



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3689

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Expands what public-private agreements are exempt from the Code, and exempts leasing of clinical space and certain funds for collaborative clinical and academic programs from the Code. Re-enacts provisions of the Code concerning the applicability of the Code to artistic or musical services and to public institutions of higher education. Provides that the Executive Ethics Commission may (rather than shall) appoint procurement compliance monitors for certain terms. Makes changes to requirements for competitive sealed bidding and competitive sealed proposals. Increases the small purchase threshold and certain other thresholds to \$100,000. Requires contractors to be authorized to conduct business in Illinois at the time of contract execution (rather than at time of proposal or bid). Sets forth requirements for best value procurement. Includes public institutions of higher education in provisions concerning design-build contracts. In provisions concerning preferences for high-gas mileage vehicles, allows an exemption for vehicles based on intended use or other reasonable considerations, such as the health and safety of citizens. Repeals a provisions concerning the use of soybean oil-based inks. Makes other changes. Effective immediately.

LRB100 11251 MLM 21583 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 re-enacting Sections 1-12 and 1-13, by changing Sections 1-10,
6 1-15.20, 1-15.93, 1-15.107, 5-30, 10-15, 20-10, 20-15, 20-20,
7 20-43, 20-80, 20-160, 30-30, 35-30, 35-35, and 45-40 and by
8 adding Sections 1-12.1, 1-13.1, 1-15.47, 1-15.48, and 25-85 as
9 follows:

10 (30 ILCS 500/1-10)

11 Sec. 1-10. Application.

12 (a) This Code applies only to procurements for which
13 bidders, offerors, potential contractors, or contractors were
14 first solicited on or after July 1, 1998. This Code shall not
15 be construed to affect or impair any contract, or any provision
16 of a contract, entered into based on a solicitation prior to
17 the implementation date of this Code as described in Article
18 99, including but not limited to any covenant entered into with
19 respect to any revenue bonds or similar instruments. All
20 procurements for which contracts are solicited between the
21 effective date of Articles 50 and 99 and July 1, 1998 shall be
22 substantially in accordance with this Code and its intent.

23 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political
4 subdivisions or other governments, or between State
5 governmental bodies except as specifically provided in
6 this Code.

7 (2) Grants, except for the filing requirements of
8 Section 20-80.

9 (3) Purchase of care.

10 (4) Hiring of an individual as employee and not as an
11 independent contractor, whether pursuant to an employment
12 code or policy or by contract directly with that
13 individual.

14 (5) Collective bargaining contracts.

15 (6) Purchase of real estate, except that notice of this
16 type of contract with a value of more than \$25,000 must be
17 published in the Procurement Bulletin within 10 calendar
18 days after the deed is recorded in the county of
19 jurisdiction. The notice shall identify the real estate
20 purchased, the names of all parties to the contract, the
21 value of the contract, and the effective date of the
22 contract.

23 (7) Contracts necessary to prepare for anticipated
24 litigation, enforcement actions, or investigations,
25 provided that the chief legal counsel to the Governor shall
26 give his or her prior approval when the procuring agency is

1 one subject to the jurisdiction of the Governor, and
2 provided that the chief legal counsel of any other
3 procuring entity subject to this Code shall give his or her
4 prior approval when the procuring entity is not one subject
5 to the jurisdiction of the Governor.

6 (8) Contracts for services to Northern Illinois
7 University by a person, acting as an independent
8 contractor, who is qualified by education, experience, and
9 technical ability and is selected by negotiation for the
10 purpose of providing non-credit educational service
11 activities or products by means of specialized programs
12 offered by the university.

13 (9) Procurement expenditures by the Illinois
14 Conservation Foundation when only private funds are used.

15 (10) Procurement expenditures by the Illinois Health
16 Information Exchange Authority involving private funds
17 from the Health Information Exchange Fund. "Private funds"
18 means gifts, donations, and private grants.

19 (11) Public-private agreements entered into in
20 accordance with any law of this State ~~according to the~~
21 ~~procurement requirements of Section 20 of the~~
22 ~~Public Private Partnerships for Transportation Act and~~
23 ~~design-build agreements entered into according to the~~
24 ~~procurement requirements of Section 25 of the~~
25 ~~Public Private Partnerships for Transportation Act.~~

26 (12) Contracts for legal, financial, and other

1 professional and artistic services entered into on or
2 before December 31, 2018 by the Illinois Finance Authority
3 in which the State of Illinois is not obligated. Such
4 contracts shall be awarded through a competitive process
5 authorized by the Board of the Illinois Finance Authority
6 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
7 50-35, and 50-37 of this Code, as well as the final
8 approval by the Board of the Illinois Finance Authority of
9 the terms of the contract.

10 (13) The provisions of this paragraph (13), other than
11 this sentence, are inoperative on and after January 1, 2019
12 or 2 years after the effective date of this amendatory Act
13 of the 99th General Assembly, whichever is later. Contracts
14 for services, commodities, and equipment to support the
15 delivery of timely forensic science services in
16 consultation with and subject to the approval of the Chief
17 Procurement Officer as provided in subsection (d) of
18 Section 5-4-3a of the Unified Code of Corrections, except
19 for the requirements of Sections 20-60, 20-65, 20-70, and
20 20-160 and Article 50 of this Code; however, the Chief
21 Procurement Officer may, in writing with justification,
22 waive any certification required under Article 50 of this
23 Code. For any contracts for services which are currently
24 provided by members of a collective bargaining agreement,
25 the applicable terms of the collective bargaining
26 agreement concerning subcontracting shall be followed.

1 Notwithstanding any other provision of law, contracts
2 entered into under item (12) of this subsection (b) shall be
3 published in the Procurement Bulletin within 14 calendar days
4 after contract execution. The chief procurement officer shall
5 prescribe the form and content of the notice. The Illinois
6 Finance Authority shall provide the chief procurement officer,
7 on a monthly basis, in the form and content prescribed by the
8 chief procurement officer, a report of contracts that are
9 related to the procurement of goods and services identified in
10 item (12) of this subsection (b). At a minimum, this report
11 shall include the name of the contractor, a description of the
12 supply or service provided, the total amount of the contract,
13 the term of the contract, and the exception to the Code
14 utilized. A copy of each of these contracts shall be made
15 available to the chief procurement officer immediately upon
16 request. The chief procurement officer shall submit a report to
17 the Governor and General Assembly no later than November 1 of
18 each year that shall include, at a minimum, an annual summary
19 of the monthly information reported to the chief procurement
20 officer.

21 (c) This Code does not apply to the electric power
22 procurement process provided for under Section 1-75 of the
23 Illinois Power Agency Act and Section 16-111.5 of the Public
24 Utilities Act.

25 (d) Except for Section 20-160 and Article 50 of this Code,
26 and as expressly required by Section 9.1 of the Illinois

1 Lottery Law, the provisions of this Code do not apply to the
2 procurement process provided for under Section 9.1 of the
3 Illinois Lottery Law.

4 (e) This Code does not apply to the process used by the
5 Capital Development Board to retain a person or entity to
6 assist the Capital Development Board with its duties related to
7 the determination of costs of a clean coal SNG brownfield
8 facility, as defined by Section 1-10 of the Illinois Power
9 Agency Act, as required in subsection (h-3) of Section 9-220 of
10 the Public Utilities Act, including calculating the range of
11 capital costs, the range of operating and maintenance costs, or
12 the sequestration costs or monitoring the construction of clean
13 coal SNG brownfield facility for the full duration of
14 construction.

15 (f) This Code does not apply to the process used by the
16 Illinois Power Agency to retain a mediator to mediate sourcing
17 agreement disputes between gas utilities and the clean coal SNG
18 brownfield facility, as defined in Section 1-10 of the Illinois
19 Power Agency Act, as required under subsection (h-1) of Section
20 9-220 of the Public Utilities Act.

21 (g) This Code does not apply to the processes used by the
22 Illinois Power Agency to retain a mediator to mediate contract
23 disputes between gas utilities and the clean coal SNG facility
24 and to retain an expert to assist in the review of contracts
25 under subsection (h) of Section 9-220 of the Public Utilities
26 Act. This Code does not apply to the process used by the

1 Illinois Commerce Commission to retain an expert to assist in
2 determining the actual incurred costs of the clean coal SNG
3 facility and the reasonableness of those costs as required
4 under subsection (h) of Section 9-220 of the Public Utilities
5 Act.

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

9 (i) Each chief procurement officer may access records
10 necessary to review whether a contract, purchase, or other
11 expenditure is or is not subject to the provisions of this
12 Code, unless such records would be subject to attorney-client
13 privilege.

14 (j) This Code does not apply to the process used by the
15 Capital Development Board to retain an artist or work or works
16 of art as required in Section 14 of the Capital Development
17 Board Act.

18 (k) This Code does not apply to the process to procure
19 contracts, or contracts entered into, by the State Board of
20 Elections or the State Electoral Board for hearing officers
21 appointed pursuant to the Election Code.

22 (l) This Code does not apply to leases of clinical space by
23 public institutions of higher education for uses related
24 scientific and medical research.

25 (m) This Code does not apply to services required by
26 academic partners of public institutions of higher education

1 where funds for services are required by the academic partners
2 in order to fund collaborative clinical and academic programs
3 in support of the public institution of higher education.

4 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
5 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
6 1-1-15; 99-801, eff. 1-1-17.)

7 (30 ILCS 500/1-12)

8 (Section scheduled to be repealed on December 31, 2016)

9 Sec. 1-12. Applicability to artistic or musical services.

10 (a) This Code shall not apply to procurement expenditures
11 necessary to provide artistic or musical services,
12 performances, or theatrical productions held at a venue
13 operated or leased by a State agency.

14 (b) Notice of each contract entered into by a State agency
15 that is related to the procurement of goods and services
16 identified in this Section shall be published in the Illinois
17 Procurement Bulletin within 14 calendar days after contract
18 execution. The chief procurement officer shall prescribe the
19 form and content of the notice. Each State agency shall provide
20 the chief procurement officer, on a monthly basis, in the form
21 and content prescribed by the chief procurement officer, a
22 report of contracts that are related to the procurement of
23 goods and services identified in this Section. At a minimum,
24 this report shall include the name of the contractor, a
25 description of the supply or service provided, the total amount

1 of the contract, the term of the contract, and the exception to
2 the Code utilized. A copy of any or all of these contracts
3 shall be made available to the chief procurement officer
4 immediately upon request. The chief procurement officer shall
5 submit a report to the Governor and General Assembly no later
6 than November 1 of each year that shall include, at a minimum,
7 an annual summary of the monthly information reported to the
8 chief procurement officer.

9 (c) (Blank). ~~This Section is repealed December 31, 2016.~~

10 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/1-12.1 new)

12 Sec. 1-12.1. Continuation of Section 1-12 of this Code;
13 validation.

14 (a) The General Assembly finds and declares that:

15 (1) This amendatory Act of the 100th General Assembly
16 manifests the intention of the General Assembly to remove
17 the repeal of Section 1-12 of this Code.

18 (2) Section 1-12 of this Code was originally enacted to
19 protect, promote, and preserve the general welfare. Any
20 construction of Section 1-12 of this Code that results in
21 the repeal of that Section on December 31, 2016 would be
22 inconsistent with the manifest intent of the General
23 Assembly and repugnant to the context of this Code.

24 (b) It is hereby declared to have been the intent of the
25 General Assembly that Section 1-12 of this Code not be subject

1 to repeal on December 31, 2016.

2 (c) Section 1-12 of this Code shall be deemed to have been
3 in continuous effect since August 3, 2012 (the effective date
4 of Public Act 97-895), and it shall continue to be in effect
5 henceforward until it is otherwise lawfully repealed. All
6 previously enacted amendments to Section 1-12 of this Code
7 taking effect on or after December 31, 2016, are hereby
8 validated.

9 (d) All actions taken in reliance on or pursuant to Section
10 1-12 of this Code in the procurement of artistic or musical
11 services are hereby validated.

12 (e) In order to ensure the continuing effectiveness of
13 Section 1-12 of this Code, it is set forth in full and
14 re-enacted by this amendatory Act of the 100th General
15 Assembly. This re-enactment is intended as a continuation of
16 that Section. It is not intended to supersede any amendment to
17 that Section that is enacted by the 100th General Assembly.

18 (f) In this amendatory Act of the 100th General Assembly,
19 the base text of the reenacted Section is set forth as amended
20 by Public Act 98-1076. Striking and underscoring is used only
21 to show changes being made to the base text.

22 (g) Section 1-12 of this Code applies to all procurements
23 made on or before the effective date of this amendatory Act of
24 the 100th General Assembly.

1 (Section scheduled to be repealed on December 31, 2016)

2 Sec. 1-13. Applicability to public institutions of higher
3 education.

4 (a) This Code shall apply to public institutions of higher
5 education, regardless of the source of the funds with which
6 contracts are paid, except as provided in this Section.

7 (b) Except as provided in this Section, this Code shall not
8 apply to procurements made by or on behalf of public
9 institutions of higher education for any of the following:

10 (1) Memberships in professional, academic, research,
11 or athletic organizations on behalf of a public institution
12 of higher education, an employee of a public institution of
13 higher education, or a student at a public institution of
14 higher education.

15 (2) Procurement expenditures for events or activities
16 paid for exclusively by revenues generated by the event or
17 activity, gifts or donations for the event or activity,
18 private grants, or any combination thereof.

19 (3) Procurement expenditures for events or activities
20 for which the use of specific potential contractors is
21 mandated or identified by the sponsor of the event or
22 activity, provided that the sponsor is providing a majority
23 of the funding for the event or activity.

24 (4) Procurement expenditures necessary to provide
25 athletic, artistic or musical services, performances,
26 events, or productions ~~held at a venue operated by~~ or for a

1 public institution of higher education.

2 (5) Procurement expenditures for periodicals ~~and~~
3 books, subscriptions, database licenses, and other
4 publications procured for use by a university library or
5 academic department, except for expenditures related to
6 procuring textbooks for student use or materials for resale
7 or rental.

8 (6) Procurement expenditures for placement of students
9 in externships, practicums, field experiences, and for
10 medical residencies and rotations.

11 (7) Contracts for programming and broadcast license
12 rights for university-operated radio and television
13 stations.

14 (8) Procurement expenditures necessary to perform
15 sponsored research and other sponsored activities under
16 grants and contracts funded by the sponsor or by sources
17 other than State appropriations.

18 (9) Contracts with a foreign entity for research or
19 educational activities, provided that the foreign entity
20 either does not maintain an office in the United States or
21 is the sole source of the service or product.

22 (10) Procurement of food items for commercial resale on
23 the campus of or at a facility controlled by an institution
24 of higher education.

25 Notice of each contract entered into by a public institution of
26 higher education that is related to the procurement of goods

1 and services identified in items (1) through (10) ~~(7)~~ of this
2 subsection shall be published in the Procurement Bulletin
3 within 14 calendar days after contract execution. The Chief
4 Procurement Officer shall prescribe the form and content of the
5 notice. Each public institution of higher education shall
6 provide the Chief Procurement Officer, on a monthly basis, in
7 the form and content prescribed by the Chief Procurement
8 Officer, a report of contracts that are related to the
9 procurement of goods and services identified in this
10 subsection. At a minimum, this report shall include the name of
11 the contractor, a description of the supply or service
12 provided, the total amount of the contract, the term of the
13 contract, and the exception to the Code utilized. A copy of any
14 or all of these contracts shall be made available to the Chief
15 Procurement Officer immediately upon request. The Chief
16 Procurement Officer shall submit a report to the Governor and
17 General Assembly no later than November 1 of each year that
18 shall include, at a minimum, an annual summary of the monthly
19 information reported to the Chief Procurement Officer.

20 (b-5) Except as provided in this subsection, the provisions
21 of this Code shall not apply to contracts for medical
22 ~~FDA-regulated~~ supplies, and to contracts for medical services
23 necessary for the delivery of care and treatment at medical,
24 dental, or veterinary teaching facilities utilized by Southern
25 Illinois University or the University of Illinois and at any
26 university-operated health care center or dispensary that

1 provides care, treatment, and medications for students,
2 faculty and staff. Other supplies and services needed for these
3 teaching facilities shall be subject to the jurisdiction of the
4 Chief Procurement Officer for Public Institutions of Higher
5 Education who may establish expedited procurement procedures
6 and may waive or modify certification, contract, hearing,
7 process and registration requirements required by the Code. All
8 procurements made under this subsection shall be documented and
9 may require publication in the Illinois Procurement Bulletin.

10 (c) Procurements made by or on behalf of public
11 institutions of higher education for any of the following shall
12 be made in accordance with the requirements of this Code to the
13 extent practical as provided in this subsection:

14 (1) Contracts with a foreign entity necessary for
15 research or educational activities, provided that the
16 foreign entity either does not maintain an office in the
17 United States or is the sole source of the service or
18 product.

19 (2) (Blank).

20 (3) (Blank).

21 (4) Procurements required for fulfillment of a grant.

22 Upon the written request of a public institution of higher
23 education, the Chief Procurement Officer may waive
24 registration, certification, and hearing requirements of this
25 Code if, based on the item to be procured or the terms of a
26 grant, compliance is impractical. The public institution of

1 higher education shall provide the Chief Procurement Officer
2 with specific reasons for the waiver, including the necessity
3 of contracting with a particular potential contractor, and
4 shall certify that an effort was made in good faith to comply
5 with the provisions of this Code. The Chief Procurement Officer
6 shall provide written justification for any waivers. By
7 November 1 of each year, the Chief Procurement Officer shall
8 file a report with the General Assembly identifying each
9 contract approved with waivers and providing the justification
10 given for any waivers for each of those contracts. Notice of
11 each waiver made under this subsection shall be published in
12 the Procurement Bulletin within 14 calendar days after contract
13 execution. The Chief Procurement Officer shall prescribe the
14 form and content of the notice.

15 (d) Notwithstanding this Section, a waiver of the
16 registration requirements of Section 20-160 does not permit a
17 business entity and any affiliated entities or affiliated
18 persons to make campaign contributions if otherwise prohibited
19 by Section 50-37. The total amount of contracts awarded in
20 accordance with this Section shall be included in determining
21 the aggregate amount of contracts or pending bids of a business
22 entity and any affiliated entities or affiliated persons.

23 (e) Notwithstanding subsection (e) of Section 50-10.5 of
24 this Code, the Chief Procurement Officer, with the approval of
25 the Executive Ethics Commission, may permit a public
26 institution of higher education to accept a bid or enter into a

1 contract with a business that assisted the public institution
2 of higher education in determining whether there is a need for
3 a contract or assisted in reviewing, drafting, or preparing
4 documents related to a bid or contract, provided that the bid
5 or contract is essential to research administered by the public
6 institution of higher education and it is in the best interest
7 of the public institution of higher education to accept the bid
8 or contract. For purposes of this subsection, "business"
9 includes all individuals with whom a business is affiliated,
10 including, but not limited to, any officer, agent, employee,
11 consultant, independent contractor, director, partner,
12 manager, or shareholder of a business. The Executive Ethics
13 Commission may promulgate rules and regulations for the
14 implementation and administration of the provisions of this
15 subsection (e).

16 (f) As used in this Section:

17 "Grant" means non-appropriated funding provided by a
18 federal or private entity to support a project or program
19 administered by a public institution of higher education and
20 any non-appropriated funding provided to a sub-recipient of the
21 grant.

22 "Public institution of higher education" means Chicago
23 State University, Eastern Illinois University, Governors State
24 University, Illinois State University, Northeastern Illinois
25 University, Northern Illinois University, Southern Illinois
26 University, University of Illinois, Western Illinois

1 University, and, for purposes of this Code only, the Illinois
2 Mathematics and Science Academy.

3 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~
4 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;
5 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/1-13.1 new)
7 Sec. 1-13.1. Continuation of Section 1-13 of this Code;
8 validation.

9 (a) The General Assembly finds and declares that:

10 (1) Public Act 98-1076, which took effect on January 1,
11 2015, changed the repeal date set for Section 1-13 of this
12 Code from December 31, 2014 to December 31, 2016.

13 (2) The Statute on Statutes sets forth general rules on
14 the repeal of statutes and the construction of multiple
15 amendments, but Section 1 of that Act also states that
16 these rules will not be observed when the result would be
17 "inconsistent with the manifest intent of the General
18 Assembly or repugnant to the context of the statute".

19 (3) This amendatory Act of the 100th General Assembly
20 manifests the intention of the General Assembly to remove
21 the repeal of Section 1-13 of this Code.

22 (4) Section 1-13 of this Code was originally enacted to
23 protect, promote, and preserve the general welfare. Any
24 construction of Section 1-13 of this Code that results in
25 the repeal of that Section on December 31, 2014 would be

1 inconsistent with the manifest intent of the General
2 Assembly and repugnant to the context of this Code.

3 (b) It is hereby declared to have been the intent of the
4 General Assembly that Section 1-13 of this Code not be subject
5 to repeal on December 31, 2014.

6 (c) Section 1-13 of this Code shall be deemed to have been
7 in continuous effect since December 20, 2011 (the effective
8 date of Public Act 97-643), and it shall continue to be in
9 effect henceforward until it is otherwise lawfully repealed.
10 All previously enacted amendments to Section 1-13 of this Code
11 taking effect on or after December 31, 2014, are hereby
12 validated.

13 (d) All actions taken in reliance on or pursuant to Section
14 1-13 of this Code by any public institution of higher
15 education, person, or entity are hereby validated.

16 (e) In order to ensure the continuing effectiveness of
17 Section 1-13 of this Code, it is set forth in full and
18 re-enacted by this amendatory Act of the 100th General
19 Assembly. This re-enactment is intended as a continuation of
20 that Section. It is not intended to supersede any amendment to
21 that Section that is enacted by the 100th General Assembly.

22 (f) In this amendatory Act of the 100th General Assembly,
23 the base text of the reenacted Section is set forth as amended
24 by Public Act 98-1076. Striking and underscoring is used only
25 to show changes being made to the base text. In this instance,
26 no underscoring or striking is shown in the base text because

1 no additional changes are being made.

2 (g) Section 1-13 of this Code applies to all procurements
3 made on or before the effective date of this amendatory Act of
4 the 100th General Assembly.

5 (30 ILCS 500/1-15.20)

6 Sec. 1-15.20. Construction, ~~and~~ construction-related
7 services, and construction support services. "Construction"
8 means building, altering, repairing, improving, or demolishing
9 any public structure or building, or making improvements of any
10 kind to public real property. Construction does not include the
11 routine operation, routine repair, or routine maintenance of
12 existing structures, buildings, or real property.

13 "Construction-related services" means those services
14 including construction design, layout, inspection, support,
15 feasibility or location study, research, development,
16 planning, or other investigative study undertaken by a
17 construction agency concerning construction or potential
18 construction.

19 "Construction support" means all equipment, supplies, and
20 services that are necessary to the operation of a construction
21 agency's construction program. "Construction support" does not
22 include construction-related services.

23 (Source: P.A. 90-572, eff. 2-6-98.)

24 (30 ILCS 500/1-15.47 new)

1 Sec. 1-15.47. Master contract. "Master contract" means a
2 definite quantity, indefinite quantity, or requirements
3 contract awarded in accordance with this Code, against which
4 subsequent orders may be placed to meet the needs of a State
5 purchasing entity. A master contract may be for use by a single
6 State purchasing entity or for multiple State purchasing
7 entities and other entities as authorized under the
8 Governmental Joint Purchasing Act.

9 (30 ILCS 500/1-15.48 new)

10 Sec. 1-15.48. Multiple award. "Multiple award" means an
11 award that is made to 2 or more bidders or offerors for similar
12 supplies, services, or construction-related services.

13 (30 ILCS 500/1-15.93)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 1-15.93. Single prime. "Single prime" means the
16 design-bid-build procurement delivery method for a building
17 construction project in which the Capital Development Board or
18 a public institution of higher education is the construction
19 agency procuring 2 or more subdivisions of work enumerated in
20 paragraphs (1) through (5) of subsection (a) of Section 30-30
21 of this Code under a single contract. This Section is repealed
22 on January 1, 2020.

23 (Source: P.A. 99-257, eff. 8-4-15.)

1 (30 ILCS 500/1-15.107)

2 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
3 between a person and a person who has a contract subject to
4 this Code, pursuant to which the subcontractor provides to the
5 contractor, or, if the contract price exceeds \$100,000 ~~\$50,000~~,
6 another subcontractor, some or all of the goods, services, real
7 property, remuneration, or other monetary forms of
8 consideration that are the subject of the primary contract and
9 includes, among other things, subleases from a lessee of a
10 State agency. For purposes of this Code, a "subcontract" does
11 not include purchases of goods or supplies that are incidental
12 to the performance of a contract by a person who has a contract
13 subject to this Code.

14 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

15 (30 ILCS 500/5-30)

16 Sec. 5-30. Proposed contracts; Procurement Policy Board.

17 (a) Except as provided in subsection (c), within 14 ~~30~~
18 calendar days after notice of the awarding or letting of a
19 contract has appeared in the Procurement Bulletin in accordance
20 with subsection (b) of Section 15-25, the Board may request in
21 writing from the contracting agency and the contracting agency
22 shall promptly, but in no event later than 7 calendar days
23 after receipt of the request, provide to the Board, by
24 electronic or other means satisfactory to the Board,
25 documentation in the possession of the contracting agency

1 concerning the proposed contract. Nothing in this subsection is
2 intended to waive or abrogate any privilege or right of
3 confidentiality authorized by law.

4 (b) No contract subject to this Section may be entered into
5 until the 14-day ~~30-day~~ period described in subsection (a) has
6 expired, unless the contracting agency requests in writing that
7 the Board waive the period and the Board grants the waiver in
8 writing.

9 (c) This Section does not apply to (i) contracts entered
10 into under this Code for small and emergency procurements as
11 those procurements are defined in Article 20 and (ii) contracts
12 for professional and artistic services that are nonrenewable,
13 one year or less in duration, and have a value of less than
14 \$20,000. If requested in writing by the Board, however, the
15 contracting agency must promptly, but in no event later than 10
16 calendar days after receipt of the request, transmit to the
17 Board a copy of the contract for an emergency procurement and
18 documentation in the possession of the contracting agency
19 concerning the contract.

20 (Source: P.A. 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/10-15)

22 Sec. 10-15. Procurement compliance monitors.

23 (a) The Executive Ethics Commission may ~~shall~~ appoint
24 procurement compliance monitors to oversee and review the
25 procurement processes. Each procurement compliance monitor

1 shall serve a term of 5 years beginning on the date of the
2 officer's appointment. Each procurement compliance monitor
3 appointed pursuant to this Section and serving a 5-year term on
4 the effective date of this amendatory Act of the 100th General
5 Assembly shall ~~have an office located in the State agency that~~
6 ~~the monitor serves but shall~~ report to and serve at the
7 discretion of a ~~the appropriate~~ chief procurement officer in
8 the performance of procurement-related duties until the
9 expiration of the monitor's term. The compliance monitor shall
10 have direct communications with the executive officer of a
11 State agency in exercising duties. A procurement compliance
12 monitor may be removed only for cause after a hearing by the
13 Executive Ethics Commission. The appropriate chief procurement
14 officer or executive officer of the State agency housing the
15 procurement compliance monitor may institute a complaint
16 against the procurement compliance monitor with the Commission
17 and the Commission shall hold a public hearing based on the
18 complaint. The procurement compliance monitor, State
19 purchasing officer, appropriate chief procurement officer, and
20 executive officer of the State agency shall receive notice of
21 the hearing and shall be permitted to present their respective
22 arguments on the complaint. After the hearing, the Commission
23 shall determine whether the procurement compliance monitor
24 shall be removed. The salary of a procurement compliance
25 monitor shall be established by the Executive Ethics Commission
26 and may not be diminished during the officer's term.

1 (b) The procurement compliance monitor shall: (i) review
2 any procurement, contract, or contract amendment as directed by
3 the Executive Ethics Commission or a chief procurement officer;
4 and (ii) report any findings of the review, in writing, to the
5 Commission, the affected agency, the chief procurement officer
6 responsible for the affected agency, and any entity requesting
7 the review. The procurement compliance monitor may: (i) review
8 each contract or contract amendment prior to execution to
9 ensure that applicable procurement and contracting standards
10 were followed; (ii) attend any procurement meetings; (iii)
11 access any records or files related to procurement; (iv) issue
12 reports to the chief procurement officer on procurement issues
13 that present issues or that have not been corrected after
14 consultation with appropriate State officials; (v) ensure the
15 State agency is maintaining appropriate records; and (vi)
16 ensure transparency of the procurement process.

17 (c) If the procurement compliance monitor is aware of
18 misconduct, waste, or inefficiency with respect to State
19 procurement, the procurement compliance monitor shall advise
20 the State agency of the issue in writing. If the State agency
21 does not correct the issue, the monitor shall report the
22 problem, in writing, to the chief procurement officer and
23 Inspector General.

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
25 for the effective date of changes made by P.A. 96-795); 97-895,
26 eff. 8-3-12.)

1 (30 ILCS 500/20-10)

2 (Text of Section before amendment by P.A. 99-906)

3 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
4 and 98-1076)

5 Sec. 20-10. Competitive sealed bidding; reverse auction.

6 (a) Conditions for use. All contracts shall be awarded by
7 competitive sealed bidding except as otherwise provided in
8 Section 20-5.

9 (b) Invitation for bids. An invitation for bids shall be
10 issued and shall include a purchase description and the
11 material contractual terms and conditions applicable to the
12 procurement.

13 (c) Public notice. Public notice of the invitation for bids
14 shall be published in the Illinois Procurement Bulletin at
15 least 14 calendar days before the date set in the invitation
16 for the opening of bids.

17 (d) Bid opening. Bids shall be opened publicly in the
18 presence of one or more witnesses at the time and place
19 designated in the invitation for bids. The name of each bidder,
20 the amount of each bid, and other relevant information as may
21 be specified by rule shall be recorded. After the award of the
22 contract, the winning bid and the record of each unsuccessful
23 bid shall be open to public inspection.

24 (e) Bid acceptance and bid evaluation. Bids shall be
25 unconditionally accepted without alteration or correction,

1 except as authorized in this Code. Bids shall be evaluated
2 based on the requirements set forth in the invitation for bids,
3 which may include criteria to determine acceptability such as
4 inspection, testing, quality, workmanship, delivery, and
5 suitability for a particular purpose. Those criteria that will
6 affect the bid price and be considered in evaluation for award,
7 such as discounts, transportation costs, and total or life
8 cycle costs, shall be objectively measurable. The invitation
9 for bids shall set forth the evaluation criteria to be used.

10 (f) Correction or withdrawal of bids. Correction or
11 withdrawal of inadvertently erroneous bids before or after
12 award, or cancellation of awards of contracts based on bid
13 mistakes, shall be permitted in accordance with rules. After
14 bid opening, no changes in bid prices or other provisions of
15 bids prejudicial to the interest of the State or fair
16 competition shall be permitted. All decisions to permit the
17 correction or withdrawal of bids based on bid mistakes shall be
18 supported by written determination made by a State purchasing
19 officer.

20 (g) Award. The contract shall be awarded with reasonable
21 promptness by written notice to the lowest responsible and
22 responsive bidder whose bid meets the requirements and criteria
23 set forth in the invitation for bids, except when a State
24 purchasing officer determines it is not in the best interest of
25 the State and by written explanation determines another bidder
26 shall receive the award. The explanation shall appear in the

1 appropriate volume of the Illinois Procurement Bulletin. The
2 written explanation must include:

- 3 (1) a description of the agency's needs;
- 4 (2) a determination that the anticipated cost will be
5 fair and reasonable;
- 6 (3) a listing of all responsible and responsive
7 bidders; and
- 8 (4) the name of the bidder selected, the total contract
9 price, and the reasons for selecting that bidder.

10 When a multiple award is contemplated, the solicitation
11 shall identify the award criteria and a detailed method of
12 selecting from among the multiple awardees.

13 Each chief procurement officer may adopt guidelines to
14 implement the requirements of this subsection (g).

15 The written explanation shall be filed with the Legislative
16 Audit Commission and the Procurement Policy Board, and be made
17 available for inspection by the public, within 30 calendar days
18 after the agency's decision to award the contract.

19 (h) Multi-step sealed bidding. When it is considered
20 impracticable to initially prepare a purchase description to
21 support an award based on price, an invitation for bids may be
22 issued requesting the submission of unpriced offers to be
23 followed by written requests for sealed quotes with pricing to
24 meet the need and ~~an invitation for bids~~ limited to the pool of
25 ~~those~~ bidders whose offers have been qualified under the
26 criteria set forth in the first solicitation. An award shall be

1 made to the responsible vendor with the lowest priced quote
2 meeting the needs of the State agency as needs are determined
3 by the State agency.

4 (i) Alternative procedures. Notwithstanding any other
5 provision of this Act to the contrary, the Director of the
6 Illinois Power Agency may create alternative bidding
7 procedures to be used in procuring professional services under
8 subsection (a) of Section 1-75 and subsection (d) of Section
9 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
10 of the Public Utilities Act and to procure renewable energy
11 resources under Section 1-56 of the Illinois Power Agency Act.
12 These alternative procedures shall be set forth together with
13 the other criteria contained in the invitation for bids, and
14 shall appear in the appropriate volume of the Illinois
15 Procurement Bulletin.

16 (j) Reverse auction. Notwithstanding any other provision
17 of this Section and in accordance with rules adopted by the
18 chief procurement officer, that chief procurement officer may
19 procure supplies or services through a competitive electronic
20 auction bidding process after the chief procurement officer
21 determines that the use of such a process will be in the best
22 interest of the State. The chief procurement officer shall
23 publish that determination in his or her next volume of the
24 Illinois Procurement Bulletin.

25 An invitation for bids shall be issued and shall include
26 (i) a procurement description, (ii) all contractual terms,

1 whenever practical, and (iii) conditions applicable to the
2 procurement, including a notice that bids will be received in
3 an electronic auction manner.

4 Public notice of the invitation for bids shall be given in
5 the same manner as provided in subsection (c).

6 Bids shall be accepted electronically at the time and in
7 the manner designated in the invitation for bids. During the
8 auction, a bidder's price shall be disclosed to other bidders.
9 Bidders shall have the opportunity to reduce their bid prices
10 during the auction. At the conclusion of the auction, the
11 record of the bid prices received and the name of each bidder
12 shall be open to public inspection.

13 After the auction period has terminated, withdrawal of bids
14 shall be permitted as provided in subsection (f).

15 The contract shall be awarded within 60 calendar days after
16 the auction by written notice to the lowest responsible bidder,
17 or all bids shall be rejected except as otherwise provided in
18 this Code. Extensions of the date for the award may be made by
19 mutual written consent of the State purchasing officer and the
20 lowest responsible bidder.

21 This subsection does not apply to (i) procurements of
22 professional and artistic services, (ii) telecommunications
23 services, communication services, and information services,
24 and (iii) contracts for construction projects, including
25 design professional services.

26 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;

1 98-1076, eff. 1-1-15.)

2 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
3 and 98-1076)

4 Sec. 20-10. Competitive sealed bidding; reverse auction.

5 (a) Conditions for use. All contracts shall be awarded by
6 competitive sealed bidding except as otherwise provided in
7 Section 20-5.

8 (b) Invitation for bids. An invitation for bids shall be
9 issued and shall include a purchase description and the
10 material contractual terms and conditions applicable to the
11 procurement.

12 (c) Public notice. Public notice of the invitation for bids
13 shall be published in the Illinois Procurement Bulletin at
14 least 14 calendar days before the date set in the invitation
15 for the opening of bids.

16 (d) Bid opening. Bids shall be opened publicly in the
17 presence of one or more witnesses at the time and place
18 designated in the invitation for bids. The name of each bidder,
19 the amount of each bid, and other relevant information as may
20 be specified by rule shall be recorded. After the award of the
21 contract, the winning bid and the record of each unsuccessful
22 bid shall be open to public inspection.

23 (e) Bid acceptance and bid evaluation. Bids shall be
24 unconditionally accepted without alteration or correction,
25 except as authorized in this Code. Bids shall be evaluated

1 based on the requirements set forth in the invitation for bids,
2 which may include criteria to determine acceptability such as
3 inspection, testing, quality, workmanship, delivery, and
4 suitability for a particular purpose. Those criteria that will
5 affect the bid price and be considered in evaluation for award,
6 such as discounts, transportation costs, and total or life
7 cycle costs, shall be objectively measurable. The invitation
8 for bids shall set forth the evaluation criteria to be used.

9 (f) Correction or withdrawal of bids. Correction or
10 withdrawal of inadvertently erroneous bids before or after
11 award, or cancellation of awards of contracts based on bid
12 mistakes, shall be permitted in accordance with rules. After
13 bid opening, no changes in bid prices or other provisions of
14 bids prejudicial to the interest of the State or fair
15 competition shall be permitted. All decisions to permit the
16 correction or withdrawal of bids based on bid mistakes shall be
17 supported by written determination made by a State purchasing
18 officer.

19 (g) Award. The contract shall be awarded with reasonable
20 promptness by written notice to the lowest responsible and
21 responsive bidder whose bid meets the requirements and criteria
22 set forth in the invitation for bids, except when a State
23 purchasing officer determines it is not in the best interest of
24 the State and by written explanation determines another bidder
25 shall receive the award. The explanation shall appear in the
26 appropriate volume of the Illinois Procurement Bulletin. The

1 written explanation must include:

2 (1) a description of the agency's needs;

3 (2) a determination that the anticipated cost will be
4 fair and reasonable;

5 (3) a listing of all responsible and responsive
6 bidders; and

7 (4) the name of the bidder selected, the total contract
8 price, and the reasons for selecting that bidder.

9 When a multiple award is contemplated, the solicitation
10 shall identify the award criteria and a detailed method of
11 selecting from among the multiple awardees.

12 Each chief procurement officer may adopt guidelines to
13 implement the requirements of this subsection (g).

14 The written explanation shall be filed with the Legislative
15 Audit Commission and the Procurement Policy Board, and be made
16 available for inspection by the public, within 30 days after
17 the agency's decision to award the contract.

18 (h) Multi-step sealed bidding. When it is considered
19 impracticable to initially prepare a purchase description to
20 support an award based on price, an invitation for bids may be
21 issued requesting the submission of unpriced offers to be
22 followed by written requests for sealed quotes with pricing to
23 meet the need and ~~an invitation for bids~~ limited to the pool of
24 ~~those~~ bidders whose offers have been qualified under the
25 criteria set forth in the first solicitation. An award shall be
26 made to the responsible vendor with the lowest priced quote

1 meeting the needs of the State agency as needs are determined
2 by the State agency.

3 (i) Alternative procedures. Notwithstanding any other
4 provision of this Act to the contrary, the Director of the
5 Illinois Power Agency may create alternative bidding
6 procedures to be used in procuring professional services under
7 subsection (a) of Section 1-75 and subsection (d) of Section
8 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
9 of the Public Utilities Act and to procure renewable energy
10 resources under Section 1-56 of the Illinois Power Agency Act.
11 These alternative procedures shall be set forth together with
12 the other criteria contained in the invitation for bids, and
13 shall appear in the appropriate volume of the Illinois
14 Procurement Bulletin.

15 (j) Reverse auction. Notwithstanding any other provision
16 of this Section and in accordance with rules adopted by the
17 chief procurement officer, that chief procurement officer may
18 procure supplies or services through a competitive electronic
19 auction bidding process after the chief procurement officer
20 determines that the use of such a process will be in the best
21 interest of the State. The chief procurement officer shall
22 publish that determination in his or her next volume of the
23 Illinois Procurement Bulletin.

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25 (i) a procurement description, (ii) all contractual terms,
26 whenever practical, and (iii) conditions applicable to the

1 procurement, including a notice that bids will be received in
2 an electronic auction manner.

3 Public notice of the invitation for bids shall be given in
4 the same manner as provided in subsection (c).

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6 the manner designated in the invitation for bids. During the
7 auction, a bidder's price shall be disclosed to other bidders.
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10 record of the bid prices received and the name of each bidder
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12 After the auction period has terminated, withdrawal of bids
13 shall be permitted as provided in subsection (f).

14 The contract shall be awarded within 60 calendar days after
15 the auction by written notice to the lowest responsible bidder,
16 or all bids shall be rejected except as otherwise provided in
17 this Code. Extensions of the date for the award may be made by
18 mutual written consent of the State purchasing officer and the
19 lowest responsible bidder.

20 This subsection does not apply to (i) procurements of
21 professional and artistic services, (ii) telecommunications
22 services, communication services, and information services,
23 and (iii) contracts for construction projects, including
24 design professional services.

25 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
26 98-1076, eff. 1-1-15.)

1 (Text of Section after amendment by P.A. 99-906)

2 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
3 98-1076, and 99-906)

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6 competitive sealed bidding except as otherwise provided in
7 Section 20-5.

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9 issued and shall include a purchase description and the
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20 promptness by written notice to the lowest responsible and
21 responsive bidder whose bid meets the requirements and criteria
22 set forth in the invitation for bids, except when a State
23 purchasing officer determines it is not in the best interest of
24 the State and by written explanation determines another bidder
25 shall receive the award. The explanation shall appear in the
26 appropriate volume of the Illinois Procurement Bulletin. The

1 written explanation must include:

2 (1) a description of the agency's needs;

3 (2) a determination that the anticipated cost will be
4 fair and reasonable;

5 (3) a listing of all responsible and responsive
6 bidders; and

7 (4) the name of the bidder selected, the total contract
8 price, and the reasons for selecting that bidder.

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10 shall identify the award criteria and a detailed method of
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13 implement the requirements of this subsection (g).

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15 Audit Commission and the Procurement Policy Board, and be made
16 available for inspection by the public, within 30 calendar days
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22 followed by written requests for sealed quotes with pricing to
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25 criteria set forth in the first solicitation. An award shall be
26 made to the responsible vendor with the lowest priced quote

1 meeting the needs of the State agency as needs are determined
2 by the State agency.

3 (i) Alternative procedures. Notwithstanding any other
4 provision of this Act to the contrary, the Director of the
5 Illinois Power Agency may create alternative bidding
6 procedures to be used in procuring professional services under
7 Section 1-56, subsections (a) and (c) of Section 1-75 and
8 subsection (d) of Section 1-78 of the Illinois Power Agency Act
9 and Section 16-111.5(c) of the Public Utilities Act and to
10 procure renewable energy resources under Section 1-56 of the
11 Illinois Power Agency Act. These alternative procedures shall
12 be set forth together with the other criteria contained in the
13 invitation for bids, and shall appear in the appropriate volume
14 of the Illinois Procurement Bulletin.

15 (j) Reverse auction. Notwithstanding any other provision
16 of this Section and in accordance with rules adopted by the
17 chief procurement officer, that chief procurement officer may
18 procure supplies or services through a competitive electronic
19 auction bidding process after the chief procurement officer
20 determines that the use of such a process will be in the best
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22 publish that determination in his or her next volume of the
23 Illinois Procurement Bulletin.

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25 (i) a procurement description, (ii) all contractual terms,
26 whenever practical, and (iii) conditions applicable to the

1 procurement, including a notice that bids will be received in
2 an electronic auction manner.

3 Public notice of the invitation for bids shall be given in
4 the same manner as provided in subsection (c).

5 Bids shall be accepted electronically at the time and in
6 the manner designated in the invitation for bids. During the
7 auction, a bidder's price shall be disclosed to other bidders.
8 Bidders shall have the opportunity to reduce their bid prices
9 during the auction. At the conclusion of the auction, the
10 record of the bid prices received and the name of each bidder
11 shall be open to public inspection.

12 After the auction period has terminated, withdrawal of bids
13 shall be permitted as provided in subsection (f).

14 The contract shall be awarded within 60 calendar days after
15 the auction by written notice to the lowest responsible bidder,
16 or all bids shall be rejected except as otherwise provided in
17 this Code. Extensions of the date for the award may be made by
18 mutual written consent of the State purchasing officer and the
19 lowest responsible bidder.

20 This subsection does not apply to (i) procurements of
21 professional and artistic services, (ii) telecommunications
22 services, communication services, and information services,
23 and (iii) contracts for construction projects, including
24 design professional services.

25 (Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

1 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
2 98-1076, and 99-906)

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12 shall be published in the Illinois Procurement Bulletin at
13 least 14 calendar days before the date set in the invitation
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16 presence of one or more witnesses at the time and place
17 designated in the invitation for bids. The name of each bidder,
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2 suitability for a particular purpose. Those criteria that will
3 affect the bid price and be considered in evaluation for award,
4 such as discounts, transportation costs, and total or life
5 cycle costs, shall be objectively measurable. The invitation
6 for bids shall set forth the evaluation criteria to be used.

7 (f) Correction or withdrawal of bids. Correction or
8 withdrawal of inadvertently erroneous bids before or after
9 award, or cancellation of awards of contracts based on bid
10 mistakes, shall be permitted in accordance with rules. After
11 bid opening, no changes in bid prices or other provisions of
12 bids prejudicial to the interest of the State or fair
13 competition shall be permitted. All decisions to permit the
14 correction or withdrawal of bids based on bid mistakes shall be
15 supported by written determination made by a State purchasing
16 officer.

17 (g) Award. The contract shall be awarded with reasonable
18 promptness by written notice to the lowest responsible and
19 responsive bidder whose bid meets the requirements and criteria
20 set forth in the invitation for bids, except when a State
21 purchasing officer determines it is not in the best interest of
22 the State and by written explanation determines another bidder
23 shall receive the award. The explanation shall appear in the
24 appropriate volume of the Illinois Procurement Bulletin. The
25 written explanation must include:

- 26 (1) a description of the agency's needs;

1 (2) a determination that the anticipated cost will be
2 fair and reasonable;

3 (3) a listing of all responsible and responsive
4 bidders; and

5 (4) the name of the bidder selected, the total contract
6 price, and the reasons for selecting that bidder.

7 When a multiple award is contemplated, the solicitation
8 shall identify the award criteria and a detailed method of
9 selecting from among the multiple awardees.

10 Each chief procurement officer may adopt guidelines to
11 implement the requirements of this subsection (g).

12 The written explanation shall be filed with the Legislative
13 Audit Commission and the Procurement Policy Board, and be made
14 available for inspection by the public, within 30 days after
15 the agency's decision to award the contract.

16 (h) Multi-step sealed bidding. When it is considered
17 impracticable to initially prepare a purchase description to
18 support an award based on price, an invitation for bids may be
19 issued requesting the submission of unpriced offers to be
20 followed by written requests for sealed quotes with pricing to
21 meet the need and ~~an invitation for bids~~ limited to the pool of
22 ~~those~~ bidders whose offers have been qualified under the
23 criteria set forth in the first solicitation. An award shall be
24 made to the responsible vendor with the lowest priced quote
25 meeting the needs of the State agency as needs are determined
26 by the State agency.

1 (i) Alternative procedures. Notwithstanding any other
2 provision of this Act to the contrary, the Director of the
3 Illinois Power Agency may create alternative bidding
4 procedures to be used in procuring professional services under
5 subsections (a) and (c) of Section 1-75 and subsection (d) of
6 Section 1-78 of the Illinois Power Agency Act and Section
7 16-111.5(c) of the Public Utilities Act and to procure
8 renewable energy resources under Section 1-56 of the Illinois
9 Power Agency Act. These alternative procedures shall be set
10 forth together with the other criteria contained in the
11 invitation for bids, and shall appear in the appropriate volume
12 of the Illinois Procurement Bulletin.

13 (j) Reverse auction. Notwithstanding any other provision
14 of this Section and in accordance with rules adopted by the
15 chief procurement officer, that chief procurement officer may
16 procure supplies or services through a competitive electronic
17 auction bidding process after the chief procurement officer
18 determines that the use of such a process will be in the best
19 interest of the State. The chief procurement officer shall
20 publish that determination in his or her next volume of the
21 Illinois Procurement Bulletin.

22 An invitation for bids shall be issued and shall include
23 (i) a procurement description, (ii) all contractual terms,
24 whenever practical, and (iii) conditions applicable to the
25 procurement, including a notice that bids will be received in
26 an electronic auction manner.

1 Public notice of the invitation for bids shall be given in
2 the same manner as provided in subsection (c).

3 Bids shall be accepted electronically at the time and in
4 the manner designated in the invitation for bids. During the
5 auction, a bidder's price shall be disclosed to other bidders.
6 Bidders shall have the opportunity to reduce their bid prices
7 during the auction. At the conclusion of the auction, the
8 record of the bid prices received and the name of each bidder
9 shall be open to public inspection.

10 After the auction period has terminated, withdrawal of bids
11 shall be permitted as provided in subsection (f).

12 The contract shall be awarded within 60 calendar days after
13 the auction by written notice to the lowest responsible bidder,
14 or all bids shall be rejected except as otherwise provided in
15 this Code. Extensions of the date for the award may be made by
16 mutual written consent of the State purchasing officer and the
17 lowest responsible bidder.

18 This subsection does not apply to (i) procurements of
19 professional and artistic services, (ii) telecommunications
20 services, communication services, and information services,
21 and (iii) contracts for construction projects, including
22 design professional services.

23 (Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

24 (30 ILCS 500/20-15)

25 Sec. 20-15. Competitive sealed proposals.

1 (a) Conditions for use. When provided under this Code or
2 under rules, or when the purchasing agency determines in
3 writing that the use of competitive sealed bidding is either
4 not practicable or not advantageous to the State, a contract
5 may be entered into by competitive sealed proposals.

6 (b) Request for proposals. Proposals shall be solicited
7 through a request for proposals.

8 (c) Public notice. Public notice of the request for
9 proposals shall be published in the Illinois Procurement
10 Bulletin at least 14 calendar days before the date set in the
11 invitation for the opening of proposals.

12 (d) Receipt of proposals. Proposals shall be opened
13 publicly in the presence of one or more witnesses at the time
14 and place designated in the request for proposals, but
15 proposals shall be opened in a manner to avoid disclosure of
16 contents to competing offerors during the process of
17 negotiation. A record of proposals shall be prepared and shall
18 be open for public inspection after contract award.

19 (e) Evaluation factors. The requests for proposals shall
20 state the relative importance of price and other evaluation
21 factors. Proposals shall be submitted in 2 parts: the first,
22 covering items except price; and the second, covering price.
23 The first part of all proposals shall be evaluated and ranked
24 independently of the second part of all proposals.

25 (f) Discussion with responsible offerors and revisions of
26 offers or proposals. As provided in the request for proposals

1 and under rules, discussions may be conducted with responsible
2 offerors who submit offers or proposals determined to be
3 reasonably susceptible of being selected for award for the
4 purpose of clarifying and assuring full understanding of and
5 responsiveness to the solicitation requirements. Those
6 offerors shall be accorded fair and equal treatment with
7 respect to any opportunity for discussion and revision of
8 proposals. Revisions may be permitted after submission and
9 before award for the purpose of obtaining best and final
10 offers. In conducting discussions there shall be no disclosure
11 of any information derived from proposals submitted by
12 competing offerors. If information is disclosed to any offeror,
13 it shall be provided to all competing offerors.

14 (g) Award. Awards shall be made to the responsible offeror
15 whose proposal is determined in writing to be the most
16 advantageous to the State, taking into consideration price and
17 the evaluation factors set forth in the request for proposals.
18 When a multiple award is contemplated, the solicitation shall
19 identify the award criteria and the detailed method of
20 selecting from among the multiple awardees. The contract file
21 shall contain the basis on which any ~~the~~ award is made.

22 (h) Multi-step sealed proposals. A request for proposals
23 may be issued requesting the submission of offers to establish
24 a pool of competitively-selected vendors to be followed by
25 written requests for specific proposals with pricing to meet
26 the need and limited to those in the pool of qualified vendors.

1 Clarification, discussions, and best and finals shall be
2 allowed as in a standard request for proposals in each step of
3 the process. Award shall be made to the responsible vendors
4 with the most advantageous proposal, price, and other factors
5 being considered.

6 (Source: P.A. 98-1076, eff. 1-1-15.)

7 (30 ILCS 500/20-20)

8 Sec. 20-20. Small purchases.

9 (a) Amount. Any individual procurement of supplies or
10 services ~~other than professional or artistic services,~~ not
11 exceeding \$100,000 ~~\$10,000~~ and any procurement of construction
12 not exceeding \$100,000, or any individual procurement of
13 professional or artistic services not exceeding \$100,000
14 ~~\$30,000~~ may be made without competitive source selection ~~sealed~~
15 ~~bidding~~. Procurements shall not be artificially divided so as
16 to constitute a small purchase under this Section. Any
17 procurement of construction not exceeding \$100,000 may be made
18 by an alternative competitive source selection. The
19 construction agency shall establish rules for an alternative
20 competitive source selection process. This Section does not
21 apply to construction-related professional services contracts
22 awarded in accordance with the provisions of the Architectural,
23 Engineering, and Land Surveying Qualifications Based Selection
24 Act.

25 (b) Adjustment. Each July 1, the small purchase maximum

1 established in subsection (a) shall be adjusted for inflation
2 as determined by the Consumer Price Index for All Urban
3 Consumers as determined by the United States Department of
4 Labor and rounded to the nearest \$100.

5 (c) Based upon rules proposed by the Board and rules
6 promulgated by the chief procurement officers, the small
7 purchase maximum established in subsection (a) may be modified.
8 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

9 (30 ILCS 500/20-43)

10 Sec. 20-43. Bidder or offeror authorized to transact
11 business or conduct affairs ~~do business~~ in Illinois. In
12 addition to meeting any other requirement of law or rule, a
13 person (other than an individual acting as a sole proprietor)
14 may qualify as a bidder or offeror under this Code only if the
15 person is a legal entity prior to submitting the bid, offer, or
16 proposal. The legal entity must be authorized to transact
17 business or conduct affairs in Illinois prior to execution of
18 the contract ~~submitting the bid, offer, or proposal.~~

19 (Source: P.A. 98-1076, eff. 1-1-15.)

20 (30 ILCS 500/20-80)

21 Sec. 20-80. Contract files.

22 (a) Written determinations. All written determinations
23 required under this Article shall be placed in the contract
24 file maintained by the chief procurement officer.

1 (b) Filing with Comptroller. Whenever a grant, defined
2 pursuant to accounting standards established by the
3 Comptroller, or a contract liability, except for: (1) contracts
4 paid from personal services, ~~or~~ (2) contracts between the State
5 and its employees to defer compensation in accordance with
6 Article 24 of the Illinois Pension Code, or (3) contracts paid
7 from non-State appropriations, exceeding \$20,000 is incurred
8 by any State agency, a copy of the contract, purchase order,
9 grant, or lease shall be filed with the Comptroller within 30
10 calendar days thereafter. Beginning January 1, 2013, the
11 Comptroller may require that contracts and grants required to
12 be filed with the Comptroller under this Section shall be filed
13 electronically, unless the agency is incapable of filing the
14 contract or grant electronically because it does not possess
15 the necessary technology or equipment. Any agency that is
16 incapable of electronically filing its contracts or grants
17 shall submit a written statement to the Governor and to the
18 Comptroller attesting to the reasons for its inability to
19 comply. This statement shall include a discussion of what the
20 agency needs in order to effectively comply with this Section.
21 Prior to requiring electronic filing, the Comptroller shall
22 consult with the Governor as to the feasibility of establishing
23 mutually agreeable technical standards for the electronic
24 document imaging, storage, and transfer of contracts and
25 grants, taking into consideration the technology available to
26 that agency, best practices, and the technological

1 capabilities of State agencies. Nothing in this amendatory Act
2 of the 97th General Assembly shall be construed to impede the
3 implementation of an Enterprise Resource Planning (ERP)
4 system. For each State contract for goods, supplies, or
5 services awarded on or after July 1, 2010, the contracting
6 agency shall provide the applicable rate and unit of
7 measurement of the goods, supplies, or services on the contract
8 obligation document as required by the Comptroller. If the
9 contract obligation document that is submitted to the
10 Comptroller contains the rate and unit of measurement of the
11 goods, supplies, or services, the Comptroller shall provide
12 that information on his or her official website. Any
13 cancellation or modification to any such contract liability
14 shall be filed with the Comptroller within 30 calendar days of
15 its execution.

16 (c) Late filing affidavit. When a contract, purchase order,
17 grant, or lease required to be filed by this Section has not
18 been filed within 30 calendar days of execution, the
19 Comptroller shall refuse to issue a warrant for payment
20 thereunder until the agency files with the Comptroller the
21 contract, purchase order, grant, or lease and an affidavit,
22 signed by the chief executive officer of the agency or his or
23 her designee, setting forth an explanation of why the contract
24 liability was not filed within 30 calendar days of execution. A
25 copy of this affidavit shall be filed with the Auditor General.

26 (d) Timely execution of contracts. No voucher shall be

1 submitted to the Comptroller for a warrant to be drawn for the
2 payment of money from the State treasury or from other funds
3 held by the State Treasurer on account of any contract unless
4 the contract is reduced to writing before the services are
5 performed and filed with the Comptroller. Vendors shall not be
6 paid for any goods that were received or services that were
7 rendered before the contract was reduced to writing and signed
8 by all necessary parties. A chief procurement officer may
9 request an exception to this subsection by submitting a written
10 statement to the Comptroller and Treasurer setting forth the
11 circumstances and reasons why the contract could not be reduced
12 to writing before the supplies were received or services were
13 performed. A waiver of this subsection must be approved by the
14 Comptroller and Treasurer. This Section shall not apply to
15 emergency purchases if notice of the emergency purchase is
16 filed with the Procurement Policy Board and published in the
17 Bulletin as required by this Code.

18 (e) Method of source selection. When a contract is filed
19 with the Comptroller under this Section, the Comptroller's file
20 shall identify the method of source selection used in obtaining
21 the contract.

22 (Source: P.A. 97-932, eff. 8-10-12; 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/20-160)

24 Sec. 20-160. Business entities; certification;
25 registration with the State Board of Elections.

1 (a) For purposes of this Section, the terms "business
2 entity", "contract", "State contract", "contract with a State
3 agency", "State agency", "affiliated entity", and "affiliated
4 person" have the meanings ascribed to those terms in Section
5 50-37.

6 (b) Every bid and offer submitted to and every contract
7 executed by the State on or after January 1, 2009 (the
8 effective date of Public Act 95-971) and every submission to a
9 vendor portal shall contain (1) a certification by the bidder,
10 offeror, vendor, or contractor that either (i) the bidder,
11 offeror, vendor, or contractor is not required to register as a
12 business entity with the State Board of Elections pursuant to
13 this Section or (ii) the bidder, offeror, vendor, or contractor
14 has registered as a business entity with the State Board of
15 Elections and acknowledges a continuing duty to update the
16 registration and (2) a statement that the contract is voidable
17 under Section 50-60 for the bidder's, offeror's, vendor's, or
18 contractor's failure to comply with this Section.

19 (c) Each business entity (i) whose aggregate bids and
20 proposals on State contracts annually total more than \$50,000,
21 (ii) whose aggregate bids and proposals on State contracts
22 combined with the business entity's aggregate annual total
23 value of State contracts exceed \$50,000, or (iii) whose
24 contracts with State agencies, in the aggregate, annually total
25 more than \$50,000 shall register with the State Board of
26 Elections in accordance with Section 9-35 of the Election Code.

1 A business entity required to register under this subsection
2 due to item (i) or (ii) has a continuing duty to ensure that
3 the registration is accurate during the period beginning on the
4 date of registration and ending on the day after the date the
5 contract is awarded; any change in information must be reported
6 to the State Board of Elections 5 business days following such
7 change or no later than a day before the contract is awarded,
8 whichever date is earlier. A business entity required to
9 register under this subsection due to item (iii) has a
10 continuing duty to ensure that the registration is accurate in
11 accordance with subsection (e).

12 (d) Any business entity, not required under subsection (c)
13 to register, whose aggregate bids and proposals on State
14 contracts annually total more than \$50,000, or whose aggregate
15 bids and proposals on State contracts combined with the
16 business entity's aggregate annual total value of State
17 contracts exceed \$50,000, shall register with the State Board
18 of Elections in accordance with Section 9-35 of the Election
19 Code prior to submitting to a State agency the bid or proposal
20 whose value causes the business entity to fall within the
21 monetary description of this subsection. A business entity
22 required to register under this subsection has a continuing
23 duty to ensure that the registration is accurate during the
24 period beginning on the date of registration and ending on the
25 day after the date the contract is awarded. Any change in
26 information must be reported to the State Board of Elections

1 within 5 business days following such change or no later than a
2 day before the contract is awarded, whichever date is earlier.

3 (e) A business entity whose contracts with State agencies,
4 in the aggregate, annually total more than \$50,000 must
5 maintain its registration under this Section and has a
6 continuing duty to ensure that the registration is accurate for
7 the duration of the term of office of the incumbent
8 officeholder awarding the contracts or for a period of 2 years
9 following the expiration or termination of the contracts,
10 whichever is longer. A business entity, required to register
11 under this subsection, has a continuing duty to report any
12 changes on a quarterly basis to the State Board of Elections
13 within 14 calendar days following the last day of January,
14 April, July, and October of each year. Any update pursuant to
15 this paragraph that is received beyond that date is presumed
16 late and the civil penalty authorized by subsection (e) of
17 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be
18 assessed.

19 Also, if a business entity required to register under this
20 subsection has a pending bid or offer, any change in
21 information shall be reported to the State Board of Elections
22 within 7 calendar days following such change or no later than a
23 day before the contract is awarded, whichever date is earlier.

24 (f) A business entity's continuing duty under this Section
25 to ensure the accuracy of its registration includes the
26 requirement that the business entity notify the State Board of

1 Elections of any change in information, including but not
2 limited to changes of affiliated entities or affiliated
3 persons.

4 (g) For any bid or offer for a contract with a State agency
5 by a business entity required to register under this Section,
6 the chief procurement officer shall verify that the business
7 entity is required to register under this Section and is in
8 compliance with the registration requirements on the date the
9 bid or offer is due. A chief procurement officer may ~~shall~~ not
10 accept a bid or offer if the business entity is not in
11 compliance with the registration requirements as of the date
12 bids or offers are due. Upon discovery of noncompliance with
13 this Section, if the bidder or offeror made a good faith effort
14 to comply with registration efforts prior to the date the bid
15 or offer is due, a chief procurement officer may provide the
16 bidder or offeror 5 business days to achieve compliance. A
17 chief procurement officer may extend the time to prove
18 compliance by as long as necessary in the event that there is a
19 failure within the State Board of Elections' registration
20 system.

21 (h) A registration, and any changes to a registration, must
22 include the business entity's verification of accuracy and
23 subjects the business entity to the penalties of the laws of
24 this State for perjury.

25 In addition to any penalty under Section 9-35 of the
26 Election Code, intentional, willful, or material failure to

1 disclose information required for registration shall render
2 the contract, bid, offer, or other procurement relationship
3 voidable by the chief procurement officer if he or she deems it
4 to be in the best interest of the State of Illinois.

5 (i) This Section applies regardless of the method of source
6 selection used in awarding the contract.

7 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;
8 98-1076, eff. 1-1-15.)

9 (30 ILCS 500/25-85 new)

10 Sec. 25-85. Best value procurement.

11 (a) This Section shall apply only to purchases of heavy
12 mobile fleet vehicles and off-road construction equipment
13 procured by or on behalf of:

14 (1) institutions of higher education;

15 (2) the Department of Agriculture;

16 (3) the Department of Transportation; and

17 (4) the Department of Natural Resources.

18 (b) As used in this Section, "best value procurement" means
19 a contract award determined by objective criteria related to
20 price, features, functions, and life-cycle costs that may
21 include the following:

22 (1) total cost of ownership, including warranty, under
23 which all repair costs are borne solely by the warranty
24 provider; repair costs; maintenance costs; fuel
25 consumption; and salvage value;

1 (2) product performance, productivity, and safety
2 standards;

3 (3) the supplier's ability to perform to the contract
4 requirements; and

5 (4) environmental benefits, including reduction of
6 greenhouse gas emissions, reduction of air pollutant
7 emissions, or reduction of toxic or hazardous materials.

8 (c) The department or institution may enter into a contract
9 for heavy mobile fleet vehicles and off-road construction
10 equipment for use by the department or institution by means of
11 best value procurement, using specifications and criteria
12 developed in consultation with the Chief Procurement Officer of
13 each designated department or institution and conducted in
14 accordance with Section 20-15 of this Code.

15 (c) The department or institution may enter into a contract
16 for heavy mobile fleet vehicles and off-road construction
17 equipment for use by the department or institution by means of
18 best value procurement, using specifications and criteria
19 developed in consultation with the Chief Procurement Officer of
20 each designated department or institution and conducted in
21 accordance with Section 20-15 of this Code.

22 (d) In addition to disclosure of the minimum requirements
23 for qualification, the solicitation document shall specify
24 which business performance measures, in addition to price,
25 shall be given a weighted value. The solicitation shall include
26 a scoring method based on those factors and price in

1 determining the successful offeror. Any evaluation and scoring
2 method shall ensure substantial weight is given to the contract
3 price.

4 (e) Upon written request of any person who has submitted an
5 offer, notice of the award shall be posted in a public place in
6 the offices of the department or institution at least 24 hours
7 before executing the contract or purchase order. If, before
8 making an award, any offeror who has submitted a bid files a
9 protest with the department or institution against the awarding
10 of the contract or purchase order on the ground that his or her
11 offer should have been selected in accordance with the
12 selection criteria in the solicitation document, the contract
13 or purchase order shall not be awarded until either the protest
14 has been withdrawn or the appropriate Chief Procurement Officer
15 has made a final decision as to the action to be taken relative
16 to the protest. Within 10 days after filing a protest, the
17 protesting offeror shall file with the Chief Procurement
18 Officer a full and complete written statement specifying in
19 detail the ground of the protest and the facts in support
20 thereof.

21 (f) The total annual value of vehicles and equipment
22 purchased through best value procurement pursuant to this
23 Section shall be limited to \$20,000,000 per each department or
24 institution.

25 (g) Best value procurement shall only be used on
26 procurements first solicited on or before June 30, 2020.

1 (h) On or before January 1, 2021, the Chief Procurement
2 Officer of each designated department or institution shall
3 prepare an evaluation of the best value procurement pilot
4 program authorized by this Section, including a recommendation
5 on whether or not the process should be continued. The
6 evaluation shall be posted in the applicable volume or volumes
7 of the Illinois Procurement Bulletin on or before January 1,
8 2021.

9 (i) This Section is repealed on January 1, 2021.

10 (30 ILCS 500/30-30)

11 Sec. 30-30. Design-bid-build construction.

12 (a) The provisions of this subsection are operative through
13 December 31, 2019.

14 For building construction contracts in excess of \$250,000,
15 separate specifications may be prepared for all equipment,
16 labor, and materials in connection with the following 5
17 subdivisions of the work to be performed:

18 (1) plumbing;

19 (2) heating, piping, refrigeration, and automatic
20 temperature control systems, including the testing and
21 balancing of those systems;

22 (3) ventilating and distribution systems for
23 conditioned air, including the testing and balancing of
24 those systems;

25 (4) electric wiring; and

1 (5) general contract work.

2 The specifications may be so drawn as to permit separate
3 and independent bidding upon each of the 5 subdivisions of
4 work. All contracts awarded for any part thereof may award the
5 5 subdivisions of work separately to responsible and reliable
6 persons, firms, or corporations engaged in these classes of
7 work. The contracts, at the discretion of the construction
8 agency, may be assigned to the successful bidder on the general
9 contract work or to the successful bidder on the subdivision of
10 work designated by the construction agency before the bidding
11 as the prime subdivision of work, provided that all payments
12 will be made directly to the contractors for the 5 subdivisions
13 of work upon compliance with the conditions of the contract.

14 Beginning on the effective date of this amendatory Act of
15 the 99th General Assembly and through December 31, 2019, for
16 single prime projects: (i) the bid of the successful low bidder
17 shall identify the name of the subcontractor, if any, and the
18 bid proposal costs for each of the 5 subdivisions of work set
19 forth in this Section; (ii) the contract entered into with the
20 successful bidder shall provide that no identified
21 subcontractor may be terminated without the written consent of
22 the Capital Development Board; (iii) the contract shall comply
23 with the disadvantaged business practices of the Business
24 Enterprise for Minorities, Females, and Persons with
25 Disabilities Act and the equal employment practices of Section
26 2-105 of the Illinois Human Rights Act; (iv) the Capital

1 Development Board and public institutions of higher education
2 shall submit a quarterly report to the Procurement Policy Board
3 with information on the general scope, project budget, and
4 established Business Enterprise Program goals for any single
5 prime procurement bid in the previous 3 months with a total
6 construction cost valued at \$10,000,000 or less; and (v) the
7 Capital Development Board and public institutions of higher
8 education shall submit an annual report to the General Assembly
9 and Governor on the bidding, award, and performance of all
10 single prime projects.

11 For building construction projects with a total
12 construction cost valued at \$5,000,000 or less, the Capital
13 Development Board or public institutions of higher education
14 shall not use the single prime procurement delivery method for
15 more than 50% of the total number of projects bid for each
16 fiscal year. Any project with a total construction cost valued
17 greater than \$5,000,000 may be bid using single prime at the
18 discretion of the Executive Director of the Capital Development
19 Board or the president of a public institution of higher
20 education.

21 Beginning on the effective date of this amendatory Act of
22 the 99th General Assembly and through December 31, 2017, the
23 Capital Development Board and public institutions of higher
24 education shall, on a weekly basis: review the projects that
25 have been designed, and approved to bid; and, for every fifth
26 determination to use the single prime procurement delivery

1 method for a project under \$10,000,000, submit to the
2 Procurement Policy Board a written notice of its intent to use
3 the single prime method on the project. The notice shall
4 include the reasons for using the single prime method and an
5 explanation of why the use of that method is in the best
6 interest of the State. The Capital Development Board or public
7 institution of higher education shall post the notice on its
8 online procurement webpage and on the online Procurement
9 Bulletin at least 3 business days following submission. The
10 Procurement Policy Board shall review and provide its decision
11 on the use of the single prime method for every fifth use of
12 the single prime procurement delivery method for a project
13 under \$10,000,000 within 7 business days of receipt of the
14 notice from the Capital Development Board or a public
15 institution of higher education. Approval by the Procurement
16 Policy Board shall not be unreasonably withheld and shall be
17 provided unless the Procurement Policy Board finds that the use
18 of the single prime method is not in the best interest of the
19 State. Any decision by the Procurement Policy Board to
20 disapprove the use of the single prime method shall be made in
21 writing to the Capital Development Board or a public
22 institution of higher education, posted on the online
23 Procurement Bulletin, and shall state the reasons why the
24 single prime method was disapproved and why it is not in the
25 best interest of the State. For the requirements under this
26 Section, the Capital Development Board shall have

1 responsibility for only those projects that are managed
2 pursuant to the Capital Development Board Act.

3 (b) The provisions of this subsection are operative on and
4 after January 1, 2020. For building construction contracts in
5 excess of \$250,000, separate specifications shall be prepared
6 for all equipment, labor, and materials in connection with the
7 following 5 subdivisions of the work to be performed:

8 (1) plumbing;

9 (2) heating, piping, refrigeration, and automatic
10 temperature control systems, including the testing and
11 balancing of those systems;

12 (3) ventilating and distribution systems for
13 conditioned air, including the testing and balancing of
14 those systems;

15 (4) electric wiring; and

16 (5) general contract work.

17 The specifications must be so drawn as to permit separate
18 and independent bidding upon each of the 5 subdivisions of
19 work. All contracts awarded for any part thereof shall award
20 the 5 subdivisions of work separately to responsible and
21 reliable persons, firms, or corporations engaged in these
22 classes of work. The contracts, at the discretion of the
23 construction agency, may be assigned to the successful bidder
24 on the general contract work or to the successful bidder on the
25 subdivision of work designated by the construction agency
26 before the bidding as the prime subdivision of work, provided

1 that all payments will be made directly to the contractors for
2 the 5 subdivisions of work upon compliance with the conditions
3 of the contract.

4 (Source: P.A. 98-431, eff. 8-16-13; 98-1076, eff. 1-1-15;
5 99-257, eff. 8-4-15.)

6 (30 ILCS 500/35-30)

7 Sec. 35-30. Awards.

8 (a) All State contracts for professional and artistic
9 services, except as provided in this Section, shall be awarded
10 using the competitive request for proposal process outlined in
11 this Section.

12 (b) For each contract offered, the chief procurement
13 officer, State purchasing officer, or his or her designee shall
14 use the appropriate standard solicitation forms available from
15 the chief procurement officer for matters other than
16 construction or the higher education chief procurement
17 officer.

18 (c) Prepared forms shall be submitted to the chief
19 procurement officer for matters other than construction or the
20 higher education chief procurement officer, whichever is
21 appropriate, for publication in its Illinois Procurement
22 Bulletin and circulation to the chief procurement officer for
23 matters other than construction or the higher education chief
24 procurement officer's list of prequalified vendors. Notice of
25 the offer or request for proposal shall appear at least 14

1 calendar days before the response to the offer is due.

2 (d) All interested respondents shall return their
3 responses to the chief procurement officer for matters other
4 than construction or the higher education chief procurement
5 officer, whichever is appropriate, which shall open and record
6 them. The chief procurement officer for matters other than
7 construction or higher education chief procurement officer
8 then shall forward the responses, together with any information
9 it has available about the qualifications and other State work
10 of the respondents.

11 (e) After evaluation, ranking, and selection, the
12 responsible chief procurement officer, State purchasing
13 officer, or his or her designee shall notify the chief
14 procurement officer for matters other than construction or the
15 higher education chief procurement officer, whichever is
16 appropriate, of the successful respondent and shall forward a
17 copy of the signed contract for the chief procurement officer
18 for matters other than construction or higher education chief
19 procurement officer's file. The chief procurement officer for
20 matters other than construction or higher education chief
21 procurement officer shall publish the names of the responsible
22 procurement decision-maker, the agency letting the contract,
23 the successful respondent, a contract reference, and value of
24 the let contract in the next appropriate volume of the Illinois
25 Procurement Bulletin.

26 (f) For all professional and artistic contracts with

1 annualized value that exceeds \$100,000 ~~\$25,000~~, evaluation and
2 ranking by price are required. Any chief procurement officer or
3 State purchasing officer, but not their designees, may select a
4 respondent other than the lowest respondent by price. In any
5 case, when the contract exceeds the \$100,000 ~~\$25,000~~ threshold
6 and the lowest respondent is not selected, the chief
7 procurement officer or the State purchasing officer shall
8 forward together with the contract notice of who the low
9 respondent by price was and a written decision as to why
10 another was selected to the chief procurement officer for
11 matters other than construction or the higher education chief
12 procurement officer, whichever is appropriate. The chief
13 procurement officer for matters other than construction or
14 higher education chief procurement officer shall publish as
15 provided in subsection (e) of Section 35-30, but shall include
16 notice of the chief procurement officer's or State purchasing
17 officer's written decision.

18 (g) The chief procurement officer for matters other than
19 construction and higher education chief procurement officer
20 may each refine, but not contradict, this Section by
21 promulgating rules for submission to the Procurement Policy
22 Board and then to the Joint Committee on Administrative Rules.
23 Any refinement shall be based on the principles and procedures
24 of the federal Architect-Engineer Selection Law, Public Law
25 92-582 Brooks Act, and the Architectural, Engineering, and Land
26 Surveying Qualifications Based Selection Act; except that

1 pricing shall be an integral part of the selection process.

2 (Source: P.A. 98-1076, eff. 1-1-15.)

3 (30 ILCS 500/35-35)

4 Sec. 35-35. Exceptions.

5 (a) Exceptions to Section 35-30 are allowed for sole source
6 procurements, emergency procurements, and at the discretion of
7 the chief procurement officer or the State purchasing officer,
8 but not their designees, for professional and artistic
9 contracts that are nonrenewable, one year or less in duration,
10 and have a value of less than \$100,000 ~~\$20,000~~.

11 (b) All exceptions granted under this Article must still be
12 submitted to the chief procurement officer for matters other
13 than construction or the higher education chief procurement
14 officer, whichever is appropriate, and published as provided
15 for in subsection (f) of Section 35-30, shall name the
16 authorizing chief procurement officer or State purchasing
17 officer, and shall include a brief explanation of the reason
18 for the exception.

19 (Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

20 (30 ILCS 500/45-40)

21 Sec. 45-40. Gas mileage.

22 (a) Specification. Contracts for the purchase or lease of
23 new passenger automobiles, other than station wagons, vans,
24 four-wheel drive vehicles, emergency vehicles, and police and

1 fire vehicles, shall specify the procurement of a model that,
2 according to the most current mileage study published by the
3 U.S. Environmental Protection Agency, can achieve at least the
4 minimum average fuel economy in miles per gallon imposed upon
5 manufacturers of vehicles under Title V of The Motor Vehicle
6 Information and Cost Savings Act.

7 (b) Exemptions. The State purchasing officer may exempt
8 procurements from the requirement of subsection (a) when there
9 is a demonstrated need, submitted in writing, or based on
10 intended use or other reasonable considerations, such as the
11 health and safety of Illinois citizens, for an automobile that
12 does not meet the minimum average fuel economy standards.

13 (c) The chief procurement officer shall promulgate rules
14 for determining need consistent with the intent of this
15 Section.

16 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

17 (30 ILCS 500/45-15 rep.)

18 Section 10. The Illinois Procurement Code is amended by
19 repealing Section 45-15.

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 30 ILCS 500/1-10
- 4 30 ILCS 500/1-12
- 5 30 ILCS 500/1-12.1 new
- 6 30 ILCS 500/1-13
- 7 30 ILCS 500/1-13.1 new
- 8 30 ILCS 500/1-15.20
- 9 30 ILCS 500/1-15.47 new
- 10 30 ILCS 500/1-15.48 new
- 11 30 ILCS 500/1-15.93
- 12 30 ILCS 500/1-15.107
- 13 30 ILCS 500/5-30
- 14 30 ILCS 500/10-15
- 15 30 ILCS 500/20-10
- 16 30 ILCS 500/20-15
- 17 30 ILCS 500/20-20
- 18 30 ILCS 500/20-43
- 19 30 ILCS 500/20-80
- 20 30 ILCS 500/20-160
- 21 30 ILCS 500/25-85 new
- 22 30 ILCS 500/30-30
- 23 30 ILCS 500/35-30
- 24 30 ILCS 500/35-35
- 25 30 ILCS 500/45-40

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1 30 ILCS 500/45-15 rep.