



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3294

Introduced 2/7/2012, by Sen. Kirk W. Dillard

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
30 ILCS 525/4.2	from Ch. 85, par. 1604.2

Amends the Governmental Joint Purchasing Act. Provides that a chief procurement officer (now, the Department of Central Management Services) may authorize the purchase of personal property, supplies, and services jointly with a governmental entity of this or another state. Provides that, under a joint purchase agreement of governmental units, one of the governmental units shall conduct the competitive selection process (now, letting of bids). Provides that the purchase of all personal property, supplies, and services under the Act shall be based on competitive solicitations (now, competitive sealed bids). Effective immediately.

LRB097 17340 PJG 62541 b

FISCAL NOTE ACT
MAY APPLY

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, 4, and 4.2 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 solicitation bids as provided in Section 4 of this
12 Act. The provisions of any other acts under which a
13 governmental unit operates which refer to purchases and
14 procedures in connection therewith shall be superseded by the
15 provisions of this Act when the governmental units are
16 exercising the joint powers created by this Act.

17 (a-5) A chief procurement officer established in Section
18 10-20 of the Illinois Procurement Code ~~The Department of~~
19 ~~Central Management Services~~ may authorize the purchase of
20 personal property, supplies, and services jointly with a
21 governmental entity of this or another state or with a
22 consortium of governmental entities of one or more other
23 states. Subject to provisions of the joint purchasing

1 solicitation, the appropriate chief procurement officer
2 ~~Department of Central Management Services~~ may designate the
3 resulting contract as available to governmental units in
4 Illinois.

5 (b) Any not-for-profit agency that qualifies under Section
6 45-35 of the Illinois Procurement Code and that either (1) acts
7 pursuant to a board established by or controlled by a unit of
8 local government or (2) receives grant funds from the State or
9 from a unit of local government, shall be eligible to
10 participate in contracts established by the State.

11 (Source: P.A. 96-584, eff. 1-1-10.)

12 (30 ILCS 525/3) (from Ch. 85, par. 1603)

13 Sec. 3. Conduct of competitive selection ~~bid-letting~~.
14 Under any agreement of governmental units that desire to make
15 joint purchases pursuant to subsection (a) of Section 2, one of
16 the governmental units shall conduct the competitive selection
17 process ~~letting of bids~~. Where the State of Illinois is a party
18 to the joint purchase agreement, the appropriate chief
19 procurement officer ~~Department of Central Management Services~~
20 shall conduct or authorize the competitive selection process
21 ~~letting of bids~~. Expenses of such competitive selection process
22 ~~bid-letting~~ may be shared by the participating governmental
23 units in proportion to the amount of personal property,
24 supplies or services each unit purchases.

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

1 agreement pursuant to subsection (a) of Section 2, the
2 acceptance of responses to the competitive selection process
3 ~~bids~~ shall be in accordance with the Illinois Procurement Code
4 and rules promulgated under that Code. When the State of
5 Illinois is not a party to the joint purchase agreement, the
6 acceptance of responses to the competitive selection process
7 ~~bids~~ shall be governed by the agreement.

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

23 The personal property, supplies or services involved shall
24 be distributed or rendered directly to each governmental unit
25 taking part in the purchase. The person selling the personal
26 property, supplies or services may bill each governmental unit

1 separately for its proportionate share of the cost of the
2 personal property, supplies or services purchased.

3 The credit or liability of each governmental unit shall
4 remain separate and distinct. Disputes between bidders or
5 proposers and governmental units shall be resolved between the
6 immediate parties.

7 (Source: P.A. 96-584, eff. 1-1-10.)

8 (30 ILCS 525/4) (from Ch. 85, par. 1604)

9 Sec. 4. Bids and proposals. The purchases of all personal
10 property, supplies and services under this Act shall be based
11 on competitive solicitations ~~, sealed bids~~. For purchases
12 pursuant to subsection (a) of Section 2, bids and proposals
13 shall be solicited by public notice inserted at least once in a
14 newspaper of general circulation in one of the counties where
15 the materials are to be used and at least 5 calendar days
16 before the final date of submitting bids or proposals. Where
17 the State of Illinois is a party to the joint purchase
18 agreement, public notice soliciting the bids shall be published
19 ~~inserted~~ in the appropriate volume of the Illinois Procurement
20 Bulletin. Such notice shall include a general description of
21 the personal property, supplies or services to be purchased and
22 shall state where all blanks and specifications may be obtained
23 and the time and place for the opening of bids and proposals.
24 The governmental unit conducting the competitive selection
25 process ~~bid-letting~~ may also solicit sealed bids or proposals

1 by sending requests by mail to prospective suppliers and by
2 posting notices on a public bulletin board in its office.

3 All purchases, orders or contracts shall be awarded to the
4 lowest responsible bidder or highest-ranked proposer, taking
5 into consideration the qualities of the articles or services
6 supplied, their conformity with the specifications, their
7 suitability to the requirements of the participating
8 governmental units and the delivery terms.

9 Where the State of Illinois is not a party, all bids or
10 proposals may be rejected and new bids or proposals solicited
11 if one or more of the participating governmental units believes
12 the public interest may be served thereby. Each bid or
13 proposal, with the name of the bidder or proposer, shall be
14 entered on a record, which record with the successful bid or
15 proposal indicated thereon shall, after the award of the
16 purchase or order or contract, be open to public inspection. A
17 copy of all contracts shall be filed with the purchasing office
18 ~~agent~~ or clerk or secretary of each participating governmental
19 unit.

20 (Source: P.A. 96-584, eff. 1-1-10.)

21 (30 ILCS 525/4.2) (from Ch. 85, par. 1604.2)

22 Sec. 4.2. Any governmental unit may, without violating any
23 bidding requirement otherwise applicable to it, procure
24 personal property, supplies and services under any contract let
25 by the State pursuant to lawful procurement procedures.

1 Purchases made by the State of Illinois must be approved or
2 authorized by the appropriate chief procurement officer.

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

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