF BUSINESS**

**Summary:** Request that a meeting of the Technology Committee be convened within 30 days to discuss the Cook County Criminal Justice System and that a detailed timeline for all elements needed to achieve the goal of an integrated, automated Cook County Criminal Justice System be presented to the members of the Committee by the Cook County Chief Information Officer.

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A motion was made by Commissioner Gorman, seconded by Commissioner Suffredin, that this Miscellaneous Item of Business be referred to the Technology Committee. The motion carried.

**BID OPENING**

February 21, 2014

Honorable President and Members  
Board of Commissioners of Cook County  
Chicago, Illinois 60602

Dear Ladies and Gentlemen:

Pursuant to the rules of this Board, I hereby submit for your consideration, bids which were opened under my supervision on Friday, February 21, 2014 at 10:00 A.M. in the County Building, Chicago, Illinois.

Very truly yours,

SHANNON E. ANDREWS, Chief Procurement Officer, overseeing the Bid Opening.

<b><u>CONTRACT NO.</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>USING DEPARTMENT</u></b>
1353-13252	Data entry services	Department of Revenue
1330-13243	Printing of thermo seal cigarette tax stamps	Department of Revenue
1345-13207	Door locks and related parts	Department of Facilities Management

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By consensus, the bids were referred to their respective department for review and consideration.

**BID OPENING**

February 26, 2014

Honorable President and Members  
Board of Commissioners of Cook County  
Chicago, Illinois 60602

Dear Ladies and Gentlemen:

Pursuant to the rules of this Board, I hereby submit for your consideration, bids which were opened under my supervision on Wednesday, February 26, 2014 at 10:00 A.M. in the County Building, Chicago, Illinois.

Very truly yours,

SHANNON E. ANDREWS, Chief Procurement Officer, overseeing the Bid Opening.

<u>CONTRACT NO.</u>	<u>DESCRIPTION</u>	<u>USING DEPARTMENT</u>
1345-1322R	Printed corrugated storage boxes	Clerk of the Circuit Court

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By consensus, the bids were referred to their respective department for review and consideration.

**BID OPENING**

February 28, 2014

Honorable President and Members  
Board of Commissioners of Cook County  
Chicago, Illinois 60602

Dear Ladies and Gentlemen:

Pursuant to the rules of this Board, I hereby submit for your consideration, bids which were opened under my supervision on Friday, February 28, 2014 at 10:00 A.M. in the County Building, Chicago, Illinois.

Very truly yours,

SHANNON E. ANDREWS, Chief Procurement Officer, overseeing the Bid Opening.

<u>CONTRACT NO.</u>	<u>DESCRIPTION</u>	<u>USING DEPARTMENT</u>
1395-12947R	Bottled drinking water	Adult Probation
1484-13322	Cargo van vehicle	Department of Transportation and Highways
1335-13002R	Informational computer kiosks	Clerk of the Circuit Court

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By consensus, the bids were referred to their respective department for review and consideration.

**BID OPENING**

March 5, 2014

Honorable President and Members  
Board of Commissioners of Cook County  
Chicago, Illinois 60602

Dear Ladies and Gentlemen:

Pursuant to the rules of this Board, I hereby submit for your consideration, bids which were opened under my supervision on Wednesday, March 5, 2014 at 10:00 A.M. in the County Building, Chicago, Illinois.

Very truly yours,

SHANNON E. ANDREWS, Chief Procurement Officer, overseeing the Bid Opening.

<u>CONTRACT NO.</u>	<u>DESCRIPTION</u>	<u>USING DEPARTMENT</u>
1455-13406	Sanders Road, Techny Road to Lake-Cook Road (Section: 13-W2445-07-RS)	Department of Transportation and Highways

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By consensus, the bids were referred to their respective department for review and consideration.

**ADJOURNMENT**

A motion was made by Commissioner Daley, seconded by Commissioner Sims, that the meeting do now adjourn to meet again at the same time and same place on April 9, 2014, in accordance with County Board Resolution 14-0007.

The motion prevailed and the meeting stood adjourned.

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County Clerk