

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION 2012 OCT -4 AM 10: 00

IN THE MATTER OF,)
)
AC Pavement Striping Company)
)
Respondent)
)

OFFICE OF
CHIEF COUNSEL
SPRINGFIELD, IL 62764

CONSENT DECREE

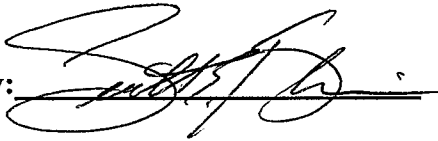
The Illinois Department of Transportation (“IDOT” or “Department”), with the approval of its Chief Procurement Officer (“CPO”), and AC Pavement Striping Company (“AC Pavement”) resolve the Suspension matter against AC Pavement pursuant to 44 Ill. Admin. Code 6.540, as follows:

1. On May 2, 2012, the CPO issued a Notice of Suspension and Interim Suspension against AC Pavement.
2. The Notice of Suspension and Interim Suspension alleges that AC Pavement in its certifications to the Department misrepresented the types of work or job craft categories it intended to use with its own forces on certain construction projects and misrepresented its participation in applicable apprenticeship programs as required by the Illinois Procurement Code (30 ILCS 500/30-22(6)).
3. AC Pavement denies the allegations contained in the Notice of Suspension and Interim Suspension.
4. The Department acknowledges that AC Pavement has provided satisfactory evidence that it now participates in other applicable apprenticeship programs as required by Section 30-22(6) of the Code.
5. On May 16, 2012, the Chief Procurement Officer issued an “Amendment to Interim Suspension” finding that the public interest warranted allowing AC Pavement to continue work on executed contracts and subcontracts.
6. The “Amendment to Interim Suspension” remains in full force and effect and nothing contained within this Consent Decree, or otherwise, should be construed to have any affect on the “Amendment to Interim Suspension” issued to AC Pavement on May 16, 2012.
7. AC Pavement timely requested a Hearing under 44 Ill. Admin. Code 6.620 and continued discussions with the Department concerning informal resolution of this matter.

8. The Parties wish to resolve this matter expeditiously and amicably outside of the Hearing process by entering into this Consent Decree.
9. This Consent Decree and any obligations under or related to this Consent Decree do not constitute an admission of liability in any form.
10. Pursuant to 44 Ill. Adm. Code 6.540, AC Pavement accepts the status of non-participation from new contracts or subcontracts to allow informal and final resolution of this matter.
11. AC Pavement will not participate as a contractor or subcontractor in any new IDOT let contracts or subcontracts, or contracts or subcontracts that require the approval of the Department (e.g. involve Motor Fuel Tax (MFT) or other State or federal funds) through December 31, 2012. The Department acknowledges and agrees that AC Pavement is not prohibited in any way from participating in the bid process or from executing contracts or subcontracts that are not IDOT let projects and/or do not require Department approval.
12. AC Pavement will voluntarily participate in any reasonable outreach program created by IDOT to benefit the industry in which AC Pavement operates, so long as it does not create a business conflict nor require AC Pavement to release confidential or proprietary business information, nor require it to incur unreasonable cost or expense.
13. AC Pavement will reasonably cooperate with the Department in its investigations, audits and suspension proceedings as to other contractors and responsible bidder compliance issues so long as it does not create a business conflict nor require AC Pavement to release confidential or proprietary business information, nor require it to incur unreasonable cost or expense.
14. AC Pavement shall allow the Department to monitor AC Pavement's compliance with Illinois Procurement Code and Apprenticeship or Training Certifications, including but not limited to access to books and records, employees, accounting systems, job diaries, timesheets, certified transcripts of payroll, apprenticeship records, etc.
15. The Department is satisfied that AC Pavement's initial suspension and subsequent voluntary exclusion from May 2, 2012 through December 31, 2012, as provided in Paragraphs 10 and 11 will satisfy the Department's initial concerns related to AC Pavement's compliance with the apprenticeship and training requirements of the Illinois Procurement Code. The Department acknowledges and agrees that AC Pavement has provided satisfactory evidence that it will comply with the Illinois Procurement Code in the future.
16. In consideration for AC Pavements voluntary limited participation through December 31, 2012 and other consideration contained herein, the May 2, 2012 Notice of Suspension and Interim Suspension is amended to terminate on December

31, 2012 under the terms of this Consent Decree. Further, the Department will allow AC Pavement to submit its renewal application for IDOT prequalification and allow AC Pavement to restore AC Pavement's prequalification upon execution of this Consent Decree. Nothing in this Consent Decree will adversely impact AC Pavement's right to seek a renewal of its prequalification.

AC Pavement Striping Company

By: 

Its: **President**

Dated: 9/28/12

Illinois Department of Transportation

By: 

Its: **Chief Procurement Officer**

Dated: 10/4/12