

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 1. Short title. This Act may be cited as the Local
5 Government Electronic Reverse Auction Act.

6 Section 5. Unit of local government defined. As used in
7 this Act, "unit" and "unit of local government" mean a unit of
8 local government as defined in Section 1 of Article VII of the
9 Illinois Constitution.

10 Section 10. Reverse auction. Notwithstanding any other
11 provision of law and in accordance with rules adopted by the
12 unit, a unit of local government, whether or not it is a home
13 rule unit as defined in Section 6 of Article VII of the
14 Illinois Constitution, may procure supplies or services
15 through a competitive electronic auction bidding process after
16 the unit's purchasing officer explains in writing to the unit's
17 governing body his or her determination that the use of such a
18 process will be in the best interest of the unit.

19 The purchasing officer shall publish that determination in
20 the same manner required by law for the unit's invitations for
21 bids.

22 An invitation for bids shall be issued and shall include

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

5 Public notice of the invitation for bids shall be given in
6 the same manner as required by law for the unit's other
7 invitations for bids.

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

15 After the auction period has terminated, withdrawal of bids
16 shall be permitted as otherwise provided by law.

17 The contract shall be awarded within 60 days after the
18 auction by written notice to the lowest responsible bidder, or
19 all bids shall be rejected except as otherwise provided by law.

20 Extensions of the date for the award may be made by mutual
21 written consent of the purchasing officer and the lowest
22 responsible bidder.

23 Section 15. Application. This Act does not apply to (i)
24 procurements of professional and artistic services, including
25 but not limited to telecommunications services, communications

1 services, Internet services, and information services, and
2 (ii) contracts for construction projects.

3 Section 95. The Illinois Procurement Code is amended by
4 changing Section 20-10 as follows:

5 (30 ILCS 500/20-10)

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

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

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

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

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

1 (e) Bid acceptance and bid evaluation. Bids shall be
2 unconditionally accepted without alteration or correction,
3 except as authorized in this Code. Bids shall be evaluated
4 based on the requirements set forth in the invitation for bids,
5 which may include criteria to determine acceptability such as
6 inspection, testing, quality, workmanship, delivery, and
7 suitability for a particular purpose. Those criteria that will
8 affect the bid price and be considered in evaluation for award,
9 such as discounts, transportation costs, and total or life
10 cycle costs, shall be objectively measurable. The invitation
11 for bids shall set forth the evaluation criteria to be used.

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

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

1 the State and by written explanation determines another bidder
2 shall receive the award. The explanation shall appear in the
3 appropriate volume of the Illinois Procurement Bulletin.

4 (h) Multi-step sealed bidding. When it is considered
5 impracticable to initially prepare a purchase description to
6 support an award based on price, an invitation for bids may be
7 issued requesting the submission of unpriced offers to be
8 followed by an invitation for bids limited to those bidders
9 whose offers have been qualified under the criteria set forth
10 in the first solicitation.

11 (i) Alternative procedures. Notwithstanding any other
12 provision of this Act to the contrary, the Director of the
13 Illinois Power Agency may create alternative bidding
14 procedures to be used in procuring professional services under
15 Section 1-75(a) of the Illinois Power Agency Act and Section
16 16-111.5(c) of the Public Utilities Act. These alternative
17 procedures shall be set forth together with the other criteria
18 contained in the invitation for bids, and shall appear in the
19 appropriate volume of the Illinois Procurement Bulletin.

20 (j) Reverse auction. Notwithstanding any other provision
21 of this Section and in accordance with rules adopted by the
22 Director of Central Management Services as chief procurement
23 officer, a State purchasing officer under that chief
24 procurement officer's jurisdiction may procure supplies or
25 services through a competitive electronic auction bidding
26 process after the purchasing officer explains in writing to the

1 chief procurement officer his or her determination that the use
2 of such a process will be in the best interest of the State.
3 The chief procurement officer shall publish that determination
4 in his or her next volume of the Illinois Procurement Bulletin.

5 An invitation for bids shall be issued and shall include
6 (i) a procurement description, (ii) all contractual terms,
7 whenever practical, and (iii) conditions applicable to the
8 procurement, including a notice that bids will be received in
9 an electronic auction manner.

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

12 Bids shall be accepted electronically at the time and in
13 the manner designated in the invitation for bids. During the
14 auction, a bidder's price shall be disclosed to other bidders.
15 Bidders shall have the opportunity to reduce their bid prices
16 during the auction. At the conclusion of the auction, the
17 record of the bid prices received and the name of each bidder
18 shall be open to public inspection.

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

21 The contract shall be awarded within 60 days after the
22 auction by written notice to the lowest responsible bidder, or
23 all bids shall be rejected except as otherwise provided in this
24 Code. Extensions of the date for the award may be made by
25 mutual written consent of the State purchasing officer and the
26 lowest responsible bidder.

1 This subsection does not apply to (i) procurements of
2 professional and artistic services, including but not limited
3 to telecommunications services, communications services,
4 Internet services, and information services, and (ii)
5 contracts for construction projects.

6 (Source: P.A. 95-481, eff. 8-28-07.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.