



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3919

Introduced 2/26/2009, by Rep. William D. Burns

SYNOPSIS AS INTRODUCED:

30 ILCS 525/2	from Ch. 85, par. 1602
30 ILCS 525/3	from Ch. 85, par. 1603
30 ILCS 525/4	from Ch. 85, par. 1604

Amends the Governmental Joint Purchasing Act. Authorizes the State, through the Department of Central Management Services, to purchase personal property, supplies, and services jointly with a governmental entity of another state or with a consortium of governmental entities of one or more other states. Effective immediately.

LRB096 03770 JAM 13800 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 Governmental Joint Purchasing Act is amended
5 by changing Sections 2, 3, and 4 as follows:

6 (30 ILCS 525/2) (from Ch. 85, par. 1602)

7 Sec. 2. Joint purchasing authority.

8 (a) Any governmental unit may purchase personal property,
9 supplies and services jointly with one or more other
10 governmental units. All such joint purchases shall be by
11 competitive bids as provided in Section 4 of this Act. The
12 provisions of any other acts under which a governmental unit
13 operates which refer to purchases and procedures in connection
14 therewith shall be superseded by the provisions of this Act
15 when the governmental units are exercising the joint powers
16 created by this Act.

17 (a-5) The Department of Central Management Services may
18 purchase personal property, supplies, and services jointly
19 with a governmental entity of another state or with a
20 consortium of governmental entities of one or more other
21 states.

22 (b) Any not-for-profit agency that qualifies under Section
23 45-35 of the Illinois Procurement Code ~~7-1 of the Illinois~~

1 ~~Purchasing Act~~ and that either (1) acts pursuant to a board
2 established by or controlled by a unit of local government or
3 (2) receives grant funds from the State or from a unit of local
4 government, shall be eligible to participate in contracts
5 established by the State.

6 (Source: P.A. 87-960.)

7 (30 ILCS 525/3) (from Ch. 85, par. 1603)

8 Sec. 3. Conduct of bid-letting. Under any ~~Any~~ agreement of
9 ~~the~~ governmental units that ~~which~~ desire to make joint
10 purchases pursuant to subsection (a) of Section 2, one of the
11 governmental units shall conduct the letting of bids. Where the
12 State of Illinois is a party to the joint purchase agreement,
13 the Department of Central Management Services shall conduct the
14 letting of bids. Expenses of such bid-letting may be shared by
15 the participating governmental units in proportion to the
16 amount of personal property, supplies or services each unit
17 purchases.

18 When the State of Illinois is a party to the joint purchase
19 agreement pursuant to subsection (a) of Section 2, the
20 acceptance of bids shall be in accordance with the Illinois
21 Procurement Code and rules promulgated under that Code. When
22 the State of Illinois is not a party to the joint purchase
23 agreement, the acceptance of bids shall be governed by the
24 agreement.

25 When the State of Illinois is a party to a joint purchase

1 agreement pursuant to subsection (a-5) of Section 2, the State
2 may act as the lead state or as a participant state. When the
3 State of Illinois is the lead state, all such joint purchases
4 shall be conducted in accordance with the Illinois Procurement
5 Code. When Illinois is a participant state, all such joint
6 purchases shall be conducted in accordance with the procurement
7 laws of the lead state; provided that all such joint
8 procurements must be by competitive sealed bid. All resulting
9 awards shall be published in the appropriate volume of the
10 Illinois Procurement Bulletin as may be required by Illinois
11 law governing publication of the solicitation, protest, and
12 award of Illinois State contracts. Contracts resulting from a
13 joint purchase shall contain all provisions required by
14 Illinois law and rule.

15 The personal property, supplies or services involved shall
16 be distributed or rendered directly to each governmental unit
17 taking part in the purchase. The person selling the personal
18 property, supplies or services may bill each governmental unit
19 separately for its proportionate share of the cost of the
20 personal property, supplies or services purchased.

21 The credit or liability of each governmental unit shall
22 remain separate and distinct. Disputes between bidders and
23 governmental units shall be resolved between the immediate
24 parties.

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

1 (30 ILCS 525/4) (from Ch. 85, par. 1604)

2 Sec. 4. Bids. The purchases of all personal property,
3 supplies and services under this Act shall be based on
4 competitive, sealed bids. For purchases pursuant to subsection
5 (a) of Section 2, bids ~~Bids~~ shall be solicited by public notice
6 inserted at least once in a newspaper of general circulation in
7 one of the counties where the materials are to be used and at
8 least 5 calendar days before the final date of submitting bids.
9 Where the State of Illinois is a party to the joint purchase
10 agreement, public notice soliciting the bids shall be inserted
11 in the appropriate volume of the Illinois Procurement Bulletin
12 ~~official newspaper of the State~~. Such notice shall include a
13 general description of the personal property, supplies or
14 services to be purchased and shall state where all blanks and
15 specifications may be obtained and the time and place for the
16 opening of bids. The governmental unit conducting the
17 bid-letting may also solicit sealed bids by sending requests by
18 mail to prospective suppliers and by posting notices on a
19 public bulletin board in its office.

20 All purchases, orders or contracts shall be awarded to the
21 lowest responsible bidder, taking into consideration the
22 qualities of the articles or services supplied, their
23 conformity with the specifications, their suitability to the
24 requirements of the participating governmental units and the
25 delivery terms.

26 Where the State of Illinois is not a party, all bids may be

1 rejected and new bids solicited if one or more of the
2 participating governmental units believes the public interest
3 may be served thereby. Each bid, with the name of the bidder,
4 shall be entered on a record, which record with the successful
5 bid indicated thereon shall, after the award of the purchase or
6 order or contract, be open to public inspection. A copy of all
7 contracts shall be filed with the purchasing agent or clerk or
8 secretary of each participating governmental unit.

9 (Source: P.A. 76-641.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2010.