

CHIEF PROCUREMENT OFFICER

NOTICE OF HEARING

The Chief Procurement Officer hereby provides notice that the Executive Ethics Commission will hold a public hearing, on April 11, 2012, at which any person may present written or oral testimony regarding my written request to exempt named individual(s) from the prohibitions of Section 50-13 of the Procurement Code. The details of which are contained in the attached letter (dated March 20, 2012) that was provided to the Executive Ethics Commission and emailed to identified interested parties.

HEARING DETAILS

DATE: April 11, 2012 beginning at 9:00AM

Hearing Room Location: 401 S. Spring Street, 349C William Stratton Building, Springfield, Illinois 62706

HEARING OFFICER/ADMINISTRATIVE LAW JUDGE

NAME: Chad Fornoff, Executive Director, Executive Ethics Commission

ADDRESS: 401 S. Spring Street, 513 William Stratton Building, Springfield, Illinois 62706

PHONE: 217-558-1393

FAX: 217-558-1399

E-MAIL: chad.fornoff@illinois.gov

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: BETH BARTOLOMUCCI)	No. 12-EEC-009
)	
)	CPO Petitions to Exempt
)	Individual From
)	Procurement Code Conflict
)	Of Interest Prohibitions

NOTICE OF HEARING

The Executive Ethics Commission will hold a public hearing at 9:00 a.m. on April 11, 2012 concerning the above-captioned matter. The hearing will be held at 401 S. Spring Street, 349C William Stratton Building, Springfield, Illinois 62706.

The hearing will be conducted by Administrative Law Judge Chad D. Fornoff, 401 S. Spring Street, 513 William Stratton Building, Springfield, Illinois 62706. Phone: 217-558-1393, FAX: 217-558-1399, e-mail: eec.cms@illinois.gov.

Anyone wishing to present written or oral testimony is encouraged to notify the Administrative Law Judge in advance, via email or facsimile, and therein include a brief statement of your intent to testify in support of or against the request for an exemption in this matter. Failure of an interested party to respond to this notice and/or attend the scheduled hearing may result in the Commission making an adverse determination.

Per 30 ILCS 500/50-20, a State Chief Procurement Officer may file a request with the Executive Ethics Commission to exempt named individuals from the conflict of interest prohibitions of Section 50-13 of the Illinois Procurement Code (30 ILCS 500/50-13), when in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. Further, The Executive Ethics Commission may grant an exemption after a public hearing at which any person may present testimony.

Notice and Details of the pending conflict of interest are further provided by in the attached March 20, 2012 letter from the Chief Procurement Officer for General Services. Notice of this hearing is also provided by the Chief Procurement Office on the Illinois Procurement Bulletin www.purchase.state.il.us.

CERTIFICATE OF SERVICE

I, Chad D. Fornoff, Executive Director, hereby certify that a copy of the foregoing Notice of Hearing has been sent to the following interested parties of record:

Beth Bartolomucci
Illinois State Police
801 South 7th Street
Springfield, Illinois 62703

Thomas Bartolomucci
c/o Hanson Professional Services, Inc.
1525 S. Sixth Street
Springfield, Illinois 62703

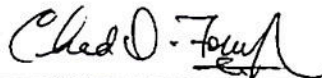
Hanson Professional Services, Inc.
1525 S. Sixth Street
Springfield, Illinois 62703

Chief Procurement Officer for General Services
714 Wm, Stratton Building
401 S. Spring Street
Springfield, Illinois 62706

Chief Procurement Officer for Capitol Development Board
513 Wm, Stratton Building
401 S. Spring Street
Springfield, Illinois 62706

Chief Procurement Officer for Department of Transportation
200 Hanley Building
2300 South Dirksen Parkway
Springfield, Illinois 62706

by causing a copy of the same to be placed in an addresses prepaid envelope and deposited in the United States Mail at Springfield, Illinois on March 26, 2012.



Chad D. Fornoff
Executive Director



State of Illinois

Chief Procurement Office General Services

Matt Brown, Chief Procurement Officer

Chad Fornoff, Executive Director
Executive Ethics Commission
401 South Spring Street
513 Wm. Stratton Building
Springfield, Illinois 62706

March 20, 2012

Re: Request for Exemption of Section 50-13 Conflict of Interest for Thomas and Beth Bartolomucci and Hanson Professional Services, Inc.

Dear Director Fornoff,

I am writing to request that the Executive Ethics Commission issue an exemption in accordance with Section 50-20 of the Illinois Procurement Code. After reviewing documentation provided by the vendor, Agency, and CMS, as well as additional information provided by several parties, and the publicly available information about the above-listed entity, I have determined, as explained below, that an actual conflict of interest under 30 ILCS 500/50-13(a) and 50-13(b) of the Procurement Code has been identified.

On March 6, 2012 the Chief Procurement Office received a conflict of interest for review from Central Management Services which concerned the firm Hanson Professional Services, Inc ("Hanson"). Hanson received a bid award for IFB No. 22023208 from the Illinois Toll Highway Authority. The value of the contract is \$22,000,000.00. The disclosures submitted by Hanson claimed a number of potential conflicts of interest for several Hanson shareholders. Among those, was disclosed that Hanson shareholder, Thomas Bartolomucci, is married to an Illinois State Police employee, Beth Bartolomucci. The disclosures, dated December 2011, stated that Mrs. Bartolomucci's "earnings from ISP are less than \$106,447.20 per year." This information appears to have been correct in December 2011, but after the beginning of 2012 Mrs. Bartolomucci's salary shown in Comptroller and ISP records to have increased. These records showed Mrs. Bartolomucci's present compensation from ISP to exceed \$9,100 per month, which over 12 months would exceed 60% of the Governor's salary. Hanson was asked to address this discrepancy and promptly amended its disclosures. Hanson's amended disclosures stated Mrs. Bartolomucci's "earnings from ISP are \$107,700 per year." This amount exceeds 60% of the Governor's salary (\$106,447.20) and, as such, Mr. and Mrs. Bartolomucci are individuals prohibited from having or acquiring any State contract, or any direct interest therein, by 30 ILCS 500/50-13(a). In turn, Mr. Bartolomucci's ownership interest in Hanson Professional Services, Inc. is disclosed as 0.99% or \$183,163.50. The dollar amount of this interest exceeds the salary of the Governor (\$177,412.00) and, combined with Mr. Bartolomucci's prohibition under section 50-13(a), results in the entire firm being prohibited from having or acquiring a State contract, or direct pecuniary interest therein, by 30 ILCS 500/50-13(b).

401 South Spring Street
712 Stratton Office Building
Springfield, Illinois 62706
(217) 558-2231
(217) 558-2164 Facsimile

Pursuant to Section 50-20, the Chief Procurement Officer may seek an exemption from a 50-13 prohibition if, in his "judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced" by Section 50-13. In this case, Ms. Bartolomucci has worked for the Illinois State Police since 1997 and her work in the Information Services/Information & Technology Command appears entirely unrelated to the Hanson contract at issue. In addition, the contract awarded to Hanson by ITHA was competitively bid and selected. Hanson appears to have had a long history of working with the State which pre-dates the existence of this conflict of interest. As such, in my judgment the public interest in having Mrs. Bartolomucci in State service, and maintaining the State's ability to contract with Mr. Bartolomucci's firm, Hanson Professional Services, Inc., outweighs the public policy evidenced in Section 50-13 of the Procurement Code. As such, I request that the Executive Ethics Commission in accordance with Section 50-20 of the Procurement Code exempt Mr. and Mrs. Bartolomucci, and by extension Hanson Professional Services, Inc., from the specific prohibitions of Section 50-13 triggered by Mrs. Bartolomucci's employment at the Illinois State Police.

Sincerely,

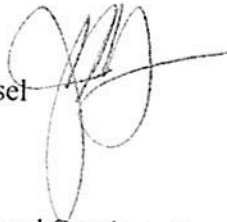


Matt Brown

Chief Procurement Officer, General Services

cc: Aaron Carter, Procurement Policy Board
Bill Grunloh, Chief Procurement Officer – IDOT
Fred Hahn, Chief Procurement Officer, CDB
Ben Bagby, Chief Procurement Officer, Higher Education
Steve Rotello, Chief Procurement Compliance Monitor
Kellye Keyes, State Purchasing Officer
John Curcio, Procurement Compliance Monitor
John Donato, Illinois Toll Highway Authority
John Nelson, Hanson Professional Services, Inc.
Beth Bartolomucci, Illinois State Police

TO: Matt Brown—Chief Procurement Officer
FROM: Joanna Belle Gunderson, Deputy General Counsel
DATE: March 16, 2012
SUBJECT: Conflict of Interest Review for Hanson Professional Services, Inc.



On March 7, 2012 I received a conflict of interest for review regarding the above-referenced firm. It is noted that conflict of interest approval for this firm had previously been granted (PPB letters January 20, 2012 and March 16, 2011) related to other State contracts. With respect to the current contract, the conflict of interest issues presented by the agency and CMS are as follows:

- (1) Jeffrey Ball's ownership value in the company exceeds \$106,447.20 and his father Ernest Ball is employed with the Springfield Fire Protection District, East Side Fire Protection District, as a Board of Trustees member, since July 2007.
- (2) Thomas Bartolomucci's ownership value in the company exceeds \$106,447.20 and his spouse Beth Bartolomucci is employed by Illinois State Police, as a Computer Programmer, since February 1997.
- (3) Charles Hagloch's ownership value in the company exceeds \$106,447.20 and he is a member of the Cass County Zoning Board in a paid capacity. Regina Walker daughter of Charles Hagloch is a member of the Cass County Zoning Board in a paid capacity.
- (4) John Harms's ownership value in the company exceeds \$106,447.20 and serves as a member of the Structural Engineering Board, Department of Financial and Professional Regulation, since 1997.
- (5) Thomas Havenar's ownership value in the company exceeds \$106,447.20 and his wife Helen Milito is currently employed by SIU School of Medicine, as a Grants Accountant, since March 1990.
- (6) John P. Coombe's ownership value in the company exceeds \$106,447.20 and his son has a position as a Contractual Staff Attorney with the Illinois Office of the Comptroller.
- (7) The Illinois State Toll Highway Authority states that the above-referenced person's were not in a position to influence the award of this contract and has expressed that it would be in the best interest of the State to approve this conflict of interest.

After reviewing the documentation provided, as well as additional information provided at my request by several parties, and the publicly available information about the above-listed entities, I make the following findings.

An actual conflict of interest (under 30 ILCS 500/50-13(a) and 50-13(b)) exists with respect to Mr. Bartolomucci and his wife. The disclosures submitted were amended at my request and now show that Mrs. Bartolomucci receives compensation from the Illinois State Police which exceeds 60% of the Governor's salary (\$106,447.20). As such, Mr. and Mrs. Bartolomucci as individuals are prohibited from having or acquiring any contract, or any direct interest therein, with that State by 30 ILCS 500/50-13(a). In turn, Mr. Bartolomucci's ownership interest in Hanson Professional Services, Inc. is disclosed as \$183,163.50, which exceeds the salary of the Governor (\$177,412.00). As a result of Mr. Bartolomucci's ownership interest in the firm, Hanson Professional Services, Inc. is prohibited from having or acquiring a contract, or direct pecuniary interest therein, with the State by 30 ILCS 500/50-13(b). The Chief Procurement Officer may seek an exemption of this finding (pursuant to 30 ILCS 500/50-20) if in his "judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced" by Section 50-13.

With respect to the remaining disclosures, I find that no actual conflict of interest (under 30 ILCS 500/50-13 and 5 ILCS 420/3A-35) exists, nor do I find, based upon the information available and assurance made by the Agency, that the persons identified were likely to have had influence over the award of the contract so as to trigger concerns under other sections of the Procurement Code (30 ILCS 500/50-35 and 30 ILCS 500/50-37).



CHIEF PROCUREMENT OFFICE
Fred Hahn, Capital Development Board

RECEIVED
MAR 26 2012

EXECUTIVE
ETHICS COMMISSION

March 22, 2012

Chad Fornoff, Executive Director
Executive Ethics Commission
401 South Spring Street
513 Wm. Stratton Building
Springfield, Illinois 62706

COPY

Re: Chief Procurement Officer for Capitol Development Board's Request to Join in Conflict of Interest Exemption Proceeding for Thomas and Beth Bartolomucci and Hanson Professional Services, Inc.

Dear Director Fornoff,

I am writing to join in the March 20, 2012 request filed by the Chief Procurement Officer for General Services, Matt Brown, wherein he asks the Executive Ethics Commission to issue an exemption in accordance with Section 50-20 of the Illinois Procurement Code. The vendor at issue in CPO Brown's request, Hanson Professional Services, Inc., presently holds six contracts with the Capitol Development Board. Each of the contracts is for architect-engineer services associated with CDB capital projects that are in design or construction. Five of the contracts were procured through a qualifications-based selection process pursuant to 30 ILCS 535, with the other procured under the Design-Build Procurement Act (30 ILCS 537). The contracts are summarized in an attachment to this letter.

As such, I would ask that the Commission allow my office to join CPO Brown, with all the same rights and privileges as CPO Brown, in requesting that an exemption be granted.

Sincerely,

Fred Hahn

Chief Procurement Officer, Capitol Development Board

Hanson Professional Services, Inc.
Bartolomucci 50-13 Conflict Issue
Contracts with CDB as of March 22, 2012

1. 546-325-057, Contract #58022710, design-build services for a Combined Support Maintenance Shop at Camp Lincoln, Springfield. The contract amount is \$531,950, with a balance to be paid of \$183,302.86. The contract inadvertently was allowed to expire in October 2010. A new contract was issued via a sole source process, with a hearing held on January 5, 2012. A modification to add \$382,433 to the contract is pending. Hanson prepared "bridging documents", which are preliminary drawings and specifications (referred to as "scope and performance criteria" in the law) that design-build entities competitively bid on. Hanson was also contracted to provide some initial A/E interface with the design-build contractor. Apparently, CDB and DMAIL were confused about who would retain Hanson to provide construction administration services during the construction portion of the project (which relates to why the contract was allowed to expire). The pending modification provides for these services. The \$14M design-build contract is in the initial construction stages.
2. 546-325-066, Contract #10004310, architect-engineer services for a project to install a geothermal system at the AGO Building at Camp Lincoln, Springfield. The contract was entered into on May 5, 2010 for \$218,300. It has been modified once, with the amount increasing by \$141,713. A second modification for \$90,700 is pending (the modification would add the North side of the building to the scope of the project). The project is in the final design stage.
3. 825-030-067, Contract #57021610, engineering services limited to the commissioning phase of a project to construct a new Science Building for SIUE. The contract was awarded on November 28, 2006 at \$38,500. It has been modified six times and is now valued at \$1,031,445, of which \$255,987.41 has been paid. The project is approximately 80% complete.
4. 825-040-029, Contract #11005310, an A/E contract for miscellaneous campus upgrades at SIU School of Medicine. The contract was entered into on August 16, 2011 for \$5,191, and it has been modified once and is now valued at \$36,879. The work is in the final design stage.
5. 830-010-328, Contract #55023210, an A/E contract for upgrading roads/replacing Allerton Park Bridge. The contract was entered into on April 1, 2005 for \$20,800, and it has been modified five times to a present value of \$385,407. The project is in the initial stages of construction.
6. 830-010-332, Contract #58000110, an engineering contract for commissioning services for a Post-Harvest facility at UIUC. The contract was entered in 2007 at \$22,500, and it has been modified once and is now valued at \$214,865. The project is in the final design stage.



CHIEF PROCUREMENT OFFICE

Bill Grunloh, Department of Transportation - Highway Construction

March 22, 2012

Chad Fornoff, Executive Director
Executive Ethics Commission
401 South Spring Street
513 Wm. Stratton Building
Springfield, Illinois 62706

RECEIVED
MAR 22 2012
EXECUTIVE
ETHICS COMMISSION

COPY

Re: Chief Procurement Officer for Illinois Department of Transportation's Request to Join in Conflict of Interest Exemption Proceeding for Thomas and Beth Bartolomucci and Hanson Professional Services, Inc.

Dear Director Fornoff,

I am writing to join in the March 20, 2012 request filed by the Chief Procurement Officer for General Services, Matt Brown, wherein he asks the Executive Ethics Commission to issue an exemption in accordance with Section 50-20 of the Illinois Procurement Code. The vendor at issue in CPO Brown's request, Hanson Professional Services, Inc., presently holds contracts with the Illinois Department of Transportation. As such, I would ask that the Commission allow my office to join CPO Brown, with all the same rights and privileges as CPO Brown, in requesting that an exemption be granted.

Sincerely,

Bill Grunloh

Chief Procurement Officer, Illinois Department of Transportation



CHIEF PROCUREMENT OFFICE
Ben Bagby, Higher Education

March 28, 2012

Chad Fornoff, Executive Director
Executive Ethics Commission
401 South Spring Street
513 Wm. Stratton Building
Springfield, Illinois 62706


Re: Chief Procurement Officer for Higher Education's Request to Join in Conflict of Interest Exemption Proceeding for Thomas and Beth Bartolomucci and Hanson Professional Services, Inc.

Dear Director Fornoff:

I am writing to join in the March 20, 2012, request filed by the Chief Procurement Officer for General Services, Matt Brown, wherein he asks the Executive Ethics Commission to issue an exemption in accordance with Section 50-20 of the Illinois Procurement Code. The vendor at issue in CPO Brown's request, Hanson Professional Services, Inc., presently holds contracts with Northern Illinois and the University of Illinois. We are still searching and may find that some other universities have contracts with this vendor and will supplement this letter as necessary.

Please allow my office to join CPO Brown, with all the same rights and privileges as CPO Brown, in requesting that an exemption be granted.

Sincerely,



Ben Bagby
Chief Procurement Officer, Higher Education