



4. North Suburban was the low bidder on a General Maintenance project on the Lake County May 18, 2010 letting. Specifically, North Suburban was the low bidder on the following project: 10-00000-12-GM. North Suburban's bid documents did not certify and disclose that it intended to use the Trade of Laborer for these construction projects and that it participated in an apprenticeship or training program for the Trade of Laborer.
5. The Department received a protest on these projects within the allotted seven day protest period and notified North Suburban that a protest for the Trade of Laborer was received by the Department (Exhibit A-1).
6. North Suburban responded with a communication dated May 28, 2010, misrepresenting to the Department that the Trade of Laborer would not be used on these projects (Exhibit B-1).
7. Based on North Suburban's misrepresentation, the Department denied the protest and communicated that result to the protester, North Suburban and the Department's District BLRS office so that the contracts could be awarded to North Suburban (Exhibit C-1).
8. North Suburban was the low bidder on a General Maintenance project on the Lake County letting on July 21, 2010 for work in the Village of Volvo: Project No. 10-00000-01-GM. North Suburban's bid documents did not certify that it intended to use the Trade of Laborer for this construction project and that it participated in an apprenticeship or training program for the Trade of Laborer. The certification indicated that North Suburban intended to use the Trades of Drivers and Operators (Exhibit B-1a).
9. The Department received a protest on this project within the allotted seven day protest period and notified North Suburban that a protest for the Trade of Laborer was received by the Department (Exhibit A-2).
10. North Suburban responded with a communication dated August 19, 2010 to the Department stating that the Trade of Laborer would not be used on this project (Exhibit B-2). North Suburban intentionally omitted that it intended to use Laborers and failed to demonstrate that it participated in an approved apprenticeship or training program for the Trade of Laborer.
11. Based on North Suburban's misrepresentations, the Department denied the protest and communicated that result to the protester, North Suburban and the Department's District BLRS office so that the contracts could be awarded to North Suburban (Exhibit C-2).
12. In August 2010 the Department requested that the Audit Unit of the Department's Office of Quality Compliance review the Certified Transcript Payrolls (CTP) submitted by North Suburban for the above projects and report its findings. The CPTs for project 10-00000-01-GM were collected by the Audit Unit and reviewed.
13. The Audit Unit submitted Audit report No. 11-13-005 entitled "North Suburban Asphalt Maintenance, Inc. Responsible Bidder Investigation" (Exhibit D). This report covers a review of the CTP for the following projects: 10-00000-01-GM.

14. The Audit Report concludes that several employees on each week of payroll examined were listed as and paid the prevailing wage for the Trade of Laborer.
15. North Suburban made material false and misleading statements, representations, claims or reports in its documentation submittals in support of its compliance with the responsible bidder provisions of the Illinois Procurement Code (30 ILCS 500/30-22), and, in doing so, did materially violate the Responsible Bidder provisions of the Illinois Procurement Code and bring into question the eligibility of North Suburban as the apparent low bidder for the above projects.
16. North Suburban submission of false and misleading records to the Department in relation to local roads projects for Lake County related to services performed by its employees and compensated by the local governments appears to constitute theft in violation of the Illinois Criminal Code (720 ILCS 5/16-1).
17. North Suburban's submission of false and misleading records to Lake County and the Department for the purpose of influencing in any way the action of Lake County in considering North Suburban's bid for the above local road projects appears to violate the Illinois Criminal Code (720 ILCS 5/33E-14).
18. North Suburban's submission of false records and material misrepresentations constitutes fraud, theft or other misconduct and offenses prohibited by law, whether or not any such misconduct or offense is in connection with a Department contract or any contract requiring Department approval, and demonstrates a lack of responsible business integrity and honesty. 44 Ill. Admin. Code §660.520(a).
19. North Suburban's submission of false records and material misrepresentations materially violates a rule or procurement procedure of the Department and demonstrates a lack of responsible business integrity and honesty. 44 Ill. Admin. Code §660.520(c).
20. North Suburban's submission of false and misleading records, material false statements and representations respecting the character, quality, quantity, or cost of any work performed in connection with a contract administered or supervised by the Department demonstrates a lack of responsible business integrity and honesty. 44 Ill. Admin. Code §660.520(d).

### INTERIM SUSPENSION

Pursuant to 44 Illinois Administrative Code, Section 660.530, I find that immediate action is necessary to safeguard the public interest in the solicitation, execution, administration and performance of public contracts. The reasons for the interim suspension are set forth in paragraphs (1) through (20) above. The interim period of suspension will continue for the duration of 120 days unless terminated sooner. The duration of the interim suspension may be extended pending completion of a hearing, if necessary. Therefore, until the completion of an investigation of the causes for suspension and hearing on the merits, if necessary, North Suburban is subject to an immediate suspension on all existing or pending contracts with the

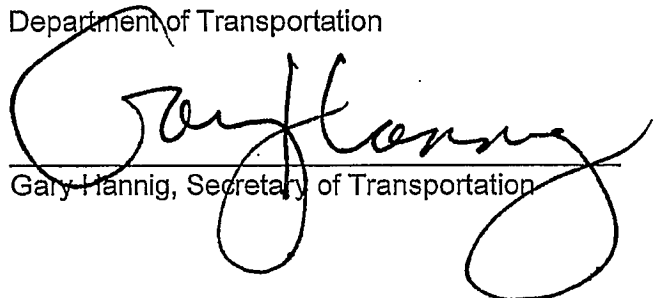
Department or subject to the approval of the Department. Further, North Suburban shall not be eligible for selection as a contractor, for approval as a subcontractor under prime contract proposals, or for approval in either capacity on a contract with the Department or subject to the approval of the Department during the period of interim suspension.

### RESPONDENT'S RIGHTS UNDER THE CODE

1. Any contractor receiving a notice of suspension may, within thirty (30) days after receipt of a notice, file an appearance and request for hearing. A contractor that does not file an appearance and request a hearing within the thirty (30) days after receipt shall be deemed to have waived any hearing and will be subject to immediate suspension. (44 Ill. Admin. Code 660.620)
2. A contractor receiving an interim suspension may, within thirty (30) days of a notice that imposes an interim suspension, submit, in person, in writing, or through a representative, information, documentation and argument in opposition to the interim suspension for the Secretary's consideration. 44 Ill. Admin. Code 660.620(b).
3. Upon receipt of an appearance and request for hearing, the Secretary will set the matter for a hearing within thirty (30) days, and notify the contractor of the place, time and date of the hearing and the designated hearing officer. (44 Ill. Admin. Code 660.630)
4. The contractor may file a written notice for disqualification of a Hearing Officer, setting forth reasons of personal bias or conflict of interest, within three (3) days after the appointment of the Hearing Officer. (44 Ill. Admin. Code 660.630)
5. The contractor may file a written answer to a notice not later than twenty (20) days prior to the hearing date, but shall not be required to file an answer. The answer may include affirmative defenses. (44 Ill. Admin. Code 660.640)
6. Notices shall be directed to Ellen Schanzle-Haskins, Office of Chief Counsel, 2300 S. Dirksen Parkway, Room 300, Springfield, IL 62764.

This Notice of Suspension and Interim Suspension is issued and served this 8<sup>th</sup> day of June 2011 at Springfield, Illinois.

Department of Transportation



Gary Hannig, Secretary of Transportation



Bill Grunloh, Chief Procurement Officer

Department Attorney: Ellen Schanzle-Haskins, Chief Counsel, Room 300  
Lance T. Jones, Deputy Chief Counsel  
2300 S. Dirksen Parkway, Room 313  
Springfield, IL 62764  
(217) 782-3215  
(217) 524-0823 - Fax