
SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Provides that the chief procurement officer and designated procurement officers owe a fiduciary duty to the State. Exempts certain procurements from the Code. Re-enacts and makes changes to a provision concerning the applicability of the Code to public institutions of higher education. Provides that the chief procurement officer shall be the Director of Central Management Services or his or her designee. Provides for designated procurement officers of certain State functions. Includes designated procurement officers in certain responsibilities under the Procurement Code. Transfers certain responsibilities from the Procurement Policy Board to the Department. Provides for competitive procurements from a pre-qualified pool. Requires the Auditor General to perform, no less frequently than biennially, separate performance audits of procurements under the authority of the chief procurement officer and each designated procurement officer. Allows the Auditor General to review a specific procurement or category of procurements at any time. Repeals certain provisions concerning proposed contracts and the Board, independent State purchasing officers, procurement compliance monitors, independent chief procurement officers, methods of source selection, and procurement communications reporting. Makes other changes. Amends the State Employee Indemnification Act; Civil Administrative Code, Architectural, Engineering, and Land Surveying Qualifications Based Selection Act; Illinois State Auditing Act; Criminal Code of 2012; and the Illinois Human Rights Act to make related changes. Effective January 1, 2017.

FISCAL NOTE ACT
MAY APPLY
AN ACT concerning finance.

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

Section 5. The State Employee Indemnification Act is amended by changing Section 1 as follows:

(5 ILCS 350/1) (from Ch. 127, par. 1301)

Sec. 1. Definitions. For the purpose of this Act:

(a) The term "State" means the State of Illinois, the General Assembly, the court, or any State office, department, division, bureau, board, commission, or committee, the governing boards of the public institutions of higher education created by the State, the Illinois National Guard, the Comprehensive Health Insurance Board, any poison control center designated under the Poison Control System Act that receives State funding, or any other agency or instrumentality of the State. It does not mean any local public entity as that term is defined in Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act or a pension fund.

(b) The term "employee" means: any present or former elected or appointed officer, trustee or employee of the State, or of a pension fund; any present or former commissioner or employee of the Executive Ethics Commission or of the Legislative Ethics Commission; any present or former
Executive, Legislative, or Auditor General's Inspector General; any present or former employee of an Office of an Executive, Legislative, or Auditor General's Inspector General; any present or former member of the Illinois National Guard while on active duty; individuals or organizations who contract with the Department of Corrections, the Department of Juvenile Justice, the Comprehensive Health Insurance Board, or the Department of Veterans' Affairs to provide services; individuals or organizations who contract with the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) to provide services including but not limited to treatment and other services for sexually violent persons; individuals or organizations who contract with the Department of Military Affairs for youth programs; individuals or organizations who contract to perform carnival and amusement ride safety inspections for the Department of Labor; individuals who contract with the Office of the State's Attorneys Appellate Prosecutor to provide legal services, but only when performing duties within the scope of the Office's prosecutorial activities; individual representatives of or designated organizations authorized to represent the Office of State Long-Term Ombudsman for the Department on Aging; individual representatives of or organizations designated by the Department on Aging in the performance of their duties as adult protective services agencies or regional administrative agencies under the Adult
Protective Services Act; individuals or organizations appointed as members of a review team or the Advisory Council under the Adult Protective Services Act; individuals or organizations who perform volunteer services for the State where such volunteer relationship is reduced to writing; individuals who serve on any public entity (whether created by law or administrative action) described in paragraph (a) of this Section; individuals or not for profit organizations who, either as volunteers, where such volunteer relationship is reduced to writing, or pursuant to contract, furnish professional advice or consultation to any agency or instrumentality of the State; an individual or organization contracted with by the State pursuant to item (4) of subsection (b) of Section 1-10 of the Illinois Procurement Code; individuals who serve as foster parents for the Department of Children and Family Services when caring for a Department ward; individuals who serve as members of an independent team of experts under Brian's Law; and individuals who serve as arbitrators pursuant to Part 10A of Article II of the Code of Civil Procedure and the rules of the Supreme Court implementing Part 10A, each as now or hereafter amended; the term "employee" does not mean an independent contractor except as provided in this Section. The term includes an individual appointed as an inspector by the Director of State Police when performing duties within the scope of the activities of a Metropolitan Enforcement Group or a law enforcement
organization established under the Intergovernmental Cooperation Act. An individual who renders professional advice and consultation to the State through an organization which qualifies as an "employee" under the Act is also an employee. The term includes the estate or personal representative of an employee.

(c) The term "pension fund" means a retirement system or pension fund created under the Illinois Pension Code.

(Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; 98-732, eff. 7-16-14; 98-756, eff. 7-16-14.)

Section 10. The Civil Administrative Code of Illinois is amended by changing Section 5-115 as follows:

(20 ILCS 5/5-115) (was 20 ILCS 5/5.13e)

Sec. 5-115. In the Department of Central Management Services. Three Assistant Directors of Central Management Services. One of these 3 Assistant Directors shall be the Assistant Director for Procurement.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 15. The Illinois State Auditing Act is amended by changing Sections 3-2 and 3-3 as follows:

(30 ILCS 5/3-2) (from Ch. 15, par. 303-2)

Sec. 3-2. Mandatory and directed post audits. The Auditor
General shall conduct a financial audit, a compliance audit, or other attestation engagement, as is appropriate to the agency's operations under generally accepted government auditing standards, of each State agency except the Auditor General or his office at least once during every biennium, except as is otherwise provided in regulations adopted under Section 3-8. The general direction and supervision of the financial audit program may be delegated only to an individual who is a Certified Public Accountant and a payroll employee of the Office of the Auditor General. In the conduct of financial audits, compliance audits, and other attestation engagements, the Auditor General may inquire into and report upon matters properly within the scope of a performance audit, provided that such inquiry shall be limited to matters arising during the ordinary course of the financial audit.

In any year the Auditor General shall conduct any special audits as may be necessary to form an opinion on the financial statements of this State, as prepared by the Comptroller, and to certify that this presentation is in accordance with generally accepted accounting principles for government.

Simultaneously with the biennial compliance audit of the Department of Human Services, the Auditor General shall conduct a program audit of each facility under the jurisdiction of that Department that is described in Section 4 of the Mental Health and Developmental Disabilities Administrative Act. The program audit shall include an examination of the records of each
facility concerning (i) reports of suspected abuse or neglect of any patient or resident of the facility and (ii) reports of violent acts against facility staff by patients or residents. The Auditor General shall report the findings of the program audit to the Governor and the General Assembly, including findings concerning patterns or trends relating to (i) abuse or neglect of facility patients and residents or (ii) violent acts against facility staff by patients or residents. However, for any year for which the Inspector General submits a report to the Governor and General Assembly as required under Section 6.7 of the Abused and Neglected Long Term Care Facility Residents Reporting Act, the Auditor General need not conduct the program audit otherwise required under this paragraph.

The Auditor General shall conduct a performance audit of a State agency when so directed by the Commission, or by either house of the General Assembly, in a resolution identifying the subject, parties and scope. Such a directing resolution may:

(a) require the Auditor General to examine and report upon specific management efficiencies or cost effectiveness proposals specified therein;

(b) in the case of a program audit, set forth specific program objectives, responsibilities or duties or may specify the program performance standards or program evaluation standards to be the basis of the program audit;

(c) be directed at particular procedures or functions established by statute, by administrative regulation or by
precedent; and

(d) require the Auditor General to examine and report upon specific proposals relating to state programs specified in the resolution.

The Commission may by resolution clarify, further direct, or limit the scope of any audit directed by a resolution of the House or Senate, provided that any such action by the Commission must be consistent with the terms of the directing resolution.

The Auditor General shall conduct performance audits as required under Section 50-80 of the Illinois Procurement Code.

(Source: P.A. 93-630, eff. 12-23-03; 94-347, eff. 7-28-05.)

(30 ILCS 5/3-3) (from Ch. 15, par. 303-3)

Sec. 3-3. Discretionary audits. The Auditor General may initiate and conduct a special audit whenever he determines it to be in the public interest.

The Auditor General may initiate and conduct an economy and efficiency audit of a State agency or program whenever the findings of a post audit indicate that such an audit is advisable or in the public interest, if he has given the Commission at least 30 days' prior notice of his intention to conduct the audit and the Commission has not disapproved of that audit.

The Auditor General may, at any time, make informal inquiries of any agency concerning its obligation, receipt,
expenditure or use of State funds, but such an inquiry may not
be in the nature of an investigation or post audit.

The Auditor General may, by audit or informally, review
procurements under Section 50-80 of the Illinois Procurement
Code.

(Source: P.A. 93-630, eff. 12-23-03.)

Section 20. The Illinois Procurement Code is amended by
changing Sections 1-5, 1-10, 1-12, 1-13, 1-15.12, 1-15.15,
35-40, 40-15, 40-20, 40-25, 40-30, 40-35, 40-55, 45-10, 45-15,
45-30, 45-35, 45-40, 45-45, 45-57, 45-67, 45-70, 50-1, 50-2,
50-5, 50-10, 50-10.5, 50-11, 50-12, 50-20, 50-21, 50-30, 50-35,
50-36, 50-37, 50-38, 50-40, 50-45, 50-60, 50-65, and 50-75 and
10-6, 15-36, 20-16, 20-51, 25-81, and 50-80 as follows:

(30 ILCS 500/1-5)

Sec. 1-5. Public policy. It is the purpose of this Code and
is declared to be the policy of the State that the principles
of competitive bidding and economical procurement practices
shall be applicable to all purchases and contracts by or for
any State agency. The chief procurement officer, the designated procurement officers, and their designees owe a fiduciary duty to the State.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/1-10)
Sec. 1-10. Application.
(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including but not limited to any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.
(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:
(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in this Code.
(2) Grants, except for the filing requirements of
Section 20-80.

(3) Purchase of care.

(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual. For the purposes of this paragraph (4), an individual may use an organization wholly owned by the individual to contract with the State provided that the organization functions as an employee and not an independent contractor. No such contract under this item (4) shall constitute a position of employment as contemplated by the Personnel Code.

(5) Collective bargaining contracts.

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

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and
provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

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

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

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

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

(12) Contracts for legal, financial, and other professional and artistic services entered into on or
before December 31, 2018 by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the Board of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the Board of the Illinois Finance Authority of the terms of the contract.

(13) Contracts for participation in domestic and international trade shows and exhibitions.

(14) Contracts with a railroad or utility that requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (14) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (14), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act, (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act, (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public
Utilities Act, (5) rural water or waste water systems with
10,000 connections or less, (6) a holder as defined in
Section 21-201 of the Public Utilities Act, and (7)
municipalities owning or operating utility systems
consisting of public utilities as that term is defined in

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

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act.
(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

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

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

(g) This Code does not apply to the processes used by the Illinois Power Agency to retain a mediator to mediate contract disputes between gas utilities and the clean coal SNG facility and to retain an expert to assist in the review of contracts
under subsection (h) of Section 9-220 of the Public Utilities Act. This Code does not apply to the process used by the Illinois Commerce Commission to retain an expert to assist in determining the actual incurred costs of the clean coal SNG facility and the reasonableness of those costs as required under subsection (h) of Section 9-220 of the Public Utilities Act.

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

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

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

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

(l) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure goods and services paid for from the private funds of the Illinois
Prepaid Tuition Trust Fund. "Private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12; 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13; 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff. 1-1-15.)

(30 ILCS 500/1-12)

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

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

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

(b) Notice of each contract entered into by a State agency that is related to the procurement of goods and services identified in this Section shall be published in the applicable volume of the Illinois Procurement Bulletin within 14 calendar days after contract execution. The chief procurement officer and each designated procurement officer shall prescribe the form and content of the notice applicable to procurements within their respective authorities. Each State agency shall provide the chief procurement officer or designated procurement officer, whichever is applicable, on a monthly
basis, in the form and content prescribed by the chief procurement officer or designated procurement officer, whichever is applicable, a report of contracts that are related to the procurement of supplies goods and services identified in this Section. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the chief procurement officer or designated procurement officer, whichever is applicable, immediately upon request. The chief procurement officer and designated procurement officers shall submit a joint report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) (Blank). This Section is repealed December 31, 2016.
(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/1-13)
(Section scheduled to be repealed on December 31, 2016)
Sec. 1-13. Applicability to public institutions of higher education.
(a) This Code shall apply to public institutions of higher education, regardless of the source of the funds with which contracts are paid, except as provided in this Section.
(b) Except as provided in this Section, this Code shall not apply to procurements made by or on behalf of public institutions of higher education for any of the following:

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

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

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

(4) Procurement expenditures necessary to provide athletic, artistic, or musical services, performances, events, or productions held at a venue operated by or for a public institution of higher education.

(5) Procurement expenditures for periodicals, and books, subscriptions, database licenses, and other publications procured for use by a university library or academic department, except for expenditures related to procuring textbooks for student use or materials for resale.
(6) Procurement expenditures for placement of students in externships, practicums, field experiences, and for medical residencies and rotations.

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

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

(9) Procurement expenditures for new and used textbooks offered for resale.

(10) Procurement expenditures for good and services provided by national and regional higher education consortium groups pursuant to competitive solicitation where fair pricing is determined.

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

(12) Procurement expenditures for health care professionals and for goods and services for the delivery of care and treatment or education at medical, dental, or veterinary teaching facilities utilized by the University of Illinois or Southern Illinois University.
(13) Procurement of goods and services for university-operated health care centers and dispensaries that provide care, treatment, and medications for students, faculty, and staff.

(14) Procurement expenditures for student health insurance programs.

(15) Procurement of medical or bio-medical goods and services.

(16) Contracts for programming and broadcast license rights for university-operated radio and television stations.

(17) Procurement expenditures for used equipment.

(18) Procurement of food items for commercial resale.

(19) Procurement expenditures for investments, banking, insurance, and debt underwriting.

Notice of each contract entered into by a public institution of higher education that is related to the procurement of goods and services identified in items (1) through (19) of this subsection shall be published in the appropriate volume of the Illinois Procurement Bulletin within 14 calendar days after contract execution. The higher education designated procurement officer Chief Procurement Officer shall prescribe the form and content of the notice. Each public institution of higher education shall provide the higher education designated procurement officer Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the higher
education designated procurement officer Chief Procurement Officer, an annual report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the higher education designated procurement officer Chief Procurement Officer immediately upon request. The higher education designated procurement officer Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer.

(b-5) (Blank). Except as provided in this subsection, the provisions of this Code shall not apply to contracts for FDA-regulated supplies, and to contracts for medical services necessary for the delivery of care and treatment at medical, dental, or veterinary teaching facilities utilized by Southern Illinois University or the University of Illinois. Other supplies and services needed for these teaching facilities shall be subject to the jurisdiction of the Chief Procurement Officer for Public Institutions of Higher Education who may establish expedited procurement procedures and may waive or modify certification, contract, hearing, process and
registration requirements required by the Code. All procurements made under this subsection shall be documented and may require publication in the Illinois Procurement Bulletin.

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

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

(2) (Blank).

(3) (Blank).

(4) Procurements required for fulfillment of a grant.

Upon the written request of a public institution of higher education, the Chief Procurement Officer may waive registration, certification, and hearing requirements of this Code if, based on the item to be procured or the terms of a grant, compliance is impractical. The public institution of higher education shall provide the Chief Procurement Officer with specific reasons for the waiver, including the necessity of contracting with a particular potential contractor, and shall certify that an effort was made in good faith to comply with the provisions of this Code. The Chief Procurement Officer shall provide written justification for any waivers. By
November 1 of each year, the Chief Procurement Officer shall file a report with the General Assembly identifying each contract approved with waivers and providing the justification given for any waivers for each of those contracts. Notice of each waiver made under this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice.

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

(e) Notwithstanding subsection (e) of Section 50-10.5 of this Code, the higher education designated procurement officer, Chief Procurement Officer, with the approval of the chief procurement officer Executive Ethics Commission, may permit a public institution of higher education to accept a bid or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid or contract, provided that the bid or contract is essential to research administered by
the public institution of higher education and it is in the
best interest of the public institution of higher education to
accept the bid or contract. For purposes of this subsection,
"business" includes all individuals with whom a business is
affiliated, including, but not limited to, any officer, agent,
employee, consultant, independent contractor, director,
partner, manager, or shareholder of a business. The Executive
Ethics Commission may promulgate rules and regulations for the
implementation and administration of the provisions of this
subsection (e).

(f) As used in this Section:

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

"Public institution of higher education" means Chicago
State University, Eastern Illinois University, Governors State
University, Illinois State University, Northeastern Illinois
University, Northern Illinois University, Southern Illinois
University, University of Illinois, Western Illinois
University, and, for purposes of this Code only, the Illinois
Mathematics and Science Academy.

(g) (Blank). This Section is repealed on December 31, 2016.
(Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;
98-1076, eff. 1-1-15.)
Sec. 1-13.1. Continuation of Section 1-13 of this Code; validation.

(a) The General Assembly finds and declares that:

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

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

(3) This amendatory Act of the 99th General Assembly manifests the intention of the General Assembly to remove the repeal of Section 1-13 of this Code.

(4) Section 1-13 of this Code was originally enacted to protect, promote, and preserve the general welfare. Any construction of Section 1-13 of this Code that results in the repeal of that Section on December 31, 2014 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Code.

(b) It is hereby declared to have been the intent of the General Assembly that Section 1-13 of this Code not be subject to repeal on December 31, 2014.
(c) Section 1-13 of this Code shall be deemed to have been in continuous effect since December 20, 2011 (the effective date of Public Act 97-643), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to Section 1-13 of this Code taking effect on or after December 31, 2014, are hereby validated.

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

(e) In order to ensure the continuing effectiveness of Section 1-13 of this Code, it is set forth in full and re-enacted by this amendatory Act of the 99th General Assembly. This re-enactment is intended as a continuation of that Section. It is not intended to supersede any amendment to that Section that is enacted by the 99th General Assembly.

(f) In this amendatory Act of the 99th General Assembly, the base text of the reenacted Section is set forth as amended by Public Act 98-1076. Striking and underscoring is used only to show changes being made to the base text by this amendatory Act of the 99th General Assembly.

(g) Section 1-13 of this Code applies to all procurements made on or before the effective date of this amendatory Act of the 99th General Assembly.

(30 ILCS 500/1-15.12)
Sec. 1-15.12. Change order. "Change order" means a change in a contract term, other than as specifically provided for in the contract, that requires which authorizes or necessitates any increase or decrease in the cost of the contract or the time for completion of the contract for procurements subject to the jurisdiction of the chief procurement officers appointed pursuant to Section 10-20.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/1-15.15)

Sec. 1-15.15. Chief Procurement Officer. "Chief Procurement Officer" means the Director of Central Management Services or his or her designee or designees, any of the 4 persons appointed or approved by a majority of the members of the Executive Ethics Commission:

(1) for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission.

(2) for procurements for all construction, construction-related services, operation of any facility, and the provision of any construction or construction-related service or activity committed by law to the jurisdiction or responsibility of the Illinois
Department of Transportation, including the direct or reimbursable expenditure of all federal funds for which the Department of Transportation is responsible or accountable for the use thereof in accordance with federal law, regulation, or procedure, the independent chief procurement officer appointed by the Secretary of Transportation with the consent of the majority of the members of the Executive Ethics Commission.

(3) for all procurements made by a public institution of higher education, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission.

(4) (Blank).

(5) for all other procurements, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission.

(Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 96-920, eff. 7-1-10.)

(30 ILCS 500/1-15.20)

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

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

"Construction support" means all equipment, supplies, and services that are necessary to the operation of a construction agency's construction program.

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

(30 ILCS 500/1-15.38 new)

Sec. 1-15.38. Designated procurement officer. "Designated procurement officer" means those individuals or their designees that have been delegated procurement authority pursuant to subsection (b) of Section 10-5 of this Code.

(30 ILCS 500/1-15.47 new)

Sec. 1-15.47. Master Contract. "Master contract" means a definite quantity, indefinite quantity, or requirements contract awarded in accordance with Sections 20-10, 20-15, 20-16, 20-20, 20-25, 20-30, 20-35, 30-15, 35-17, 45-30, or 45-35 of this Code against which subsequent orders may be placed to meet the needs of entities, including, but not
limited to, the purchasing agency. The subsequent orders may be placed against a master contract without additional source selection requirements. The terms of a master contract may limit the master contract's usage to a specific agency or agencies, or the terms of a master contract may allow the master contract to be used by other governmental units or qualified not-for-profit agencies to the extent permitted by the Governmental Joint Purchasing Act.

(30 ILCS 500/1-15.56 new)

Sec. 1-15.56. Procurement. "Procurement" means, unless otherwise excluded, the solicitation, advertisement, and award of a contract. For the purposes of this Code, an order for supplies or services off of a master contract is not a procurement.

(30 ILCS 500/1-15.70)

Sec. 1-15.70. Purchasing agency. "Purchasing agency" means a State agency that is authorized to enter into a contract (1) pursuant to this Code or its rules or (2) by delegation from the chief procurement officer or a designated procurement officer enters into a contract at the direction of a State purchasing officer authorized by a chief procurement officer or a chief procurement officer.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)
Sec. 1-15.74. Request for qualifications. "Request for qualifications" means the process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting qualifications.

Sec. 1-15.107. Subcontract. "Subcontract" means a contract between a subcontractor person and a contractor person who has a contract subject to this Code, pursuant to which the subcontractor assumes obligation for performing specific work under the contract provides to the contractor, or, if the contract price exceeds $50,000, another subcontractor, some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract and also includes, among other things, subleases from a lessee of a State agency. For purposes of this Code, a "subcontract" does not include purchases of services, goods or supplies that are necessary for incidental to the performance of a contract by a contractor person who has a contract subject to this Code.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)
Sec. 1-15.108. Subcontractor. "Subcontractor" means a person or entity that enters into a contractual agreement with a total value of $50,000 or more with a contractor person or entity who has a contract subject to this Code pursuant to which the person assumes obligation for performing specific work under the contract or entity provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary State contract, and also includes, but is not limited to, including subleases from a lessee of a State contract. For purposes of this Code, a person or entity is not a "subcontractor" if that person only provides services goods or supplies necessary for that are incidental to the performance of a contract by a contractor person who has a contract subject to this Code.

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

(30 ILCS 500/5-5)

Sec. 5-5. Procurement Policy Board.

(a) Creation. There is created a Procurement Policy Board, an agency of the State of Illinois.

(b) Authority and duties. The Board shall have the authority and responsibility to review, comment upon, and recommend, consistent with this Code, rules and practices governing the procurement, management, control, and disposal of supplies, services, professional or artistic services,
construction, and real property and capital improvement leases procured by the State. The Board shall also have the authority to recommend a program for professional development and provide opportunities for training in procurement practices and policies to the chief procurement officer, the designated procurement officers, and their staffs in order to ensure that all procurement is conducted in an efficient, professional, and appropriately transparent manner.

Upon a three-fifths vote of its members, the Board may review an existing contract. Upon a three-fifths vote of its members, the Board may recommend procurement rules for consideration by the chief procurement officer and designated procurement officers. These proposals shall be published in each volume of the Procurement Bulletin. Except as otherwise provided by law, the Board shall act upon the vote of a majority of its members who have been appointed and are serving.

(b-5) Reviews, studies, and hearings. The Board may review, study, and hold public hearings concerning the implementation and administration of this Code. The chief procurement officer, designated procurement officers, State purchasing officer, procurement compliance monitor, and State agencies agency shall cooperate with the Board, provide information to the Board, and be responsive to the Board in the Board's conduct of its reviews, studies, and hearings.

(c) Members. The Board shall consist of 5 members appointed
one each by the 4 legislative leaders and the Governor. Each member shall have demonstrated sufficient business or professional experience in the area of procurement to perform the functions of the Board. No member may be a member of the General Assembly.

(d) Terms. Of the initial appointees, the Governor shall designate one member, as Chairman, to serve a one-year term, the President of the Senate and the Speaker of the House shall each appoint one member to serve 3-year terms, and the Minority Leader of the House and the Minority Leader of the Senate shall each appoint one member to serve 2-year terms. Subsequent terms shall be 4 years. Members may be reappointed for succeeding terms.

(e) Reimbursement. Members shall receive no compensation but shall be reimbursed for any expenses reasonably incurred in the performance of their duties.

(f) Staff support. Upon a three-fifths vote of its members, the Board may employ an executive director. Subject to appropriation, the Board also may employ a reasonable and necessary number of staff persons.

(g) Meetings. Meetings of the Board may be conducted telephonically, electronically, or through the use of other telecommunications. Written minutes of such meetings shall be created and available for public inspection and copying.

(h) (Blank). Procurement recommendations. Upon a three-fifths vote of its members, the Board may review a
proposal, bid, or contract and issue a recommendation to void a contract or reject a proposal or bid based on any violation of this Code or the existence of a conflict of interest as described in subsections (b) and (d) of Section 50-35. A chief procurement officer or State purchasing officer shall notify the Board if an alleged conflict of interest or violation of the Code is identified, discovered, or reasonably suspected to exist. Any person or entity may notify the Board of an alleged conflict of interest or violation of the Code. A recommendation of the Board shall be delivered to the appropriate chief procurement officer and Executive Ethics Commission within 7 calendar days and must be published in the next volume of the Procurement Bulletin. In the event that an alleged conflict of interest or violation of the Code that was not originally disclosed with the bid, offer, or proposal is identified and filed with the Board, the Board shall provide written notice of the alleged conflict of interest or violation to the bidder, offeror, potential contractor, contractor, or subcontractor on that contract. If the alleged conflict of interest or violation is by the subcontractor, written notice shall also be provided to the bidder, offeror, potential contractor, or contractor. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to provide a written response to the notice, and a hearing before the Board on the alleged conflict of interest or violation shall be held upon request by the bidder, offeror, potential contractor,
contractor, or subcontractor. The requested hearing date and time shall be determined by the Board, but in no event shall the hearing occur later than 15 calendar days after the date of the request.

(i) (Blank). After providing notice and a hearing as required by subsection (h), the Board shall refer any alleged violations of this Code to the Executive Inspector General in addition to or instead of issuing a recommendation to void a contract.

(j) Response. Each State agency must respond promptly in writing to all inquiries and comments of the Procurement Policy Board.

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

(30 ILCS 500/10-5)

Sec. 10-5. Exercise of procurement authority.

(a) The chief procurement officer or his or her designees shall exercise all procurement authority created by this Code except as such authority is delegated either in this Code or by the chief procurement officer or his or her designees to a purchasing agency. The State purchasing officers appointed under this Code shall exercise procurement authority at the direction of their respective chief procurement officer. Decisions of a State purchasing officer are subject to review by the respective chief procurement officer.

(b) Procurement authority is delegated as follows:
(1) the Executive Director of the Capital Development Board or his or her designee is the designated procurement officer with authority for all procurements for construction, construction-related services, and construction support committed by law to the jurisdiction or responsibility of the Capital Development Board.

(2) the Secretary of Transportation or his or her designee is the designated procurement officer with authority for all procurements for all construction, construction-related services, construction support, operation of any facility, and the provision of any construction or construction-related service or activity committed by law to the jurisdiction or responsibility of the Department of Transportation, including the direct or reimbursable expenditure of all federal funds for which the Department of Transportation is responsible or accountable for the use thereof in accordance with federal law, regulation, or procedures.

(3) a representative designated by the Board of Higher Education is the designated procurement officer for all procurements made by public institutions of higher education.

(4) the Chairman of the Illinois State Toll Highway Authority or his or her designee is the designated procurement officer with authority for all procurements for all construction, construction-related services,
construction support, operation of any facility, and the
provision of any construction or construction-related
service or activity committed by law to the jurisdiction or
responsibility of the Illinois State Toll Highway
Authority.

(c) The chief procurement officer may limit the authority
given under subsection (b) of this Section to procure general
services supplies and services and construction support by
administrative rulemaking in accordance with the Illinois
Administrative Procedure Act.

(d) In addition to any other requirement or qualification
required by State law, the chief procurement officer or his or
her designee and each designated procurement officer or their
designees must within 12 months of employment be a Certified
Professional Public Buyer or a Certified Public Purchasing
Officer, pursuant to certification by the Universal Public
Purchasing Certification Council, and must reside in Illinois.
(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
for the effective date of changes made by P.A. 96-795).)

(30 ILCS 500/10-6 new)

Sec. 10-6. Rulemaking authority; agency policy.

(a) Rulemaking. The chief procurement officer and the
designated procurement officers shall form a rulemaking
committee that is chaired by the chief procurement officer. The
rulemaking committee shall develop and adopt a single set of
joint rules to carry out the procurement authority set forth in this Code. The uniform set of rules may contain one or more subparts for various topics, including construction and construction-related services. The rulemaking authority mentioned in specific sections of this Code shall not be construed as prohibiting or limiting rulemaking authority of the chief procurement officer and designated procurement officers on other procurement topics within their authority under this Code.

The joint rules shall be adopted in accordance with the Illinois Administrative Procedure Act. Contractual provisions, specifications, and procurement descriptions are not rules and are not subject to the Illinois Administrative Procedure Act.

(b) Policy. The chief procurement officer and designated procurement officers shall promptly notify the Procurement Policy Board in writing of any proposed new procurement rule or policy or any proposed change in an existing procurement rule or policy.

(30 ILCS 500/15-1)

Sec. 15-1. Publisher. The each chief procurement officer and each designated procurement officer, in consultation with the agencies under his or her jurisdiction, possesses the rights to and is the authority responsible for maintaining and publishing its own separate volume of the Illinois Procurement Bulletin. The chief procurement officer and each designated
procurement officer will provide a description of the agency or types of procurement in the title of the separate volumes of the Illinois Procurement Bulletin.

Each volume of the Illinois Procurement Bulletin shall be available electronically and may be available in print. References in this Code to the publication and distribution of the Illinois Procurement Bulletin include both its print and electronic formats.

(Source: P.A. 97-895, eff. 8-3-12.)

(30 ILCS 500/15-20)

Sec. 15-20. Qualified bidders or offerors. Subscription to any volume of the Illinois Procurement Bulletin shall not be required to qualify as a bidder or offeror under this Code.

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

(30 ILCS 500/15-25)


(a) Invitations for bids. Notice of each and every contract that is offered, including renegotiated contracts and change orders, shall be published in the applicable volume of the Illinois Procurement Bulletin. All businesses listed on the Department of Transportation Disadvantaged Business Enterprise Directory, the Department of Central Management Services Business Enterprise Program, and the Chief Procurement Office's Small Business Vendors Directory shall be furnished
written instructions and information on how to register on each Procurement Bulletin maintained by the State. Such information shall be provided to each business within 30 calendar days after the business' notice of certification. The applicable chief procurement officer or applicable designated procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least the date first offered, the date submission of offers is due, the location that offers are to be submitted to, the purchasing State agency, the e-mail address and telephone number of the responsible State procurement contact purchasing officer, a brief purchase description, the method of source selection, information of how to obtain a comprehensive purchase description and any disclosure and contract forms, and may include encouragement to potential contractors to hire qualified veterans, as defined by Section 45-67 of this Code, and qualified Illinois minorities, women, persons with disabilities, and residents discharged from any Illinois adult correctional center.

(a-5) All businesses listed on the Illinois Unified Certification Program Disadvantaged Business Enterprise Directory, the Business Enterprise Program of the Department of Central Management Services, and the Small Business Vendors Directory of the Department of Central Management Services shall be furnished written instructions and information on how to register for each volume of the Illinois Procurement
Bulletin. Such information shall be provided to each business within 30 calendar days after the business's notice of certification.

(b) Contracts let. Notice of each and every contract that is let, including renegotiated contracts and change orders, shall be posted electronically to those bidders submitting responses to the solicitations, inclusive of the unsuccessful bidders, immediately upon contract let. Failure of any chief procurement officer to give such notice shall result in tolling the time for filing a bid protest up to 7 calendar days.

For purposes of this subsection (b), "contracts let" means a construction agency's act of posting advertising an invitation for bids, after the bid opening, for one or more construction projects.

(b-5) Contracts awarded. Notice of each and every contract that is awarded, including renegotiated contracts and change orders, shall be issued electronically to the successful responsible bidder, offeror, or contractor and published in the next available subsequent Bulletin. The applicable chief procurement officer or applicable designated procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least all of the information specified in subsection (a) as well as the name of the successful responsible bidder, offeror, or contractor, and the contract price, or, for
contracts where a group of offerors is qualified as part of a
pre-qualified pool in accordance with Article 35 of this Code,
an upper limit value shall be published for the entire
pre-qualified pool along with unit or hourly pricing for each
individual offeror, the number of unsuccessful bidders, or
offerors, or contractors and any other disclosure specified in
any Section of this Code. This notice must be posted in the
online electronic Bulletin prior to execution of the contract.

For purposes of this subsection (b-5), "contract award"
means the determination that a particular bidder or offeror has
been selected from among other bidders or offerors to receive a
contract, subject to the successful completion of final
negotiations. "Contract award" is evidenced by the posting of a
Notice of Award or a Notice of Intent to Award to the
applicable respective volume of the Illinois Procurement
Bulletin.

(c) Emergency purchase disclosure. The Any chief
procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer or State purchasing officer
exercising emergency purchase authority under this Code shall
publish a written description and reasons and the total cost,
if known, or an estimate if unknown and the name of the
responsible chief procurement officer or designated
procurement officer, whichever is applicable and State
purchasing officer, and the business or person contracted with
for all emergency purchases in the applicable volume of the Illinois Procurement next timely, practicable Bulletin. This notice must be posted in the online electronic Bulletin no later than 5 calendar days after the contract is awarded. Notice of a hearing to extend an emergency contract must be posted in the applicable volume of the online electronic Procurement Bulletin no later than 14 calendar days prior to the hearing.

(c-5) Business Enterprise Program report. Each purchasing agency shall, with the assistance of the applicable chief procurement officer or, if applicable, the designated procurement officer, post in the online electronic Bulletin a copy of its annual report of utilization of businesses owned by minorities, females, and persons with disabilities as submitted to the Business Enterprise Council for Minorities, Females, and Persons with Disabilities pursuant to Section 6(c) of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act within 10 calendar days after its submission of its report to the Council.

(c-10) Renewals. Notice of each contract renewal shall be posted in the applicable volume of the online electronic Bulletin within 14 calendar days of the determination to renew the contract and the next available subsequent Bulletin. The notice shall include at least all of the information required in subsection (a) (b).

(c-15) Sole source procurements. Before entering into a
sole source contract, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer exercising sole source procurement authority under this Code shall publish a written description of intent to enter into a sole source contract along with a description of the item to be procured and the intended sole source contractor. This notice must be posted in the applicable volume of the Illinois online electronic Procurement Bulletin before a sole source contract is awarded and at least 14 calendar days before the hearing if required by Section 20-25.

(d) Other required disclosure. The applicable chief procurement officer or, if applicable, designated procurement officer shall provide by rule for the organized publication of all other disclosure required in other Sections of this Code in a timely manner.

(e) The changes to subsections (b), (c), (c-5), (c-10), and (c-15) of this Section made by this amendatory Act of the 96th General Assembly apply to reports submitted, offers made, and notices on contracts executed on or after its effective date.

(f) The chief procurement officer and each designated procurement officer may include any additional information and content in his or her volume of the Illinois Procurement Bulletin as he or she deems necessary. Each chief procurement officer shall, in consultation with the agencies under his or her jurisdiction, provide the Procurement Policy Board with the
information and resources necessary, and in a manner, to
effectuate the purpose of this amendatory Act of the 96th
General Assembly.
(Source: P.A. 97-895, eff. 8-3-12; 98-1038, eff. 8-25-14;
98-1076, eff. 1-1-15.)

(30 ILCS 500/15-30)
(a) The chief procurement officer Procurement Policy Board
shall maintain on an its official procurement website a
searchable database containing all information required to be
included in the volumes of the Illinois Procurement Bulletin
under subsections (b), (b-5), (c), (c-10), and (c-15) of
Section 15-25 and all information required to be disclosed
under Section 50-41. The posting of procurement information on
the website is subject to the same posting requirements as the
online electronic Bulletin.
(b) For the purposes of this Section, searchable means
searchable and sortable by awarded successful responsible
bidder, offeror, potential contractor, or contractor, for
emergency purchases, business or person contracted with; the
contract price or total cost; the service or good; the
purchasing State agency; and the date first offered or
announced.
(c) Each designated The applicable chief procurement
officer shall provide the chief procurement officer
Procurement Policy Board the information and resources necessary, and in a manner, to effectuate the purpose of this Section.

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

(30 ILCS 500/15-35)

Sec. 15-35. Vendor portal. The Each chief procurement officer and each designated procurement officer may, in consultation with the agencies under his or her procurement authority jurisdiction and the Procurement Policy Board, establish a vendor portal. The vendor portal shall allow a potential vendor to provide certifications, disclosures, registrations, and other documentation needed to do business with a State agency in advance of any particular procurement. A potential vendor who registers with the vendor portal and provides this information may submit its registration number, with a confirmation that the portal information remains current, as part of its response to a competitive selection or a contracting process, rather than submit the same information in full. The One or more chief procurement officer and one or more designated procurement officers may jointly operate a vendor portal if a single portal would better serve the needs of the State agencies and the vendor community. The A chief procurement officer or designated procurement officer may accept, for use on procurements and contracts under his or her jurisdiction, the registration from the another chief
procurement or a designated procurement officer's vendor portal. This Section applies notwithstanding any laws to the contrary except for later enacted laws that specifically refer to this Section.

Nothing in this Section shall preclude a State agency from implementing its own pre-qualification, certification, disclosure, and registration requirements necessary to conduct and manage its program operation.

This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

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

(30 ILCS 500/15-36 new)

Sec. 15-36. Subscription to the chief procurement officer's vendor portal.

(a) Except as otherwise set forth in this Section, all bidders or offerors must subscribe to the chief procurement officer's online, electronic vendor portal on or before the time of contract execution.

(b) This Section shall not apply to bidders or offerors on procurements falling under the authority of a designated procurement officer.

(c) This Section is applicable to procurements occurring on or after the effective date of this amendatory Act of the 99th
Sec. 20-10. Competitive sealed bidding; reverse auction.

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

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

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

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

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

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when the chief procurement officer or, if the procurement
is under the authority of a designated procurement officer, the applicable designated procurement officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

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

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

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

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

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

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

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

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

(j) Reverse auction. Notwithstanding any other provision of this Section, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer and in accordance with rules adopted by the chief procurement officer, may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer or applicable designated procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer or applicable designated procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.
An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

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

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

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

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the chief procurement state purchasing officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of
professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.
(Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

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

Sec. 20-10. Competitive sealed bidding; reverse auction.
(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.
(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.
(c) Public notice. Public notice of the invitation for bids shall be published in the appropriate volume of the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.
(d) Bid opening. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the...
contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

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

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer.

(g) Award. The contract shall be awarded with reasonable
promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

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

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

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

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

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

(j) Reverse auction. Notwithstanding any other provision
of this Section, the chief procurement officer or, if the
procurement is under the authority of a designated procurement
officer, the applicable designated procurement officer and in
accordance with rules adopted by the chief procurement officer,
that chief procurement officer may procure supplies or services
through a competitive electronic auction bidding process after
the chief procurement officer or applicable designated
procurement officer determines that the use of such a process
will be in the best interest of the State. The chief procurement officer or applicable designated procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

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

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

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

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

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the chief procurement State purchasing officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer and the lowest responsible
bidder.

This subsection does not apply to (i) procurements of
professional and artistic services, (ii) telecommunications
services, communication services, and information services,
and (iii) contracts for construction projects, including
design professional services.
(Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
98-1076, eff. 1-1-15.)

(30 ILCS 500/20-16 new)
Sec. 20-16. Competitive procurements from a pre-qualified
pool.
(a) Conditions for use. When provided for under this Code
or under its rules, or for the procurement of categories of
supplies or services, including information technology or
telecommunications supplies or services, contracts may be
entered into through a request for qualifications.
(b) Request for qualifications. Qualifications for
categories of supplies or services shall be solicited through a
request for qualifications process.
(c) Public notice. Public notice of the request for
qualifications shall be published in the Illinois Procurement
Bulletin at least 14 days before the date set in the invitation
for the opening of qualifications.
(d) Receipt of qualifications. A record of qualifications shall be prepared and shall be open for public inspection after creation of the pre-qualified pool.

(e) Evaluation factors. The request for qualifications shall contain the factors to be used in determining if an offeror is pre-qualified to provide the category of supplies or services. These factors include, but are not limited to, any necessary experience, any necessary technical knowledge, any required certification or accreditation, and financial stability.

(f) Discussion with responsible offerors and revisions of qualifications. As provided in the request for qualifications and under adopted rules, discussions may be conducted with responsible offerors who submit qualifications determined to be reasonably susceptible of being pre-qualified for the purpose of clarifying and assuring full understanding of and responsiveness for pre-qualification. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of qualifications. Revisions may be permitted after submission and before pre-qualification. In conducting discussions, there shall be no disclosure of any information derived from qualifications submitted by other offerors. If information is provided to any offeror by the State, it shall be provided to all offerors.

(g) Pre-qualified pool. Multiple offerors may be deemed pre-qualified in response to the request for qualifications.
Offerors shall be deemed pre-qualified in writing taking into consideration the evaluation factors set forth in the request for qualifications. The contract file shall contain the basis on which each offeror is determined to be pre-qualified.

(h) Submissions to the pre-qualified pool. Each time a purchasing agency procures supplies or services from the pre-qualified pool, the purchasing agency shall provide a written submission to each member of the pre-qualified pool that describes in detail the supplies or services the State desires to procure and the selection criteria the State will use to make an award. The pre-qualified pool shall have at least 3 calendar days to provide a proposal, which shall include the price for the supplies or services described in the submission, in response to the written submission.

(i) Discussion with the pre-qualified pool and revisions to proposals. As provided in the request for qualifications, the written submission to the pre-qualified pool, and under adopted rules, discussions may be conducted with members of the pre-qualified pool for the purpose of clarifying and assuring full understanding of and responsiveness to the written submission. Each member of the pre-qualified pool shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of any
information derived from proposals submitted by competitors in
the pre-qualified pool. If any other information is disclosed
to any member of the pre-qualified pool, it shall be provided
to all members of the pre-qualified pool.

(j) Award. Award shall be made to the responsible
pre-qualified member of the pool whose proposal is determined
in writing to be the most advantageous to the State, taking
into consideration the selection criteria set forth in the
written submission to the pre-qualified pool. The contract file
shall contain the basis on which each award is made. If an
offeror other than the lowest price offeror is awarded the
contract, the State shall publish in the Illinois Procurement
Bulletin the reason for awarding to other than the lowest price
offeror.

(k) Rules. Rules to effectuate this Section shall be
adopted in accordance with Section 10-6 of this Code and shall
set forth when a pre-qualified pool expires and a method for
allowing additional offerors to become part of the
pre-qualified pool after its creation, which shall include
additions to the prequalified pool at least annually.

(l) This Section shall not apply to a construction agency
in the procurement of construction or construction-related
materials.

(30 ILCS 500/20-20)
Sec. 20-20. Small purchases.
(a) Amount. Any individual procurement of supplies or services other than professional or artistic services, not exceeding $10,000 and any procurement of construction not exceeding $30,000 may be made without competitive sealed bidding. Procurements shall not be artificially divided so as to constitute a small purchase under this Section.

(b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest $100.

(c) The Based upon rules proposed by the Board and rules promulgated by the chief procurement officers, the small purchase maximum established in subsection (a) may be increased by rule modified.

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

(30 ILCS 500/20-25)

Sec. 20-25. Sole source procurements.

(a) In accordance with standards set by rule, contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item. At least 14 calendar days before entering into the sole source contract, the purchasing agency shall arrange to be published in the Illinois Procurement Bulletin a notice of intent to do so along with a description of the item to be
procured and the intended sole source contractor. The A State contract may be awarded as a sole source procurement unless an interested party submits a written request for a public hearing at which the chief procurement officer or, if the procurement is within the authority of a designated procurement officer, the applicable designated procurement officer and purchasing agency present written justification for the procurement method. Any interested party may present testimony. A sole source contract where a hearing was requested by an interested party may be awarded after the hearing is conducted with the approval of the chief procurement officer.

(b) (Blank). This Section may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.

(c) Notice of intent to enter into a sole source contract shall be provided to the Procurement Policy Board and published in the appropriate volume of the Illinois Procurement online electronic Bulletin at least 14 calendar days before the public hearing required in subsection (a). The notice shall include the sole source procurement justification form prescribed by the chief procurement officer Board, a description of the item to be procured, the intended sole source contractor, and the date, time, and location of the public hearing. A copy of the
notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin.

(d) By August 1 each year, the chief procurement officer and designated procurement officers shall file reports with the General Assembly identifying each contract the officer sought under the sole source procurement method and providing the justification given for seeking sole source as the procurement method for each of those contracts.

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

(30 ILCS 500/20-30)
Sec. 20-30. Emergency purchases.

(a) Conditions for use. In accordance with standards set by rule, a purchasing agency may make emergency procurements without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records; provided, however, that the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 calendar days. A contract, other than a construction emergency contract, may be extended beyond 90 calendar days if the chief
procurement officer or, if the procurement is within the authority of a designated procurement officer, the applicable designated procurement officer determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to execution of the extension, the chief procurement officer or applicable designated procurement officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file. For construction, construction-related, and construction support procurements, the 90 calendar day term and provisions for contracts are not applicable.

(b) Notice. Notice of all emergency procurements shall be provided to the Procurement Policy Board and published in the applicable volume of the Illinois Procurement online electronic Bulletin no later than 5 calendar days after the contract is awarded. Notice of intent to extend an emergency contract shall be provided to the Procurement Policy Board and published in the applicable volume of the Illinois Procurement online electronic Bulletin at least 14 calendar days before the public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor, and if
applicable, the date, time, and location of the public hearing. A copy of this notice and all documents provided at the hearing shall be included in the subsequent applicable volume of the Illinois Procurement Bulletin. Before the next appropriate volume of the Illinois Procurement Bulletin, the purchasing agency shall publish in the Illinois Procurement Bulletin a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

(c) Affidavits. The chief procurement officer or, if the procurement is within the authority of a designated procurement officer, the applicable designated procurement officer making a procurement under this Section shall file affidavits with the Procurement Policy Board and the Auditor General within 10 calendar days after the procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available within 10 calendar days after the procurement, the actual cost shall be reported immediately after it is determined. At the end of each fiscal quarter, the Auditor General shall file with the Legislative Audit Commission and the Governor a complete
listing of all emergency procurements reported during that fiscal quarter. The Legislative Audit Commission shall review the emergency procurements so reported and, in its annual reports, advise the General Assembly of procurements that appear to constitute an abuse of this Section.

(d) Quick purchases. Rules may be adopted pursuant to Section 10-6 of this Code that extend the chief procurement officer may promulgate rules extending the circumstances by which a purchasing agency may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time.

(e) The changes to this Section made by this amendatory Act of the 96th General Assembly apply to procurements executed on or after its effective date.

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

(30 ILCS 500/20-35)

Sec. 20-35. Competitive selection procedures.

(a) Conditions for use. The services specified in Article 35 shall be procured in accordance with this Section, except as authorized under Sections 20-25 and 20-30 of this Article.

(b) Statement of qualifications. Respondents shall submit statements of qualifications and expressions of interest. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall specify a uniform format
for statements of qualifications. Persons may amend these statements at any time by filing a new statement.

(c) Public announcement and form of request for proposals. Public notice of the need for the procurement shall be given in the form of a request for proposals and published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the request for proposals for the opening of proposals. The request for proposals shall describe the services required, list the type of information and data required of each respondent, and state the relative importance of particular qualifications.

(d) Discussions. The purchasing agency may conduct discussions with any respondent who has submitted a response to determine the respondent's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other respondents.

(e) Award. Award shall be made to the respondent determined in writing by the purchasing agency to be best qualified based on the evaluation factors set forth in the request for proposals and negotiation of compensation determined to be fair and reasonable.

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

(30 ILCS 500/20-43)

Sec. 20-43. Authorized Bidder or offeror authorized to do business in Illinois. In addition to meeting any other
requirement of law or rule, a person (other than an individual acting as a sole proprietor) shall be may qualify as a bidder or offeror under this Code only if the person is a legal entity authorized to transact business or conduct affairs in Illinois prior to the contract award. This Section shall not apply to construction contracts that are subject to the requirements of Sections 30-20 and 33-10 of this Code. The pre-qualification requirements of Sections 30-20 and 33-10 of this Code shall include the requirement that the bidder be registered with the Secretary of State submitting the bid, offer, or proposal. (Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/20-45)

Sec. 20-45. Prequalification of suppliers. Rules shall be adopted in accordance with Section 10-6 of this Code. The chief procurement officer shall promulgate rules for the development of prequalified supplier lists for appropriate categories of purchases and the annual updating of those lists. (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/20-50)

Sec. 20-50. Specifications. Specifications shall be prepared in accordance with consistent standards that are developed by the purchasing agency. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the purchasing agency's
needs and shall not be unduly restrictive promulgated by the chief procurement officer and reviewed by the Board and the Joint Committee on Administrative Rules. Those standards shall include a prohibition against the use of brand-name only products, except for products intended for retail sale or as specified by rule. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the State's needs and shall not be unduly restrictive.

Rules related to use of brand-name only products shall be adopted in accordance with Section 10-6 of this Code.

A solicitation or specification for a contract or a contract, including but not limited to of a college, university, or institution under the jurisdiction of a governing board listed in Section 1-15.100, may not require, stipulate, suggest, or encourage a monetary or other financial contribution or donation, cash bonus or incentive, economic investment, or other prohibited conduct as an explicit or implied term or condition for awarding or completing the contract. The contract, solicitation, or specification also may not include a requirement that an individual or individuals employed by such a college, university, or institution receive a consulting contract for professional services.

As used in this Section, "prohibited conduct" includes requested payments or other consideration by a third party to the university or State agency that is not part of the
solicitation or that is unrelated to the subject matter or purpose of the solicitation. "Prohibited conduct" does not include a payment from the vendor that is supported by additional consideration (such as exclusive rights to sell items or rights to advertise), other than the consideration of the State's awarding a contract to purchase of goods and services.

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

(30 ILCS 500/20-51 new)

Sec. 20-51. Construction specifications.

(a) Construction agencies may develop specifications for construction contracts, construction-related contracts, and construction support contracts that may require the delivery of material or products that will be used to satisfy the needs of a construction agency.

(b) Material and product specifications. Material and product specifications describe the technical or performance requirements necessary to complete the contemplated work.

(c) Brand-name only product specifications, including patented or proprietary products, will not be used unless a determination is made by the construction agency that:

(1) such products may be procured competitively with equally suitable non-brand-name products;

(2) such products are necessary for compatibility with existing facilities or equipment;
(3) no equally suitable alternative exists;
(4) such products are to be used for research or for a
distinctive type of application for experimental purposes;
or
(5) such products will create operational savings for a
facility.
(d) When more than one product will fulfill the
requirements for an item of work and the products are judged by
the construction agency to be of satisfactory quality and
equally acceptable on the basis of engineering analysis and
estimated price, the contract specifications may contain or
include by reference a qualified product list.

(30 ILCS 500/20-55)

Sec. 20-55. Types of contracts. Subject to the limitations
of this Section and unless otherwise authorized by law, any
type of contract that will promote the best interests of the
State may be used, except that cost-plus-a-percentage-of-cost
contracts are prohibited. A cost-reimbursement contract may be
used only when a determination is made in writing that a
cost-reimbursement contract is likely to be less costly to the
State than any other type or that it is impracticable to obtain
the item required except under that type of contract. The
general form of contracts shall be determined by the chief
procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/20-60)
Sec. 20-60. Duration of contracts.
(a) Maximum duration. A contract, other than a contract entered into pursuant to the State University Certificates of Participation Act or pursuant to other express statutory authority permitting a longer duration, may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years inclusive, beginning January 1, 2010, of proposed contract renewals. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25. A contract for bond or mortgage insurance awarded by the Illinois Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

(b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the contract.

(c) (Blank). The chief procurement officer shall file a proposed extension or renewal of a contract with the Procurement Policy Board prior to entering into any extension
or renewal if the cost associated with the extension or renewal exceeds $249,999. The Procurement Policy Board may object to the proposed extension or renewal within 30 calendar days and require a hearing before the Board prior to entering into the extension or renewal. If the Procurement Policy Board does not object within 30 calendar days or takes affirmative action to recommend the extension or renewal, the chief procurement officer may enter into the extension or renewal of a contract. This subsection does not apply to any emergency procurement, any procurement under Article 40, or any procurement exempted by Section 1-10(b) of this Code. If any State agency contract is paid for in whole or in part with federal-aid funds, grants, or loans and the provisions of this subsection would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this subsection in order to remain eligible for those federal-aid funds, grants, or loans, and the State agency shall file notice of this exemption with the Procurement Policy Board prior to entering into the proposed extension or renewal. Nothing in this subsection permits a chief procurement officer to enter into an extension or renewal in violation of subsection (a). By August 1 each year, the Procurement Policy Board shall file a report with the General Assembly identifying for the previous fiscal year (i) the proposed extensions or renewals that were filed with the Board and whether the Board objected and (ii) the contracts exempt from this subsection.
Sec. 20-65. Right to audit records.

(a) Maintenance of books and records. Every contract and subcontract shall require the contractor or subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged to the State under the contract or subcontract. The books and records shall be maintained by the contractor for a period of 3 years from the later of the date of final payment under the contract or completion of the contract and by the subcontractor for a period of 3 years from the later of the date of final payment under the subcontract or completion of the subcontract. However, the 3-year period shall be extended for the duration of any audit in progress at the time of that period's expiration.

(b) Audit. Every contract and subcontract shall provide that all books and records required to be maintained under subsection (a) shall be available for review and audit by the Auditor General, the chief procurement officer, the applicable designated procurement officer, if any, internal auditor, and the purchasing agency. Every contract and subcontract shall
require the contractor and subcontractor, as applicable, to cooperate fully with any audit.

(c) Failure to maintain books and records. Failure to maintain the books and records required by this Section shall establish a presumption in favor of the State for the recovery of any funds paid by the State for which required books and records are not available.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)

(30 ILCS 500/20-70)
Sec. 20-70. Finality of determinations. Except as otherwise provided in this Code, determinations made by a chief procurement officer or, if the procurement is within the authority of a designated procurement officer, the applicable designated procurement officer, State purchasing officer, or a purchasing agency under this Code are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)

(30 ILCS 500/20-75)
Sec. 20-75. Disputes and protests. The chief procurement officer and the designated procurement officers shall jointly by rule establish rules procedures to be followed in resolving
protested solicitations and awards and contract controversies, for debarment or suspension of contractors, and for resolving other procurement-related disputes.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)

(30 ILCS 500/20-80)
Sec. 20-80. Contract files.

(a) Written determinations. All written determinations required under this Article shall be placed in the contract file maintained by the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer.

(b) Filing with Comptroller. Whenever a grant, defined pursuant to accounting standards established by the Comptroller, or a contract liability, except for: (1) contracts paid from personal services, or (2) contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, or (3) contracts that are not paid by the Comptroller, exceeding $20,000 is incurred by any State agency, a copy of the contract, purchase order, grant, or lease shall be filed electronically with the Comptroller within 30 calendar days thereafter. Beginning January 1, 2013, the Comptroller may require that contracts and grants required to be filed with the Comptroller under this Section shall be filed electronically, unless the agency is
incapable of filing the contract or grant electronically because it does not possess the necessary technology or equipment. Any State agency that is incapable of electronically filing its contracts or grants shall submit a written statement to the Governor and to the Comptroller attesting to the reasons for its inability to comply. This statement shall include a discussion of what the State agency needs in order to effectively comply with this Section. Prior to requiring electronic filing, the Comptroller shall consult with the Governor as to the feasibility of establishing mutually agreeable technical standards for the electronic document imaging, storage, and transfer of contracts and grants, taking into consideration the technology available to that agency, best practices, and the technological capabilities of State agencies. Nothing in this amendatory Act of the 97th General Assembly shall be construed to impede the implementation of an Enterprise Resource Planning (ERP) system. For each State contract for goods, supplies, or services awarded on or after July 1, 2010, the contracting agency shall provide the applicable rate and unit of measurement of the goods, supplies, or services on the contract obligation document as required by the Comptroller. If the contract obligation document that is submitted to the Comptroller contains the rate and unit of measurement of the goods, supplies, or services, the Comptroller shall provide that information on his or her official website. Any cancellation or modification to any such
contract liability shall be filed with the Comptroller within 30 calendar days of its execution.

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

(d) Timely execution of contracts. Except as set forth in subsection (b) of Section 20-80 of this Code, no voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed with the Comptroller. Contractors shall not be paid for any supplies goods that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties. A chief procurement officer or, if the procurement falls under the authority of a designated procurement officer, the applicable designated procurement officer shall may request an exception to this subsection by submitting a written statement to the
Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. A waiver of this subsection must be approved by the Comptroller and Treasurer and such approval shall not be unreasonably withheld. This Section shall not apply to emergency purchases if notice of the emergency purchase is filed with the Procurement Policy Board and published in the appropriate volume of the Bulletin as required by this Code.

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

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

(30 ILCS 500/20-85)

Sec. 20-85. Federal requirements. A State agency receiving federal-aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States, in order to remain eligible for such federal-aid funds, grants, or loans. The chief procurement officer, designated procurement officers, and
Board shall not exercise authority or adopt rules preempting federal requirements.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/20-110)

Sec. 20-110. Printing cost offsets. Rules may be adopted in accordance with Section 10-6 of this Code. The chief procurement officer may promulgate rules permitting the exchange of advertising rights in or receipt of free copies of printed products procured under this Article as a means of reducing printing costs. The rules shall specify the appropriate method of source selection to be used to competitively acquire printing cost offsets.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/20-120)

Sec. 20-120. Subcontractors.
(a) Any contract granted under this Code shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all known subcontractors with subcontracts with an annual value of more than $50,000, the general type of work to be performed by these subcontractors, and the expected amount of money each will receive under the contract. Upon the request of the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable
designated procurement officer appointed pursuant to paragraph (2) of subsection (a) of Section 10-20, the contractor shall provide the chief procurement officer or applicable designated procurement officer a copy of a subcontract so identified within 15 calendar days after the request is made. A subcontractor, or contractor on behalf of a subcontractor, may identify information that is deemed proprietary or confidential. If the chief procurement officer or applicable designated procurement officer determines the information is not relevant to the primary contract, the chief procurement officer or applicable designated procurement officer may excuse the inclusion of the information. If the chief procurement officer or applicable designated procurement officer determines the information is proprietary or could harm the business interest of the subcontractor, the chief procurement officer or applicable designated procurement officer may, in his or her discretion, redact the information. Redacted information shall not become part of the public record.

(b) If at any time during the term of a contract, a contractor adds or changes any subcontractors, he or she shall promptly notify, in writing, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer State purchasing officer, or their designee of the names and addresses of each new or replaced subcontractor and
the general type of work to be performed. Upon the request of
the chief procurement officer appointed pursuant to paragraph
(2) of subsection (a) of Section 10-20, the contractor shall
provide the chief procurement officer a copy of any new or
amended subcontract so identified within 15 calendar days after
the request is made.

(c) In addition to any other requirements of this Code, a
subcontract subject to this Section must include all of the
subcontractor's certifications required by Article 50 of the
Code.

(d) This Section applies to procurements solicited on or
after the effective date of this amendatory Act of the 96th
General Assembly. The changes made to this Section by this
amendatory Act of the 97th General Assembly apply to
procurements solicited on or after the effective date of this
amendatory Act of the 97th General Assembly.

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

(30 ILCS 500/20-155)
Sec. 20-155. Solicitation and contract documents.

(a) The chief procurement officer and designated
procurement officers are responsible for developing appointed
pursuant to Section 10-20 shall have the sole authority in
their respective jurisdiction to develop and distributing
distribute uniform documents for the solicitation, review, and
acceptance of all bids, offers, and responses and the award of
contracts pursuant to this Code for those procurements within their respective procurement authority. Purchasing agencies if a chief procurement officer appointed pursuant to Section 10-20 exercises the authority to develop and distribute uniform documents for the solicitation, review and acceptance of all bids, offers and responses and the award of contracts, then the State agency shall use the uniform documents.

(b) After award of a contract and subject to provisions of the Freedom of Information Act, the purchasing procuring agency shall make available for public inspection and copying all pre-award, post-award, administration, and close-out documents relating to that particular contract.

(c) A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement file shall contain a written determination, signed by the chief procurement officer or the designated procurement State purchasing officer, setting forth the reasoning for the contract award decision. The procurement file shall not include trade secrets or other competitively sensitive, confidential, or proprietary information. The procurement file shall be open to public inspection within 7 calendar days following award of the contract.
Sec. 20-160. Business entities; certification; registration with the State Board of Elections.

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

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

(c) Each business entity (i) whose aggregate bids and proposals on State contracts annually total more than $50,000, (ii) whose aggregate bids and proposals on State contracts
combined with the business entity's aggregate annual total value of State contracts exceed $50,000, or (iii) whose contracts with State agencies, in the aggregate, annually total more than $50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections 5 business days following such change or no later than a day before the contract is awarded, whichever date is earlier. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (e).

(d) Any business entity, not required under subsection (c) to register, whose aggregate bids and proposals on State contracts annually total more than $50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code prior to submitting to a State agency the bid or proposal whose value causes the business entity to fall within the monetary description of this subsection. A business entity
required to register under this subsection has a continuing
duty to ensure that the registration is accurate during the
period beginning on the date of registration and ending on the
day after the date the contract is awarded. Any change in
information must be reported to the State Board of Elections
within 5 business days following such change or no later than a
day before the contract is awarded, whichever date is earlier.

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

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

(f) A business entity's continuing duty under this Section to ensure the accuracy of its registration includes the requirement that the business entity notify the State Board of Elections of any change in information, including but not limited to changes of affiliated entities or affiliated persons.

(g) For any bid or offer for a contract with a State agency by a business entity required to register under this Section, the chief procurement officer shall verify that the business entity is required to register under this Section and is in compliance with the registration requirements on or prior to the date the contract is awarded bid or offer is due. A State agency chief procurement officer shall not enter into a contract with accept a bid or offer if the business entity that is not in compliance with these the registration requirements as of the date bids or offers are due.

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

In addition to any penalty under Section 9-35 of the Election Code, intentional, willful, or material failure to disclose information required for registration shall render the contract, bid, offer, or other procurement relationship
voidable by the chief procurement officer if he or she deems it
to be in the best interest of the State of Illinois.

(i) This Section applies regardless of the method of source
selection used in awarding the contract.
(Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;
98-1076, eff. 1-1-15.)

(30 ILCS 500/25-15)

(a) Competitive sealed bidding. Except as provided in
subsection (b) and Sections 20-15, 20-16, 20-20, 20-25, and
20-30, 20-35, 30-15, and 40-20, all State contracts for
supplies and services shall be awarded by competitive sealed
bidding in accordance with Section 20-10.

(b) Other methods. The chief procurement officer, in
conjunction with the designated procurement officers, may
establish by rule (i) categories of purchases, including
non-governmental joint purchases, that may be made without
competitive sealed bidding and (ii) the most competitive
alternate method of source selection that shall be used for
each category of purchase.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/25-30)
Sec. 25-30. More favorable terms. A supply or service
contract may include, if determined by the chief procurement
office a State purchasing officer to be in the best interests of the State, a clause requiring that if more favorable terms are granted by the contractor to any similar state or local governmental agency in any state in a contemporaneous agreement let under the same or similar financial terms and circumstances for comparable supplies or services, the more favorable terms shall be applicable under the contract.

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

(30 ILCS 500/25-35)

Sec. 25-35. Purchase of coal and postage stamps.

(a) Delivery of necessary supplies. To avoid interruption or impediment of delivery of necessary supplies, commodities, and coal, the chief procurement officer State purchasing officers may make purchases of or contracts for supplies and commodities after April 30 of a fiscal year when delivery of the supplies and commodities is to be made after June 30 of that fiscal year and payment for which is to be made from appropriations for the next fiscal year.

(b) Postage. All postage stamps purchased from State funds must be perforated for identification purposes. A General Assembly member may furnish the U.S. Post Office with a warrant so as to allow for the creation or continuation of a bulk rate mailing fund in the name of the General Assembly member or may furnish a postage meter company or post office with a warrant so as to facilitate the purchase of a postage meter and its
stamps. Any postage meter so purchased must also contain a
stamp that shall state "Official State Mail".
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/25-45)

Sec. 25-45. Executive agency energy conservation and
saving measures Energy conservation program.

(a) Definitions. As used in this Section:
"Board" means the Capital Development Board.
"Contracting authority" means the Department, the Board,
or other such agencies as may be delegated to execute certain
of its statutory procurement functions through
intergovernmental agreements specifically developed for the
purpose of securing energy conservation services.
"Department" means the Department of Central Management
Services acting in its capacity as the statutory owner and
manager of all properties owned and operated by the State of
Illinois on behalf of agencies, boards, and commissions
functioning under the executive authority of the Governor.
"Energy conservation measure" means any improvement,
repair, alteration, or betterment of any executive agency
facility or any equipment, fixture, or furnishing to be added
to or used in an executive agency facility, that is designed to
reduce energy consumption or operating costs, and may include,
but is not limited to, one or more of the following:

(1) Insulation of the building structure or systems
within the building.

(2) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.

(3) Automated or computerized energy control systems.

(4) Heating, ventilating, or air conditioning system, modifications, or replacements.

(5) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building, unless an increase in illumination is necessary to conform to the applicable State or local building code for the lighting system after the proposed modifications are made.

(6) Energy recovery systems.

(7) Energy conservation measures that provide long-term operating cost reductions.

"Executive agency facility" means a building owned and operated by the State of Illinois through an agency, board, or commission statutorily functioning under the executive authority of the Governor and under the general property management authority of the Department of Central Management Services.

"Guaranteed energy savings contract" means a contract for:
(i) the implementation of an energy audit, data collection, and other related analyses preliminary to the undertaking of energy conservation measures; (ii) the evaluation and recommendation of energy conservation measures; (iii) the implementation of one or more energy conservation measures; or (iv) the implementation of project monitoring and data collection to verify post installation energy consumption and energy related operating costs. The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time and that the savings are guaranteed to the extent necessary to pay the costs of the energy conservation measures. "Energy savings" may include energy reduction and offsetting sources of renewable energy funds, including renewable energy credits and carbon credits.

"Qualified provider" means a person whose employees are experienced and trained in the design, implementation, or installation of energy conservation measures. The minimum training required for any person or employee under this Section shall be the satisfactory completion of at least 40 hours of course instruction dealing with energy conservation measures. A qualified provider to whom the contract is awarded shall give a sufficient bond to the executive agency or for its faithful performance.

(b) Before entering into a guaranteed energy savings contract, the contracting authority shall issue a request for proposals in accordance with Article 30 of this Code requesting
competitive sealed offers for innovative solutions and conservation measures. A request for proposals shall be published in the appropriate volume of the Illinois Procurement Bulletin under the authority of the designated procurement officer for the Capital Development Board under Section 10-5 of this Code for at least 30 days before offers are due. The request for proposals shall, at a minimum, include all of the following:

(1) The name and address of the executive agency.

(2) The name, address, title, and phone number of an executive agency contact person who will respond to questions regarding the request for proposals.

(3) Notice indicating that the contracting authority is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.

(4) The date, time, and place where offers must be received.

(5) The evaluation criteria for evaluating offers.

(6) Any other stipulations and clarifications the contracting authority or executive agency facility may require.

(7) A written disclosure that identifies any energy services contractor that participated in the preparation of specifications. If no energy services contractor participated in the preparation of specifications, then
the request for proposals must include a disclosure that no energy services contractor participated in the preparation of the specifications.

(c) The evaluation of offers shall analyze the estimates of all costs of installations, modifications, or remodeling, including, but not limited to, costs of a pre-installation energy audit or analysis, design, engineering, installation, maintenance, repairs, debt service, conversions to a different energy or fuel source, or post-installation project monitoring, data collection, and reporting. The evaluation shall include a detailed analysis of whether either the energy consumed or the operating costs, or both, will be reduced. If a licensed architect or registered professional engineer on the executive agency's or contracting authority's staff is unavailable to serve as an evaluator, then the evaluation shall include a registered professional engineer or architect, who is retained by the executive agency or contracting authority. A licensed architect or registered professional engineer participating on an evaluation team under this Section must not have any financial or contractual relationship with an offeror or other source that would constitute a conflict of interest. The contracting authority or executive agency facility may pay a reasonable fee for evaluation of the proposal or include the fee as part of the payments made under subsection (f).

(d) Any contracting agency shall coordinate with the Board to ensure that there are no conflicts with the proposals and
current or upcoming Board projects.

(e) After evaluating the proposals, a contracting authority for an executive agency facility may enter into a guaranteed energy savings contract with the best-qualified offeror if the contracting authority finds that the amount it would spend on the energy conservation measures recommended in the proposal would not exceed the amount to be saved in either energy or operational costs, or both, within a 20-year period from the date of installation if the recommendations in the proposal are followed. Contracts let or awarded must be published in the volume of the Illinois Procurement Bulletin under the authority of the chief procurement officer for the Capital Development Board or as otherwise prescribed by agreement between the Capital Development Board and the contracting authority.

(f) The guaranteed energy savings contract shall include the contractor's guarantee that either the energy or operational cost savings, or both, will meet or exceed within 20 years the costs of the energy conservation measures. The contractor shall reimburse the State for any shortfall of guaranteed energy savings projected in the contract. A contractor shall provide a sufficient bond, as determined by the State, to the contracting authority for the installation and the faithful performance of all the measures included in the contract. The guaranteed energy savings contract may provide for payments over a period of time, not to exceed 20
years from the date of final installation of the energy conservation measures.

(g) The contracting authority may enter into an installment payment contract or lease purchase agreement with a contractor for services solicited under this Section or with a third party, as authorized by law, for the funding or financing of the purchase and installation of energy conservation measures. The State of Illinois may issue certificates evidencing the indebtedness incurred pursuant to the contracts. Each contract or agreement entered into by a contracting authority pursuant to this Section shall be authorized by official action of the contracting authority. The authority granted in this Section is in addition to any other authority granted by law. If an energy audit is performed by an energy services contractor for an executive agency facility within the 3 years immediately preceding the request for proposals, then the contracting authority must publish as a reference document in the solicitation for energy conservation measures:

(1) an executive summary of the energy audit, provided that the contracting authority and executive agency facility may exclude any proprietary or trademarked information or practices; or

(2) the energy audit, provided that the contracting authority and executive agency facility may redact any proprietary or trademarked information or practices.

An executive agency facility or contracting authority may
not withhold the disclosure of information related to: (i) the executive agency facility's consumption of energy, (ii) the physical condition of the executive agency's facilities, and (iii) any limitations prescribed by the executive agency facility or contracting authority.

(h) Guaranteed energy savings contracts may extend beyond the fiscal year in which they become effective. The agency responsible for payments under such a contract shall include in its annual budget and appropriations measures for each subsequent fiscal year any amounts payable under guaranteed energy savings contracts during that fiscal year.

(i) In cooperation with the contracting authority, the executive agency facility shall document the operational and energy cost savings specified in the guaranteed energy savings contract and designate and appropriate that amount for an annual payment of the contract. If the annual energy savings are less than projected under the guaranteed energy savings contract the contractor shall pay the difference as provided in subsection (f) of this Section.

(j) An executive agency facility or contracting authority may use funds designated for operating or capital expenditures for any guaranteed energy savings contract including purchases using installment payment contracts or lease purchase agreements. An executive agency facility or contracting authority that enters into such a contract or agreement may covenant in the contract or agreement that payments made under
the contract or agreement shall be payable from the first funds
legally available in each fiscal year.

(k) Operating and maintenance funds and other amounts
appropriated for distribution to or reimbursement of an
executive agency facility or contracting authority shall not be
reduced as a result of energy savings realized from a
guaranteed energy savings contract or a lease purchase
agreement for the purchase and installation of energy
conservation measures.

(l) Other State laws and related administrative
requirements apply to this Article, including, but not limited
to, the following laws and related administrative
requirements: the Illinois Human Rights Act, the Prevailing
Wage Act, the Public Construction Bond Act, the Employment of
Illinois Workers on Public Works Act, the Freedom of
Information Act, the Open Meetings Act, the Illinois
Architecture Practice Act of 1989, the Professional
Engineering Practice Act of 1989, the Structural Engineering
Practice Act of 1989, the Local Government Professional
Services Selection Act, and the Contractor Unified License and
Permit Bond Act.

(m) In order to protect the integrity of historic
buildings, no provision of this Section shall be interpreted to
require the implementation of energy conservation measures
that conflict with respect to any property eligible for,
nominated to, or entered on the National Register of Historic

State purchasing officers may enter into energy conservation program contracts that provide for utility cost savings. The chief procurement officer shall promulgate and adopt rules for the implementation of this Section.

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

(30 ILCS 500/25-65)

Sec. 25-65. Contracts performed outside the United States.

Prior to contracting or as a requirement of solicitation of any State contracts for services as defined in Section 1-15.90, whichever is appropriate, potential contractors shall disclose in a statement of work where services will be performed under that contract, including any subcontracts, and whether any services under that contract, including any subcontracts, are anticipated to be performed outside the United States.

In awarding the contract or evaluating the bid or offer, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may consider such disclosure and the economic impact to the State of Illinois and its residents.

If the chief procurement officer or applicable designated procurement officer awards a contract to a vendor based upon
disclosure that work will be performed in the United States and during the term of the contract the contractor or a subcontractor proceeds to shift work outside of the United States, the contractor shall be deemed in breach of contract, unless the chief procurement officer or applicable designated procurement officer shall have first determined in writing that circumstances require the shift of work or that termination of the contract would not be in the State's best interest.

Nothing in this Section is intended to contravene any existing treaty, law, agreement, or regulation of the United States.

The chief procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 shall prepare and deliver to the General Assembly, no later than September 1, 2015, a report on the impact of outsourcing services for State agencies subject to the jurisdiction of the chief procurement officer. The report shall include the State's cost of procurement and shall identify those contracts where it was disclosed that services were provided outside of the United States, including a description and value of those services.

Each State agency subject to the jurisdiction of the chief procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 must provide the chief procurement officer the information necessary to comply with this Section on or before June 1, 2015. The requirement for reporting to the General Assembly shall be satisfied by filing
copies of the report in the manner provided by Section 3.1 of
the General Assembly Organization Act.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/25-81 new)

Sec. 25-81. Governmental contracts. The chief procurement
officer or, if the procurement is under the authority of a
designated procurement officer, the designated procurement
officer may authorize, when in the best interest of the State,
a State agency to procure supplies and services without any
method of source selection otherwise required by this Code from
a vendor with a current contract with any other governmental
unit as defined in Section 1 of the Governmental Joint
Purchasing Act or from a governmental procurement cooperative
or procurement consortium. The intended contract must have been
procured pursuant to competitive selection procedures which
meet the approval of the chief procurement officer or, if the
procurement is under the authority of a designated procurement
officer, the applicable designated procurement officer.
Details of the determination and intent to use a federal
government contract shall be published in the appropriate
volume of the Illinois Procurement Bulletin for a period of 14
days prior to execution of the new contract. Contracts
resulting from this process shall contain all statutory
provisions required by Illinois law.
Sec. 30-35. Expenditure in excess of contract price.

(a) Germaneness. No funds in excess of the contract price may be obligated or expended unless the additional work to be performed or materials to be furnished is germane to the original contract. If germane to the contract, even if germane to the original contract, no additional expenditures or obligations may, in their total combined amounts, be in excess of the percentages of the original contract amount set forth in subsection (b) unless they have received the prior written approval of the construction agency. In the event that the total of the combined additional expenditures or obligations exceeds the percentages of the original contract amount set forth in subsection (b), the construction agency shall investigate all the additional expenditures or obligations in excess of the original contract amount and shall in writing approve or disapprove subsequent expenditures or obligations and state in detail the reasons for the approval or disapproval.

(b) (Blank). Written determination required. When the contract amount is no more than $75,000, the percentage shall be 9% (maximum $6,750). When the contract amount is between $75,001 and $200,000, the percentage shall be 7% of the amount above $75,000 plus $6,750, but not to exceed 7% of $200,000 (maximum $14,000). When the contract amount is between $200,001 and $500,000, the percentage shall be 5% of the amount above
$200,000 plus $14,000, but not to exceed 5% of $500,000 (maximum $25,000). When the contract amount is in excess of $500,000, the percentage shall be 3% of the amount above $500,000 plus $25,000.

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

(30 ILCS 500/35-5)

Sec. 35-5. Application. All professional and artistic services authorized under a separate Act may shall be procured in accordance with the provisions of this Article.

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

(30 ILCS 500/35-10)

Sec. 35-10. Authority. The chief procurement officer and each designated procurement officer Each State purchasing officer, under the supervision of his or her respective chief procurement officer, has the authority to select, according to the provisions of this Article, his or her own professional and artistic services.

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

(30 ILCS 500/35-15)

Sec. 35-15. Prequalification.

(a) The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer for matters other
than construction and the higher education chief procurement
officer shall each develop appropriate and reasonable
prequalification standards and categories of professional and
artistic services.

(b) The prequalifications and categorizations shall be
submitted to the Procurement Policy Board and published for
public comment prior to their submission to the Joint Committee
on Administrative Rules for approval.

(c) The chief procurement officer or, if the procurement is
under the authority of a designated procurement officer, the
applicable designated procurement for matters other than
construction and the higher education chief procurement
officer shall each also assemble and maintain a comprehensive
list of prequalified and categorized businesses and persons.

(d) Prequalification shall not be used to bar or prevent
any qualified business or person from bidding or responding
to invitations for bid or proposal.

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

(30 ILCS 500/35-20)
Sec. 35-20. Uniformity in procurement.

(a) The chief procurement officer and each designated
procurement officer for matters other than construction and the
higher education chief procurement officer shall utilize each
develop, cause to be printed, and distribute uniform documents
for the solicitation, review, and acceptance of all
professional and artistic services that are procured under their respective procurement authority.

(b) The All chief procurement officer and each designated procurement officer officers, State purchasing officers, and their designees shall use the appropriate uniform procedures and forms to procure specified in this Code for all professional and artistic services pursuant to this Article.

(c) These forms shall include in detail, in writing, at least:

(1) a description of the goal to be achieved;
(2) the services to be performed;
(3) the need for the service;
(4) the qualifications that are necessary; and
(5) a plan for post-performance review.

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

(30 ILCS 500/35-25)

Sec. 35-25. Uniformity in contract.

(a) The chief procurement officer and each designated for matters other than construction and the higher education chief procurement officer shall utilize each develop, cause to be printed, and distribute uniform documents for the contracting of professional and artistic services that are procured under their respective procurement authority.

(b) All chief procurement officers, and each designated procurement officer, State purchasing officers, and their
designees shall use the appropriate uniform contracts and forms in contracting for all professional and artistic services.

(c) These contracts and forms shall include in detail, in writing, at least:

(1) the detail listed in subsection (c) of Section 35-20;

(2) the duration of the contract, with a schedule of delivery, when applicable;

(3) the method for charging and measuring cost (hourly, per day, etc.);

(4) the rate of remuneration; and

(5) the maximum price or, for contracts where a group of offerors is qualified as part of prequalified pool, unit or hourly pricing for the individual offerors.

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

(30 ILCS 500/35-30)

Sec. 35-30. Awards.

(a) Except as otherwise provided in this Section, all State contracts for professional and artistic services that are entered into pursuant to this Article, except as provided in this Section, shall be awarded using the competitive request for proposal process outlined in this Section.

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

(c) Prepared forms shall be submitted to the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, for publication in its volume of the Illinois Procurement Bulletin and circulation to the applicable chief procurement officer for matters other than construction or the higher education chief procurement officer's list of prequalified vendors. Notice of the offer or request for proposal shall appear at least 14 calendar days before the response to the offer is due.

(d) All interested respondents shall return their responses to the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, which shall open and record them. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer for matters other than construction or higher education chief procurement officer then shall forward the responses, together
with any information it has available about the qualifications and other State work of the respondents for evaluation by the purchasing agency.

(e) After evaluation, ranking, and selection, the responsible chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer, State purchasing officer, or his or her designee shall notify the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate, of the successful respondent and shall forward a copy of the signed contract for the chief procurement officer for matters other than construction or higher education chief procurement officer's file. The chief procurement officer for matters other than construction or higher education chief procurement officer shall publish the names of the responsible procurement decision-maker, the agency letting the contract, the successful respondent or respondents, a contract reference, and value of the let contract in the next appropriate volume of the applicable Illinois Procurement Bulletin.

(f) For all professional and artistic contracts that are procured in accordance with this Section with annualized value that exceeds $25,000, evaluation and ranking by price is are required. Any chief procurement officer or, if the procurement is under the authority of a designated procurement
officer, the applicable designated procurement officer or State purchasing officer, but not their designees, may select a respondent other than the respondent with the lowest respondent by price. In any case, when the contract exceeds the $25,000 threshold and the lowest price respondent is not selected, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer or the State purchasing officer shall forward together with the contract notice, which shall contain the name of the respondent with the lowest price who the low respondent by price was and a written decision as to why another respondent was selected to the chief procurement officer for matters other than construction or the higher education chief procurement officer, whichever is appropriate. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer, whichever is appropriate, for matters other than construction or higher education chief procurement officer shall publish as provided in subsection (e) of Section 35-30, but shall also include in the publication notice of the chief procurement officer's or designated procurement or State purchasing officer's written decision.

(g) The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer for matters other
than construction and higher education chief procurement officer may each refine, but not contradict, this Section by promulgating rules in accordance with Section 10-6 of this Code for submission to the Procurement Policy Board and then to the Joint Committee on Administrative Rules. Any refinement shall be based on the principles and procedures of the federal Architect-Engineer Selection Law, Public Law 92-582 Brooks Act, and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act; except that pricing shall be an integral part of the selection process.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/35-35)
Sec. 35-35. Exceptions.
(a) Exceptions to Section 35-30 are allowed for sole source procurements, emergency procurements, and at the discretion of the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer the State purchasing officer, but not their designees, for professional and artistic contracts that are nonrenewable, one year or less in duration, and have a value of less than $20,000.
(b) All exceptions granted under this Article must still be submitted to the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer for
matters other than construction or the higher education chief
procurement officer, whichever is appropriate, and published
as provided for in subsection (f) of Section 35-30, shall name
the authorizing chief procurement officer or, if the
procurement is under the authority of a designated procurement
officer, the applicable designated procurement officer State
purchasing officer, and shall include a brief explanation of
the reason for the exception.
(Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

(30 ILCS 500/35-40)

Sec. 35-40. Subcontractors.

(a) Any contract granted under this Article shall state
whether the services of a subcontractor will be used. The
contract shall include the names and addresses of all
subcontractors with an annual value of more than $50,000, the
general type of work to be performed by these subcontractors,
and the expected amount of money each will receive under the
contract. Upon the request of the chief procurement officer or,
if the procurement is under the authority of a designated
procurement officer, the applicable designated procurement
officer appointed pursuant to paragraph (2) of subsection (a)
of Section 10-20, the contractor shall provide the chief
procurement officer or applicable designated procurement
officer a copy of a subcontract so identified within 15
calendar days after the request is made. A subcontractor, or
contractor on behalf of a subcontractor, may identify
information that is deemed proprietary or confidential. If the
chief procurement officer or applicable designated procurement
officer determines the information is not relevant to the
primary contract, the chief procurement officer or applicable
designated procurement officer may excuse the inclusion of the
information. If the chief procurement officer or applicable
designated procurement officer determines the information is
proprietary or could harm the business interest of the
subcontractor, the chief procurement officer or applicable
designated procurement officer may, in his or her discretion,
redact the information. Redacted information shall not become
part of the public record.

(b) If at any time during the term of a contract, a
contractor adds or changes any subcontractors, he or she shall
promptly notify, in writing, the chief procurement officer for
matters other than construction or applicable designated the
higher education chief procurement officer, whichever is
appropriate, and the responsible State purchasing officer, or
their designee of the names and addresses and the expected
amount of money each new or replaced subcontractor will
receive. Upon request of the chief procurement officer or
applicable designated procurement officer appointed pursuant
to paragraph (2) of subsection (a) of Section 10-20, the
contractor shall provide the chief procurement officer or
applicable designated procurement officer a copy of any new or
amended subcontract so identified within 15 calendar days after
the request is made.

(c) In addition to any other requirements of this Code, a
subcontract subject to this Section must include all of the
subcontractor's certifications required by Article 50 of this
Code.

(d) For purposes of this Section, the changes made by this
amendatory Act of the 98th General Assembly apply to
procurements solicited on or after the effective date of this
amendatory Act of the 98th General Assembly.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/40-15)


(a) Request for information. Except as provided in
subsections (b) and (c), all State contracts for leases of real
property or capital improvements shall be awarded by a request
for information process in accordance with Section 40-20.

(b) Other methods. A request for information process need
not be used in procuring any of the following leases:

(1) Property of less than 10,000 square feet with rent
of less than $100,000 per year.

(2) (Blank).

(3) Duration of less than one year that cannot be
renewed.

(4) Specialized space available at only one location.
(5) Renewal or extension of a lease; provided that: (i) the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer determines in writing that the renewal or extension is in the best interest of the State; (ii) (blank); the chief procurement officer submits his or her written determination and the renewal or extension to the Board; (iii) (blank); or the Board does not object in writing to the renewal or extension within 30 calendar days after its submission; and (iv) the chief procurement officer or applicable designated procurement officer publishes the renewal or extension in the appropriate volume of the Procurement Bulletin.

(c) Leases with governmental units. Leases with other governmental units may be negotiated without using the request for information process when deemed by the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer to be in the best interest of the State.

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

(30 ILCS 500/40-20)

Sec. 40-20. Request for information.

(a) Conditions for use. Leases shall be procured by request for information except as otherwise provided in Section 40-15.
(b) Form. A request for information shall be issued and shall include:

(1) the type of property to be leased;
(2) the proposed uses of the property;
(3) the duration of the lease;
(4) the preferred location of the property; and
(5) a general description of the configuration desired.

(c) Public notice. Public notice of the request for information for the availability of real property to lease shall be published in the appropriate volume of the Illinois Procurement Bulletin at least 14 calendar days before the date set forth in the request for receipt of responses and shall also be published in similar manner in a newspaper of general circulation in the community or communities where the using agency is seeking space.

(d) Response. The request for information response shall consist of written information sufficient to show that the respondent can meet minimum criteria set forth in the request. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer State purchasing officers may enter into discussions with respondents for the purpose of clarifying State needs and the information supplied by the respondents. On the basis of the information supplied and discussions, if any, the chief procurement officer or, if
the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall make a written determination identifying the responses that meet the minimum criteria set forth in the request for information. Negotiations shall be entered into with all qualified respondents for the purpose of securing a lease that is in the best interest of the State. A written report of the negotiations shall be retained in the lease files and shall include the reasons for the final selection. All leases shall be reduced to writing; one copy shall be filed with the Comptroller in accordance with the provisions of Section 20-80, and one copy shall be filed with the Board.

When the lowest response by price is not selected, the State purchasing officer shall forward to the chief procurement officer, along with the lease, notice of the identity of the lowest respondent by price and written reasons for the selection of a different response. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall publish the written reasons for the selection of a different response in the next volume of the applicable Illinois Procurement Bulletin.

(e) (Blank). Board review. Upon receipt of (1) any proposed lease of real property of 10,000 or more square feet or (2) any proposed lease of real property with annual rent payments of
$100,000 or more, the Procurement Policy Board shall have 30
calendar days to review the proposed lease. If the Board does
not object in writing within 30 calendar days, then the
proposed lease shall become effective according to its terms as
submitted. The leasing agency shall make any and all materials
available to the Board to assist in the review process.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/40-25)

Sec. 40-25. Length of leases.

(a) Maximum term. Leases shall be for a term not to exceed
10 years inclusive, beginning January, 1, 2010, of proposed
contract renewals and shall include a termination option in
favor of the State after 5 years.

(b) Renewal. Leases may include a renewal option. An option
to renew may be exercised only when the chief procurement
officer or, if the procurement is under the authority of a
designated procurement officer, the applicable designated
procurement officer determines in writing
that renewal is in the best interest of the State and notice of
the exercise of the option is published in the appropriate
volume of the Procurement Bulletin at least 60 calendar days
prior to the exercise of the option.

(c) Subject to appropriation. All leases shall recite that
they are subject to termination and cancellation in any year
for which the General Assembly fails to make an appropriation
to make payments under the terms of the lease.

(d) Holdover. Beginning January 1, 2010, no lease may continue on a month-to-month or other holdover basis for a total of more than 6 months. Beginning July 1, 2010, the Comptroller shall withhold payment of leases beyond this holdover period.

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

(30 ILCS 500/40-30)

Sec. 40-30. Purchase option. Leases Initial leases of all space in entire, free-standing buildings shall include an option to purchase exerciseable by the State, unless the purchasing officer determines that inclusion of such purchase option is not in the State's best interest and makes that determination in writing along with the reasons for making that determination and publishes the written determination in the appropriate volume of the Procurement Bulletin. Leases from governmental units and not-for-profit entities are exempt from the requirements of this Section.

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

(30 ILCS 500/40-35)

Sec. 40-35. Rent without occupancy. Except when deemed by the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer Board to be in the
best interest of the State, no State agency may incur rental
obligations before occupying the space rented.
(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/40-55)
Sec. 40-55. Lessor's failure to make improvements. Each
lease must provide for actual or liquidated damages upon the
lessor's failure to make improvements agreed upon in the lease.
The actual or liquidated damages shall consist of a reduction
in lease payments equal to the corresponding percentage of the
improvement value to the lease value. The actual or liquidated
damages shall continue until the lessor complies with the lease
and the improvements are certified by the chief procurement
officer or, if the procurement is under the authority of a
designated procurement officer, the applicable designated
procurement officer and the leasing State agency.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-10)
Sec. 45-10. Resident preference bidders and offerors.
(a) (Blank). Amount of preference. When a contract is to be
awarded to the lowest responsible bidder or offeror, a resident
bidder or offeror shall be allowed a preference as against a
non-resident bidder or offeror from any state that gives or
requires a preference to bidders or offerors from that state.
The preference shall be equal to the preference given or
required by the state of the non-resident bidder or offeror. Further, if only non-resident bidders or offerors are bidding, the purchasing agency is within its right to specify that Illinois labor and manufacturing locations be used as a part of the manufacturing process, if applicable. This specification may be negotiated as part of the solicitation process.

(a-5) As used in this Section, "Illinois business" means any of the following:

(1) a business whose principal place of business is located in Illinois;

(2) a business that pays a majority of its payroll in dollar volume to Illinois residents; or

(3) a business that employs Illinois residents as a majority of its employees.

(b) (Blank). Residency. A resident bidder or offeror is a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced. A resident bidder or offeror includes a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced.

(b-5) Invitation for bids.
(1) When a purchasing agency issues an invitation for bids pursuant to Section 20-10 of this Code, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall award the contract to the lowest responsive and responsible bidder after the following preferences are applied to an Illinois business:

(A) a decrease of 5% of the total proposed price by the vendor, resulting in a lower final price for a purchase expected by the purchasing agency to be less than $100,000;

(B) a decrease of 3% of the total proposed price by the vendor, resulting in a lower final price for a purchase expected by the purchasing agency to be at least $100,000, but less than $500,000; and

(C) a decrease of 1% of the total proposed price by the vendor, resulting in a lower final price for a purchase expected by the purchasing agency to be at least $500,000.

(2) If a bidder qualifies as an Illinois business under this Section, and meets the responsiveness and responsibility requirements of the invitation for bids, the preference shall be applied to the Illinois business's bid.

(3) If, after applying the preference, the Illinois
business proposal becomes the lowest bidder, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall award the contract to that bidder.

(c) Federal funds. This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

(c-5) Request for proposals.

(1) Pursuant to subsection (b-5) of this Section, when a purchasing agency issues a request for proposals pursuant to Section 20-15, 5% of the total scoring points shall be awarded to an offeror that qualifies as an Illinois business.

(2) If an offeror qualifies as an Illinois business under this Section and meets the responsiveness and responsibility requirements of the request for proposals, the additional preference shall be applied to the Illinois business's proposal.

(3) If after applying the preference, the Illinois business's proposal becomes the highest ranked proposal, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer, shall award the contract to that offeror.
(d) A business that wants to claim a preference provided under this Section must perform the following:

(1) State in the business's bid or proposal that the business claims the preference provided by this Section.

(2) Provide the following information in response to the invitation for bids or the request for proposals:

(A) The location of the business's principal place of business. If the business claims the preference as an Illinois business as described in item (1) of subsection (a-5) of this Section, a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) If the business claims the preference as an Illinois business as described in item (2) of subsection (a-5) of this Section, the business must provide proof of the amount of the business's total payroll and the amount of the business's payroll paid to Illinois residents.

(C) If the business claims the preference as an Illinois business as described in item (3) of subsection (a-5) of this Section, the business must provide proof of the number of the business's employees and the number of the business's employees who are Illinois residents.

(Source: P.A. 98-1076, eff. 1-1-15.)
Sec. 45-15. Soybean oil-based ink. Contracts requiring the procurement of printing services shall specify the use of soybean oil-based ink unless the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer a State purchasing officer determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

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

Sec. 45-30. Illinois Correctional Industries. Notwithstanding anything to the contrary in other law, the chief procurement officer or, if a procurement is under the authority of a designated procurement officer, the applicable designated procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 shall, in consultation with Illinois Correctional Industries, a division of the Illinois Department of Corrections (referred to as the "Illinois Correctional Industries" or "ICI") determine for all State agencies which articles, materials, industry related services, food stuffs, and finished goods that are produced or manufactured by persons confined in institutions and facilities of the Department of Corrections who are
participating in Illinois Correctional Industries programs shall be purchased from Illinois Correctional Industries. The chief procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 shall develop and distribute to the various purchasing and using agencies a listing of all Illinois Correctional Industries products and procedures for implementing this Section.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-35)
Sec. 45-35. Facilities for persons with severe disabilities.
(a) Qualification. Supplies and services may be procured without advertising or calling for bids from any qualified not-for-profit agency for persons with severe disabilities that:

(1) complies with Illinois laws governing private not-for-profit organizations;

(2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor or is an accredited vocational program that provides transition services to youth between the ages of 14 1/2 and 22 in accordance with individualized education plans under Section 14-8.03 of the School Code and that provides residential services at a child care institution, as defined under Section 2.06 of the Child Care Act of 1969,
or at a group home, as defined under Section 2.16 of the Child Care Act of 1969; and

(3) meets the applicable Illinois Department of Human Services just standards.

(b) Participation. To participate, the not-for-profit agency must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the using agency, and must set a fair market price.

(c) Committee. There is created within the Department of Central Management Services a committee to facilitate the purchase of products and services of persons so severely disabled by a physical, developmental, or mental disability or a combination of any of those disabilities that they cannot engage in normal competitive employment. This committee is called the State Use Committee. The committee shall consist of the Director of the Department of Central Management Services or his or her designee, the Director of the Department of Human Services or his or her designee, one public member representing private business who is knowledgeable of the employment needs and concerns of persons with developmental disabilities, one public member representing private business who is knowledgeable of the needs and concerns of rehabilitation facilities, one public member who is knowledgeable of the employment needs and concerns of persons with developmental disabilities, one public member who is knowledgeable of the needs and concerns of rehabilitation facilities, and 2 public
members from a statewide association that represents
government-based rehabilitation facilities, all appointed by
the Governor. The public members shall serve 2 year terms,
commencing upon appointment and every 2 years thereafter. A
public member may be reappointed, and vacancies shall be filled
by appointment for the completion of the term. In the event
there is a vacancy on the Committee, the Governor must make an
appointment to fill that vacancy within 30 calendar days after
the notice of vacancy. The members shall serve without
compensation but shall be reimbursed for expenses at a rate
equal to that of State employees on a per diem basis by the
Department of Central Management Services. All members shall be
entitled to vote on issues before the committee.

The committee shall have the following powers and duties:

(1) To request from any State agency information as to
    product specification and service requirements in order to
    carry out its purpose.

(2) To meet quarterly or more often as necessary to
    carry out its purposes.

(3) To request a quarterly report from each
    participating qualified not-for-profit agency for persons
    with severe disabilities describing the volume of sales for
    each product or service sold under this Section.

(4) To prepare a report for the Governor and General
    Assembly no later than December 31 of each year. The
    requirement for reporting to the General Assembly shall be
satisfied by following the procedures set forth in Section 3.1 of the General Assembly Organization Act.

(5) To prepare a publication that lists all supplies and services currently available from any qualified not-for-profit agency for persons with severe disabilities. This list and any revisions shall be distributed to all purchasing agencies.

(6) To encourage diversity in supplies and services provided by qualified not-for-profit agencies for persons with severe disabilities and discourage unnecessary duplication or competition among facilities.

(7) To develop guidelines to be followed by qualifying agencies for participation under the provisions of this Section. The guidelines shall be developed within 6 months after the effective date of this Code and made available on a nondiscriminatory basis to all qualifying agencies.

(8) To review all bids submitted under the provisions of this Section and reject any bid for any purchase that is determined to be substantially more than the purchase would have cost had it been competitively bid.

(9) To develop a 5-year plan for increasing the number of products and services purchased from qualified not-for-profit agencies for persons with severe disabilities, including the feasibility of developing mandatory set-aside contracts. This 5-year plan must be developed no later than 180 calendar days after the
effective date of this amendatory Act of the 96th General Assembly.

(c-5) Conditions for Use. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall, in consultation with the State Use Committee, determine which articles, materials, services, food stuffs, and supplies that are produced, manufactured, or provided by persons with severe disabilities in qualified not-for-profit agencies shall be given preference by purchasing agencies procuring those items.

(d) Former committee. The committee created under subsection (c) shall replace the committee created under Section 7-2 of the Illinois Purchasing Act, which shall continue to operate until the appointments under subsection (c) are made.

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

(30 ILCS 500/45-40)

Sec. 45-40. Gas mileage.

(a) Specification. Contracts for the purchase or lease of new passenger automobiles, other than station wagons, vans, four-wheel drive vehicles, emergency vehicles, and police and fire vehicles, shall specify the procurement of a model that, according to the most current mileage study published by the U.S. Environmental Protection Agency, can achieve at least the
minimum average fuel economy in miles per gallon imposed upon
manufacturers of vehicles under Title V of The Motor Vehicle
Information and Cost Savings Act.

(b) Exemptions. The chief procurement officer or, if the
procurement is under the authority of a designated procurement
officer, the designated procurement State purchasing officer
may exempt procurements from the requirement of subsection (a)
when there is a demonstrated need, submitted in writing, for an
automobile that does not meet the minimum average fuel economy
standards. Rules The chief procurement officer shall
promulgate rules for determining need consistent with the
intent of this Section shall be adopted in accordance with
Section 10-6 of this Code.

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

Sec. 45-45. Small businesses.

(a) Set-asides. The chief procurement officer and each
designated procurement officer for those procurements that are
under their respective authority have authority to
designate as small business set-asides a fair proportion of
construction, supply, and service contracts for award to small
businesses in Illinois. Advertisements for bids or offers for
those contracts shall specify designation as small business
set-asides. In awarding the contracts, only bids or offers from
qualified small businesses shall be considered.
(b) Small business. "Small business" means a business that is independently owned and operated and that is not dominant in its field of operation. The chief procurement officer and each designated procurement officer shall establish a detailed definition by rule, using in addition to the foregoing criteria other criteria, including the number of employees and the dollar volume of business. When computing the size status of a potential contractor, annual sales and receipts of the potential contractor and all of its affiliates shall be included. The maximum number of employees and the maximum dollar volume that a small business may have under the rules promulgated under Section 10-6 of this Code by the chief procurement officer may vary from industry to industry to the extent necessary to reflect differing characteristics of those industries, subject to the following limitations:

(1) No wholesale business is a small business if its annual sales for its most recently completed fiscal year exceed $13,000,000.

(2) No retail business or business selling services is a small business if its annual sales and receipts exceed $8,000,000.

(3) No manufacturing business is a small business if it employs more than 250 persons.

(4) No construction business is a small business if its annual sales and receipts exceed $14,000,000.

(c) Fair proportion. For the purpose of subsection (a), for
State agencies of the executive branch, a fair proportion of
construction contracts shall be no less than 25% nor more than
40% of the annual total contracts for construction.

(d) Withdrawal of designation. A small business set-aside
designation may be withdrawn by the purchasing agency when
deemed in the best interests of the State. Upon withdrawal, all
bids or offers shall be rejected, and the bidders or offerors
shall be notified of the reason for rejection. The contract
shall then be awarded in accordance with this Code without the
designation of small business set-aside.

(e) Small business specialist. The chief procurement
officer and each designated procurement officer shall
designate an individual a State purchasing officer who will be
responsible for engaging an experienced contract negotiator to
serve as its small business specialist. The small business
specialists shall collectively work together to accomplish the
following duties, whose duties shall include:

1. Compiling and maintaining a comprehensive list of
   potential small contractors. In this duty, he or she shall
   cooperate with the Federal Small Business Administration
   in locating potential sources for various products and
   services.

2. Assisting small businesses in complying with the
   procedures for bidding on State contracts.

3. Examining requests from State agencies for the
   purchase of property or services to help determine which
invitations to bid are to be designated small business set-asides.

(4) Making recommendations to the chief procurement officer for the simplification of specifications and terms in order to increase the opportunities for small business participation.

(5) Assisting in investigations by purchasing agencies to determine the responsibility of bidders or offerors on small business set-asides.

(f) Small business annual report. Each small business specialist The State purchasing officer designated under subsection (e) shall annually before December 1 report in writing to the General Assembly concerning the awarding of contracts to small businesses. The report shall include the total value of awards made in the preceding fiscal year under the designation of small business set-aside. The report shall also include the total value of awards made to businesses owned by minorities, females, and persons with disabilities, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, in the preceding fiscal year under the designation of small business set-aside.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act.

(Source: P.A. 98-1076, eff. 1-1-15.)
Sec. 45-57. Veterans.

(a) Set-aside goal. It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses (referred to as SDVOSB) and veteran-owned small businesses (referred to as VOSB) participate in the State's procurement process as both prime contractors and subcontractors. Not less than 3% of the total dollar amount of State contracts, as defined by the Director of Central Management Services, shall be established as a goal to be awarded to SDVOSB and VOSB. That portion of a contract under which the contractor subcontracts with a SDVOSB or VOSB may be counted toward the goal of this subsection. The Department of Central Management Services shall adopt rules to implement compliance with this subsection by all State agencies.

(b) Fiscal year reports. By each September 1, each designated procurement chief procurement officer shall report to the chief procurement officer Department of Central Management Services on all of the following for the immediately preceding fiscal year, and by each March 1 the Department of Central Management Services shall compile and report that information to the General Assembly:

(1) The total number of VOSB, and the number of SDVOSB, who submitted bids for contracts under this Code.
(2) The total number of VOSB, and the number of SDVOSB, who entered into contracts with the State under this Code and the total value of those contracts.

(c) Yearly review and recommendations. Each year, the each chief procurement officer and each designated procurement officer shall review the progress of all State agencies under its jurisdiction in meeting the goal described in subsection (a), with input from statewide veterans' service organizations and from the business community, including businesses owned by qualified veterans, and shall make recommendations to be included in the Department of Central Management Services' report to the General Assembly regarding continuation, increases, or decreases of the percentage goal. The recommendations shall be based upon the number of businesses that are owned by qualified veterans and on the continued need to encourage and promote businesses owned by qualified veterans.

(d) Governor's recommendations. To assist the State in reaching the goal described in subsection (a), the Governor shall recommend to the General Assembly changes in programs to assist businesses owned by qualified veterans.

(e) Definitions. As used in this Section:

"Armed forces of the United States" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or service in active duty as defined under 38 U.S.C. Section 101. Service in the Merchant Marine that constitutes active duty under Section
401 of federal Public Act 95-202 shall also be considered service in the armed forces for purposes of this Section.

"Certification" means a determination made by the Illinois Department of Veterans' Affairs and the Department of Central Management Services that a business entity is a qualified service-disabled veteran-owned small business or a qualified veteran-owned small business for whatever purpose. A SDVOSB or VOSB owned and controlled by females, minorities, or persons with disabilities, as those terms are defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, may also select and designate whether that business is to be certified as a "female-owned business", "minority-owned business", or "business owned by a person with a disability", as defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

"Control" means the exclusive, ultimate, majority, or sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operation responsibilities, cost-control matters, income and dividend matters, financial transactions, and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the
management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management, and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.

"Qualified service-disabled veteran" means a veteran who has been found to have 10% or more service-connected disability by the United States Department of Veterans Affairs or the United States Department of Defense.

"Qualified service-disabled veteran-owned small business" or "SDVOSB" means a small business (i) that is at least 51% owned by one or more qualified service-disabled veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified service-disabled veterans living in Illinois; (ii) that has its home office in Illinois; and (iii) for which items (i) and (ii) are factually verified annually by the Department of Central Management Services.

"Qualified veteran-owned small business" or "VOSB" means a small business (i) that is at least 51% owned by one or more qualified veterans living in Illinois or, in the case of a corporation, at least 51% of the stock of which is owned by one or more qualified veterans living in Illinois; (ii) that has its home office in Illinois; and (iii) for which items (i) and (ii) are factually verified annually by the Department of
"Service-connected disability" means a disability incurred in the line of duty in the active military, naval, or air service as described in 38 U.S.C. 101(16).

"Small business" means a business that has annual gross sales of less than $75,000,000 as evidenced by the federal income tax return of the business. A firm with gross sales in excess of this cap may apply to the Department of Central Management Services for certification for a particular contract if the firm can demonstrate that the contract would have significant impact on SDVOSB or VOSB as suppliers or subcontractors or in employment of veterans or service-disabled veterans.

"State agency" has the same meaning as in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

"Time of hostilities with a foreign country" means any period of time in the past, present, or future during which a declaration of war by the United States Congress has been or is in effect or during which an emergency condition has been or is in effect that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

"Veteran" means a person who (i) has been a member of the armed forces of the United States or, while a citizen of the
United States, was a member of the armed forces of allies of the United States in time of hostilities with a foreign country and (ii) has served under one or more of the following conditions: (a) the veteran served a total of at least 6 months; (b) the veteran served for the duration of hostilities regardless of the length of the engagement; (c) the veteran was discharged on the basis of hardship; or (d) the veteran was released from active duty because of a service connected disability and was discharged under honorable conditions.

(f) Certification program. The Illinois Department of Veterans' Affairs and the Department of Central Management Services shall work together to devise a certification procedure to assure that businesses taking advantage of this Section are legitimately classified as qualified service-disabled veteran-owned small businesses or qualified veteran-owned small businesses.

(g) Penalties.

(1) Administrative penalties. The chief procurement officers appointed pursuant to Section 10-20 shall suspend any person who commits a violation of Section 17-10.3 or subsection (d) of Section 33E-6 of the Criminal Code of 2012 relating to this Section from bidding on, or participating as a contractor, subcontractor, or supplier in, any State contract or project for a period of not less than 3 years, and, if the person is certified as a service-disabled veteran-owned small business or a
veteran-owned small business, then the Department shall
revoke the business's certification for a period of not
less than 3 years. An additional or subsequent violation
shall extend the periods of suspension and revocation for a
period of not less than 5 years. The suspension and
revocation shall apply to the principals of the business
and any subsequent business formed or financed by, or
affiliated with, those principals.

(2) Reports of violations. Each State agency shall
report any alleged violation of Section 17-10.3 or
subsection (d) of Section 33E-6 of the Criminal Code of
2012 relating to this Section to the chief procurement
officers or a designated procurement officer appointed
pursuant to Section 10-20. The chief procurement officer or
designated procurement officer officers appointed pursuant
to Section 10-20 shall subsequently report all such alleged
violations to the Attorney General, who shall determine
whether to bring a civil action against any person for the
violation.

(3) List of suspended persons. The chief procurement
officer and designated procurement officers appointed
pursuant to Section 10-20 shall monitor the status of all
reported violations of Section 17-10.3 or subsection (d) of
Section 33E-6 of the Criminal Code of 1961 or the Criminal
Code of 2012 relating to this Section and shall maintain
and make available to all State agencies a central listing
of all persons that committed violations resulting in
suspension.

(4) Use of suspended persons. During the period of a
person's suspension under paragraph (1) of this
subsection, a State agency shall not enter into any
contract with that person or with any contractor using the
services of that person as a subcontractor.

(5) Duty to check list. Each State agency shall check
the central listing provided by the chief procurement
officer and designated procurement officers appointed
pursuant to Section 10-20 under paragraph (3) of this
subsection to verify that a person being awarded a contract
by that State agency, or to be used as a subcontractor or
supplier on a contract being awarded by that State agency,
is not under suspension pursuant to paragraph (1) of this
subsection.

(Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;
98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-67)

Sec. 45-67. Encouragement to hire qualified veterans. The A
chief procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer may, as part of any
solicitation, encourage potential contractors to consider
hiring qualified veterans and to notify them of any available
financial incentives or other advantages associated with hiring such persons. In establishing internal guidelines in furtherance of this Section, the Department of Central Management Services may work with an interagency advisory committee consisting of representatives from the Department of Veterans Affairs, the Department of Employment Security, the Department of Commerce and Economic Opportunity, and the Department of Revenue and consisting of 8 members of the General Assembly, 2 of whom are appointed by the Speaker of the House of Representatives, 2 of whom are appointed by the President of the Senate, 2 of whom are appointed by the Minority Leader of the House of Representatives, and 2 of whom are appointed by the Minority Leader of the Senate.

For the purposes of this Section, "qualified veteran" means an Illinois resident who: (i) was a member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of any reserve component of the Armed Forces of the United States; (ii) served on active duty in connection with Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom; and (iii) was honorably discharged.

The Department of Central Management Services must report to the Governor and to the General Assembly by December 31 of each year on the activities undertaken by the chief procurement officer, designated procurement officer, officers and the Department of Central Management Services to encourage potential contractors to consider hiring qualified veterans.
The report must include the number of vendors who have hired qualified veterans. Each designated procurement officer must provide the Department of Central Management Services with the information needed to provide the report to the Governor and the General Assembly.

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

(30 ILCS 500/45-70)

Sec. 45-70. Encouragement to hire ex-offenders. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may, as part of any solicitation, encourage potential contractors to consider hiring Illinois residents discharged from any Illinois adult correctional center, in appropriate circumstances, and to notify them of any available financial incentives or other advantages associated with hiring such persons. In establishing internal guidelines in furtherance of this Section, the Department of Central Management Services may work with an interagency advisory committee consisting of representatives from the Department of Corrections, the Department of Employment Security, the Department of Juvenile Justice, the Department of Commerce and Economic Opportunity, and the Department of Revenue and consisting of 8 members of the General Assembly, 2 of whom are appointed by the Speaker of the House of Representatives, 2 of whom are appointed by the
President of the Senate, 2 of whom are appointed by the
Minority Leader of the House of Representatives, and 2 of whom
are appointed by the Minority Leader of the Senate.

The Department of Central Management Services must report
to the Governor and to the General Assembly by December 31 of
each year on the activities undertaken by chief procurement
officers and each designated procurement officers and the
Department of Central Management Services to encourage
potential contractors to consider hiring Illinois residents
who have been discharged from an Illinois adult correctional
center. The report must include the number of vendors who have
hired Illinois residents who have been discharged from any
Illinois adult correctional center. Each designated
procurement officer must provide the Department of Central
Management Services with the information needed to provide the
report to the Governor and the General Assembly.

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

(30 ILCS 500/50-1)

Sec. 50-1. Purpose. It is the express duty of the all chief
procurement officers, designated procurement State purchasing
officers, and their designees to maximize the value of the
expenditure of public moneys in procuring goods, services, and
contracts for the State of Illinois and to act in a manner that
maintains the integrity and public trust of State government.
In discharging this duty, they are charged to use all available
information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the State of Illinois.

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

(30 ILCS 500/50-2)

Sec. 50-2. Continuing disclosure; false certification. Every person that has entered into a multi-year contract for more than one year in duration for the initial term or for any renewal term and every subcontractor with a multi-year subcontract shall certify, by January July 1 of each fiscal year covered by the contract after the initial fiscal year, to the responsible chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer of any changes that affect its ability whether it continues to satisfy the requirements of this Article pertaining to eligibility for a contract award. If a contractor or subcontractor continues to meet all requirements of this Article, it shall not be required to submit any certification or if the work under the contract has been substantially completed before contract expiration but the contract has not yet expired. If a contractor or subcontractor is not able to truthfully certify that it continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or
subcontractor that makes a false statement material to any
given certification required under this Article is, in addition
to any other penalties or consequences prescribed by law,
subject to liability under the Illinois False Claims Act for
submission of a false claim.
(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
for the effective date of P.A. 96-795); 96-1304, eff. 7-27-10.)

(30 ILCS 500/50-5)

Sec. 50-5. Bribery.

(a) Prohibition. No person or business shall be awarded a
contract or subcontract under this Code who:

(1) has been convicted under the laws of Illinois or
any other state of bribery or attempting to bribe an
officer or employee of the State of Illinois or any other
state in that officer's or employee's official capacity; or

(2) has made an admission of guilt of that conduct that
is a matter of record but has not been prosecuted for that
conduct.

(b) Businesses. No business shall be barred from
contracting with any unit of State or local government, or
subcontracting under such a contract, as a result of a
conviction under this Section of any employee or agent of the
business if the employee or agent is no longer employed by the
business and:

(1) the business has been finally adjudicated not
guilty; or

(2) the business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in paragraph (2) of subsection (a) of Section 5-4 of the Criminal Code of 2012.

(c) Conduct on behalf of business. For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.

(d) Certification. Every bid or offer submitted to every contract executed by the State, every subcontract subject to Section 20-120 of this Code, and every vendor's submission to a vendor portal shall contain a certification by the bidder, offeror, potential contractor, contractor, or the subcontractor, respectively, that the bidder, offeror, potential contractor, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement
officer may declare the related contract void if any
certifications required by this Section are false. If the false
certification is made by a subcontractor, then the contractor's
submitted bid or offer and the executed contract may not be
declared void, unless the contractor refuses to terminate the
subcontract upon the State's request after a finding that the
subcontract's certification was false. A bidder, offeror,
potential contractor, contractor, or subcontractor who makes a
false statement, material to the certification, commits a Class
3 felony.
(Source: P.A. 97-895, eff. 8-3-12; 97-1150, eff. 1-25-13;
98-1076, eff. 1-1-15.)

(30 ILCS 500/50-10)
Sec. 50-10. Felons.
(a) Unless otherwise provided, no person or business
convicted of a felony shall do business with the State of
Illinois or any State agency, or enter into a subcontract, from
the date of conviction until 5 years after the date of
completion of the sentence for that felony, unless no person
held responsible by a prosecutorial office for the facts upon
which the conviction was based continues to have any
involvement with the business. For the purposes of this
subsection (a), "completion of sentence" means completion of
all sentencing requirements related to the felony conviction or
admission and includes, but is not limited to, the following:
incarceration, mandatory supervised release, probation, court supervision, work release, house arrest, or commitment to a mental facility.

(b) Every bid or offer submitted to the State, every contract executed by the State, every subcontract subject to Section 20-120 of this Code, and every vendor's submission to a vendor portal shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may declare the related contract void if any of the certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

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

(30 ILCS 500/50-10.5)

Sec. 50-10.5. Prohibited bidders, offerors, potential contractors, and contractors.
(a) Unless otherwise provided, no business shall bid, offer, enter into a contract or subcontract under this Code, or make a submission to a vendor portal if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of 5 years from the date of conviction.

(b) Every bid and offer submitted to the State, every contract executed by the State, every vendor's submission to a vendor portal, and every subcontract subject to Section 20-120 of this Code shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.
(c) If a business is not a natural person, the prohibition in subsection (a) applies only if:

(1) the business itself is convicted of a felony referenced in subsection (a); or

(2) the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).

(d) A natural person who is convicted of a felony referenced in subsection (a) remains subject to Section 50-10.

(e) No person or business shall bid, offer, make a submission to a vendor portal, or enter into a contract under this Code if the person or business assisted an employee of the State of Illinois, who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract, by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents.

This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business: (i) initiates a communication with an employee to provide general information about products, services, or industry best practices, and, if applicable, that communication is documented in accordance with Section 50-39 or
(ii) responds to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies, or (iii) asks for clarification regarding a contract solicitation so long as there is no competitive advantage to the person or business.

Nothing in this Section prohibits a vendor developing technology, goods, or services from bidding or offering to supply that technology or those goods or services if the subject demonstrated to the State represents industry trends and innovation and is not specifically designed to meet the State's needs.

Nothing in this Section prohibits a person performing construction related services from initiating contact with a business that performs construction for the purpose of obtaining market costs or production time to determine the estimated cost to complete the construction project.

For purposes of this subsection (e), "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, or manager of a business.

No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State. No person or business who contracts with a State agency to write specifications for a particular procurement need shall submit a bid or proposal or receive a contract for that
procurement need.
(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-11)
Sec. 50-11. Debt delinquency.

(a) No person shall submit a bid or offer for, enter into a
contract or subcontract under this Code, or make a submission
to a vendor portal if that person knows or should know that he
or she or any affiliate is delinquent in the payment of any
debt to the State, unless the person or affiliate has entered
into a deferred payment plan to pay off the debt. For purposes
of this Section, the phrase "delinquent in the payment of any
debt" shall be determined by the Debt Collection Bureau. For
purposes of this Section, the term "affiliate" means any entity
that (1) directly, indirectly, or constructively controls
another entity, (2) is directly, indirectly, or constructively
controlled by another entity, or (3) is subject to the control
of a common entity. For purposes of this subsection (a), a
person controls an entity if the person owns, directly or
individually, more than 10% of the voting securities of that
entity. As used in this subsection (a), the term "voting
security" means a security that (1) confers upon the holder the
right to vote for the election of members of the board of
directors or similar governing body of the business or (2) is
convertible into, or entitles the holder to receive upon its
exercise, a security that confers such a right to vote. A
general partnership interest is a voting security.

(b) Every bid and offer submitted to the State, every vendor's submission to a vendor portal, every contract executed by the State and every subcontract subject to Section 20-120 of this Code shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, respondent, potential contractor, contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

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

(30 ILCS 500/50-12)
Sec. 50-12. Collection and remittance of Illinois Use Tax.
(a) No person shall enter into a contract with a State agency or enter into a subcontract under this Code unless the
person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(b) Every bid and offer submitted to the State, every submission to a vendor portal, every contract executed by the State and every subcontract subject to Section 20-120 of this Code shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, respondent, potential
contractor, contractor, or subcontractor is not barred from bidding for or entering into a contract under subsection (a) of this Section and acknowledges that the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

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

(30 ILCS 500/50-20)

Sec. 50-20. Exemptions. The appropriate chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may file a request with the Executive Ethics Commission to exempt named individuals from the prohibitions of Section 50-13 when, in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. The Executive Ethics Commission may grant an exemption after a public hearing at which any person may present testimony. The
chief procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer shall publish notice of the
date, time, and location of the hearing in the online
electronic Bulletin at least 14 calendar days prior to the
hearing and provide notice to the individual subject to the
waiver and the Procurement Policy Board. The Executive Ethics
Commission shall also provide public notice of the date, time,
and location of the hearing on its website. If the Commission
grants an exemption, the exemption is effective only if it is
filed with the Secretary of State and the Comptroller prior to
the execution of any contract and includes a statement setting
forth the name of the individual and all the pertinent facts
that would make that Section applicable, setting forth the
reason for the exemption, and declaring the individual exempted
from that Section. Notice of each exemption shall be published
in the Illinois Procurement Bulletin. A contract for which a
waiver has been issued but has not been filed in accordance
with this Section is voidable by the State. The changes to this
Section made by this amendatory Act of the 96th General
Assembly shall apply to exemptions granted on or after its
effective date.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-21)

Sec. 50-21. Bond issuances.
(a) A State agency shall not enter into a contract with respect to the issuance of bonds or other securities by the State or a State agency with any entity that uses an independent consultant.

As used in this subsection, "independent consultant" means a person used by the entity to obtain or retain securities business through direct or indirect communication by the person with a State official or employee on behalf of the entity when the communication is undertaken by the person in exchange for or with the understanding of receiving payment from the entity or another person. "Independent consultant" does not include (i) a finance professional employed by the entity or (ii) a person whose sole basis of compensation from the entity is the actual provision of legal, accounting, or engineering advice, services, or assistance in connection with the securities business that the entity seeks to obtain or retain.

(b) Prior to entering into a contract with a State agency with respect to the issuance of bonds or other securities by the State or a State agency, a contracting party subject to the Municipal Securities Rulemaking Board's Rule G-37, or a successor rule, shall include a certification that the contracting entity is and shall remain for the duration of the contract in compliance with the Rule's requirements for reporting political contributions. Subsequent failure to remain in compliance shall make the contract voidable by the State.
(c) If a federal agency finds that an entity has knowingly violated in Illinois the Municipal Securities Rulemaking Board's Rule G-37 (or any successor rule) with respect to the making of prohibited political contributions or payments, then the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall impose a penalty that is at least twice the fine assessed against that entity by the federal agency. The chief procurement officer or designated procurement officer shall also bar that entity from participating in any State agency contract with respect to the issuance of bonds or other securities for a period of one year. The one-year period shall begin upon the expiration of any debarment period imposed by a federal agency. If no debarment is imposed by a federal agency, then the one-year period shall begin on the date the chief procurement officer or applicable designated procurement officer is advised of the violation.

If a federal agency finds that an entity has knowingly violated in Illinois the Municipal Securities Rulemaking Board's Rule G-38 (or any successor rule) with respect to the prohibition on obtaining or retaining municipal securities business, then the chief procurement officer or applicable designated procurement officer shall bar that entity from participating in any State agency contract with respect to the issuance of bonds or other securities for a period of one year. The one-year period shall begin upon the expiration of any
debarment period imposed by a federal agency. If no debarment is imposed by a federal agency, then the one-year period shall begin on the date the chief procurement officer or designated procurement officer is advised of the violation.

(d) Nothing in this Section shall be construed to apply retroactively, but shall apply prospectively on and after the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of P.A. 96-795).)

(30 ILCS 500/50-30)

Sec. 50-30. Revolving door prohibition.

(a) Chief procurement officers and designated procurement officers, State purchasing officers, procurement compliance monitors, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months. The prohibition includes but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation. This subsection applies only to
persons who terminate an affected position on or after January 15, 1999.

(b) In addition to any other provisions of this Code, employment of former State employees is subject to the State Officials and Employees Ethics Act.

(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795).)

(30 ILCS 500/50-35)

Sec. 50-35. Financial disclosure and potential conflicts of interest.

(a) All bids and offers from responsive bidders, offerors, vendors, or contractors with an annual value of more than $50,000, and all submissions to a vendor portal, shall be accompanied by disclosure of the financial interests of the bidder, offeror, potential contractor, or contractor and each subcontractor to be used. In addition, all subcontracts identified as provided by Section 20-120 of this Code with an annual value of more than $50,000 shall be accompanied by disclosure of the financial interests of each subcontractor. The financial disclosure of each successful bidder, offeror, potential contractor, or contractor and its subcontractors shall be incorporated as a material term of the contract and shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer. Each disclosure under this
Section shall be signed and made under penalty of perjury by an
authorized officer or employee on behalf of the bidder,
offeror, potential contractor, contractor, or subcontractor,
and must be filed with the Procurement Policy Board.

(b) Disclosure shall be made by include any individual with
an ownership or distributive income share that is in excess of
5%, or an amount greater than 60% of the annual salary of the
Governor, of the disclosing entity or its parent entity,
whichever is less, unless the bidder, offeror, potential
contractor, contractor, or subcontractor (i) is a publicly
traded entity subject to Federal 10K reporting, in which case
it may submit its 10K disclosure in place of the prescribed
disclosure, or (ii) is a privately held entity that is exempt
from Federal 10k reporting but has more than 100 shareholders,
in which case it may submit the information that Federal 10k
reporting companies are required to report under 17 CFR 229.401
and list the names of any person or entity holding a direct any
ownership share that is in excess of 5% in place of the
prescribed disclosure. The form of disclosure shall be
prescribed by the applicable chief procurement officer or, if
the procurement is under the authority of a designated
procurement officer, the applicable designated procurement
officer and must include at least the names and addresses and dollar or proportionate share of ownership of each person
identified in this Section, their instrument of ownership or
beneficial relationship, and notice of any potential conflict
of interest resulting from the current ownership or beneficial
relationship of each individual identified in this Section
having in addition any of the following relationships for each
person or entity so identified:

(1) State employment, currently or in the previous 3
    years, including contractual employment of services.

(2) State employment of spouse, father, mother, son, or
daughter, including contractual employment for services in
the previous 2 years.

(3) Elective status; the holding of elective office of
    the State of Illinois, the government of the United States,
    any unit of local government authorized by the Constitution
    of the State of Illinois or the statutes of the State of
    Illinois currently or in the previous 3 years.

(4) Relationship to anyone holding elective office
currently or in the previous 2 years; spouse, father,
    mother, son, or daughter.

(5) Appointive office; the holding of any appointive
government office of the State of Illinois, the United
    States of America, or any unit of local government
    authorized by the Constitution of the State of Illinois or
    the statutes of the State of Illinois, which office
    entitles the holder to compensation in excess of expenses
    incurred in the discharge of that office currently or in
(6) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.

(8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.

(9) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(10) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(b-1) The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act and other agent of the bidder, offeror, potential contractor, contractor, or
subcontractor who is not identified under subsections (a) and (b) and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(b-2) The disclosure required under this Section must also include, for each of the persons identified in subsection (b) or (b-1), each of the following that occurred within the previous 10 years: suspension or debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the chief procurement officers, designated procurement State purchasing officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

(d) When a relationship or interest reported pursuant to this Section could reasonably be perceived as unfairly or
unduly influencing the award of a contract, potential for a
conflict of interest is identified, discovered, or reasonably
suspected, the chief procurement officer or, if the procurement
is under the authority of a designated procurement officer, the
applicable designated procurement officer or State procurement
officer shall send the contract to the Procurement Policy
Board. In accordance with the objectives of subsection (c), if
the Procurement Policy Board finds evidence of a potential
conflict of interest not originally disclosed by the bidder,
offeror, potential contractor, contractor, or subcontractor,
the Board shall provide written notice to the bidder, offeror,
potential contractor, contractor, or subcontractor that is
identified, discovered, or reasonably suspected of having a
potential conflict of interest. The bidder, offeror, potential
contractor, contractor, or subcontractor shall have 15
calendar days to respond in writing to the Board, and a hearing
before the Board will be granted upon request by the bidder,
offeror, potential contractor, contractor, or subcontractor,
at a date and time to be determined by the Board, but which in
no event shall occur later than 15 calendar days after the date
of the request. Upon consideration, the Board shall recommend,
in writing, whether to allow or void the contract, bid, offer,
or subcontract weighing the best interest of the State of
Illinois. All recommendations shall be submitted to the
Executive Ethics Commission. The Executive Ethics Commission
may must hold a public hearing within 30 calendar days after
receiving the chief procurement officer's or designated procurement officer's Board's recommendation if the chief procurement officer or applicable designated procurement officer Procurement Policy Board makes a recommendation to (i) void a contract or (ii) void a bid or offer and the chief procurement officer selected or intends to award the contract to the bidder, offeror, or potential contractor. A chief procurement officer is prohibited from awarding a contract before a hearing if the Board recommendation does not support a bid or offer. The recommendation and proceedings of any hearing, if applicable, shall be available to the public.

(e) These thresholds and disclosure do not relieve the chief procurement officer, designated procurement officers the State purchasing officer, or their designees from reasonable care and diligence for any contract, bid, offer, or submission to a vendor portal. The chief procurement officer, the designated procurement officers State purchasing officer, or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

(f) Inadvertent or accidental failure to fully disclose shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement
officer if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, bids, offers, proposals, subcontracts, or relationships with the State for a period of up to 2 years.

(g) Intentional, willful, or material failure to disclose shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, bids, offers, proposals, subcontracts, or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented on in writing by the Governor of the State of Illinois, or by an executive ethics board or commission he or she might designate. The comment shall be returned to the responsible chief procurement officer or designated procurement officer who must rule in writing whether and when to reinstate.

(h) In addition, all disclosures shall note any other current or pending contracts, bids, offers, proposals, subcontracts, leases, or other ongoing procurement relationships the bidder, offeror, potential contractor, contractor, or subcontractor has with any other unit of State
government and shall clearly identify the unit and the contract, offer, proposal, lease, or other relationship.

(i) (Blank). The bidder, offeror, potential contractor, or contractor has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process during the term of any contract, and during the vendor portal registration process.

(Source: P.A. 97-490, eff. 8-22-11; 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-36)

Sec. 50-36. Disclosure of business in Iran.

(a) As used in this Section:

"Business operations" means engaging in commerce in any form in Iran, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

"Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exists for the purpose of making profit.
"Mineral-extraction activities" include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

"Oil-related activities" include, but are not limited to, owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; and constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure. The mere retail sale of gasoline and related consumer products is not considered an oil-related activity.

"Petroleum resources" means petroleum, petroleum byproducts, or natural gas.

"Substantial action" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.

(b) Each bid or offer submitted for a State contract, other than a small purchase defined in Section 20-20, shall include a disclosure of whether or not the bidder, offeror, or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid or offer had business operations that involved contracts with or provision of supplies or services to the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or
projects commissioned by the Government of Iran, or companies
involved in consortiums or projects commissioned by the
Government of Iran and:

(1) more than 10% of the company's revenues produced in
or assets located in Iran involve oil-related activities or
mineral-extraction activities; less than 75% of the
company's revenues produced in or assets located in Iran
involve contracts with or provision of oil-related or
mineral-extraction products or services to the Government
of Iran or a project or consortium created exclusively by
that government; and the company has failed to take
substantial action; or

(2) the company has, on or after August 5, 1996, made
an investment of $20 million or more, or any combination of
investments of at least $10 million each that in the
aggregate equals or exceeds $20 million in any 12-month
period, that directly or significantly contributes to the
enhancement of Iran's ability to develop petroleum
resources of Iran.

(c) A bid or offer that does not include the disclosure
required by subsection (b) may be given a period after the bid
or offer is submitted to cure non-disclosure. The chief
procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer may consider the disclosure
when evaluating the bid or offer or awarding the contract.
(d) The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall provide the State Comptroller with the name of each entity disclosed under subsection (b) as doing business or having done business in Iran. The State Comptroller shall post that information on his or her official website.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-37)
Sec. 50-37. Prohibition of political contributions.
(a) As used in this Section:

The terms "contract", "State contract", and "contract with a State agency" each mean any contract, as defined in this Code, between a business entity and a State agency let or awarded pursuant to this Code. The terms "contract", "State contract", and "contract with a State agency" do not include cost reimbursement contracts; purchase of care agreements as defined in Section 1-15.68 of this Code; contracts for projects eligible for full or partial federal-aid funding reimbursements authorized by the Federal Highway Administration; grants, including but are not limited to grants for job training or transportation; and grants, loans, or tax credit agreements for economic development purposes.

"Contribution" means a contribution as defined in
Section 9-1.4 of the Election Code.

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

"State agency" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the Illinois Constitution or State statute, of the executive branch of State government and does include colleges, universities, public employee retirement systems, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

"Officeholder" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and potential contractors and others doing business with, executive branch State agencies under the jurisdiction of the
Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9-3 of the Election Code.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse of any such persons. "Affiliated person" does not include a person prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

"Affiliated entity" means (i) any corporate parent and each operating subsidiary of the bidding or contracting business entity, (ii) each operating subsidiary of the corporate parent of the bidding or contracting business entity, (iii) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity, or (iv) any political committee for which the bidding or contracting business entity, or any 501(c) organization described in
item (iii) related to that business entity, is the sponsoring entity. "Affiliated entity" does not include an entity prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

"Executive employee" means (i) the President, Chairman, or Chief Executive Officer of a business entity and any other individual that fulfills equivalent duties as the President, Chairman of the Board, or Chief Executive Officer of a business entity; and (ii) any employee of a business entity whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee. A regular salary that is paid irrespective of the award or payment of a contract with a State agency shall not constitute "compensation" under item (ii) of this definition. "Executive employee" does not include any person prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

(b) Any business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000,
and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committees established to promote the candidacy of (i) the officeholder responsible for awarding the contracts or (ii) any other declared candidate for that office. This prohibition shall be effective for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer.

(c) Any business entity whose aggregate pending bids and offers on State contracts total more than $50,000, or whose aggregate pending bids and offers on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committee established to promote the candidacy of the officeholder responsible for awarding the contract on which the business entity has submitted a bid or offer during the period beginning on the date the invitation for bids, request for proposals, or any other procurement opportunity is issued and ending on the day after the date the contract is awarded.

(c-5) For the purposes of the prohibitions under subsections (b) and (c) of this Section, (i) any contribution made to a political committee established to promote the candidacy of the Governor or a declared candidate for the
office of Governor shall also be considered as having been made
to a political committee established to promote the candidacy
of the Lieutenant Governor, in the case of the Governor, or the
declared candidate for Lieutenant Governor having filed a joint
petition, or write-in declaration of intent, with the declared
candidate for Governor, as applicable, and (ii) any
contribution made to a political committee established to
promote the candidacy of the Lieutenant Governor or a declared
candidate for the office of Lieutenant Governor shall also be
considered as having been made to a political committee
established to promote the candidacy of the Governor, in the
case of the Lieutenant Governor, or the declared candidate for
Governor having filed a joint petition, or write-in declaration
of intent, with the declared candidate for Lieutenant Governor,
as applicable.

(d) All contracts between State agencies and a business
entity that violate subsection (b) or (c) shall be voidable
under Section 50-60. If a business entity violates subsection
(b) 3 or more times within a 36-month period, then all
contracts between State agencies and that business entity shall
be void, and that business entity shall not bid or respond to
any invitation to bid or request for proposals from any State
agency or otherwise enter into any contract with any State
agency for 3 years from the date of the last violation. A
notice of each violation and the penalty imposed shall be
published in both the Procurement Bulletin and the Illinois
Any political committee that has received a contribution in violation of subsection (b) or (c) shall pay an amount equal to the value of the contribution to the State no more than 30 calendar days after notice of the violation concerning the contribution appears in the Illinois Register. Payments received by the State pursuant to this subsection shall be deposited into the general revenue fund.

(Source: P.A. 97-411, eff. 8-16-11; 98-1076, eff. 1-1-15.)

(a) A person or business that is let or awarded a contract is not entitled to receive any payment, compensation, or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging, or meals that are paid by the person or business to any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder.

(b) Any bidder, offeror, potential contractor, or contractor on a State contract that hires a person required to register under the Lobbyist Registration Act to assist in obtaining a contract shall (i) disclose all costs, fees, compensation, reimbursements, and other remunerations paid or to be paid to the lobbyist related to the contract, (ii) not bill or otherwise cause the State of Illinois to pay for any of
the lobbyist's costs, fees, compensation, reimbursements, or other remuneration, and (iii) sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration were billed to the State. This information, along with all supporting documents, shall be filed with the agency awarding the contract and with the Secretary of State. The chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer shall post this information, together with the contract award notice, in the appropriate volume of the Illinois online Procurement Bulletin.

(c) Ban on contingency fee. No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision made under this Code for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection is guilty of a business offense and shall be fined not more than $10,000. (Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-40)

Sec. 50-40. Reporting anticompetitive practices. When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, chief procurement officer, designated procurement State purchasing officer, designee, elected official, or State
employee suspects collusion or other anticompetitive practice
among any bidders, offerors, potential contractors, contractors, or employees of the State, a notice of the relevant facts shall be transmitted to the Attorney General and the chief procurement officer or applicable designated procurement officer.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-45)
Sec. 50-45. Confidentiality. If the chief procurement officer, designated procurement officers, State purchasing officer, their designees, or executive officers who willfully uses or allows the use of specifications, competitive solicitation documents, proprietary competitive information, contracts, or selection information to compromise the fairness or integrity of the procurement or contract process he or she shall be subject to immediate dismissal, regardless of the Personnel Code, any contract, or any collective bargaining agreement, and may in addition be subject to criminal prosecution.
(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/50-60)
Sec. 50-60. Voidable contracts.
(a) If any contract or amendment thereto is entered into or purchase or expenditure of funds is made at any time in
violation of this Code or any other law, the contract or
amendment thereto may be declared void by the chief procurement
officer or, if the procurement is under the authority of a
designated procurement officer, the applicable designated
procurement officer or may be ratified and affirmed, provided
the chief procurement officer or applicable designated
procurement officer determines that ratification is in the best
interests of the State. If the contract is ratified and
affirmed, it shall be without prejudice to the State's rights
to any appropriate damages.

(b) If, during the term of a contract, the chief
procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer determines that the contractor
is delinquent in the payment of debt as set forth in Section
50-11 of this Code, the chief procurement officer or applicable
designated procurement officer may declare the contract void if
it determines that voiding the contract is in the best
interests of the State. The Debt Collection Bureau shall adopt
rules for the implementation of this subsection (b).

(c) If, during the term of a contract, the chief
procurement officer or, if the procurement is under the
authority of a designated procurement officer, the applicable
designated procurement officer determines that the contractor
is in violation of Section 50-10.5 of this Code, the chief
procurement officer or applicable designated procurement
officer shall declare the contract void.

(d) If, during the term of a contract, the contracting agency learns from an annual certification or otherwise determines that the contractor no longer qualifies to enter into State contracts by reason of Section 50-5, 50-10, 50-12, 50-14, or 50-14.5 of this Article, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may declare the contract void if it determines that voiding the contract is in the best interests of the State.

(e) If, during the term of a contract, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer learns from an annual certification or otherwise determines that a subcontractor subject to Section 20-120 no longer qualifies to enter into State contracts by reason of Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or 50-14.5 of this Article, the chief procurement officer or, if the procurement is under the authority of a designated procurement officer, the applicable designated procurement officer may declare the related contract void if it determines that voiding the contract is in the best interests of the State. However, the related contract shall not be declared void unless the contractor refuses to terminate the subcontract upon the State's request after a
finding that the subcontractor no longer qualifies to enter 
into State contracts by reason of one of the Sections listed in 
this subsection.

(f) The changes to this Section made by Public Act 96-795 
apply to actions taken by the chief procurement officer or, if 
the procurement is under the authority of a designated 
procurement officer, the applicable designated procurement 
officer on or after July 1, 2010.
(Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see 
Section 5 of P.A. 96-793 for the effective date of changes made 
by P.A. 96-795); 96-1000, eff. 7-2-10; 97-895, eff. 8-3-12.)

(30 ILCS 500/50-65)

Sec. 50-65. Suspension. Any contractor or subcontractor 
may be suspended for violation of this Code or for failure to 
conform to specifications or terms of delivery. Suspension 
shall be for cause and may be for a period of up to 10 years at 
the discretion of the applicable chief procurement officer or, 
if the procurement is under the authority of a designated 
procurement officer, the applicable designated procurement 
officer. Contractors or subcontractors may be debarred in 
accordance with rules promulgated by the chief procurement 
officer or as otherwise provided by law.
(Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 
for the effective date of changes made by P.A. 96-795).)
(30 ILCS 500/50-75)

Sec. 50-75. Other violations.

(a) If the chief procurement officer, designated procurement officers State purchasing officer, or their designees who willfully violates or allows the violation of this Code he or she shall be subject to immediate dismissal, regardless of the Personnel Code, any contract, or any collective bargaining agreement.

(b) Except as otherwise provided in this Code, whoever violates this Code or the rules promulgated under it is guilty of a Class A misdemeanor.

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

(30 ILCS 500/50-80 new)

Sec. 50-80. Audits. The Auditor General shall perform, no less frequently than biennially, separate performance audits, as the term is defined in Section 1-14 of the Illinois State Auditing Act, of the procurements under the authority of the chief procurement officer and each designated procurement officer to assess whether sound procurement practices are being followed. Additionally, the Auditor General may, at any time, review a specific procurement or category of procurements to ensure compliance with this Code.

Section 30. The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act is amended by changing Section 45 as follows:

(30 ILCS 535/45) (from Ch. 127, par. 4151-45)

Sec. 45. Small contracts. The provisions of Sections 25, 30, and 35 do not apply to architectural, engineering, and land
surveying contracts with an estimated basic professional
services fee of less than $75,000 $25,000.
(Source: P.A. 92-861, eff. 1-3-03.)

Section 35. The Criminal Code of 2012 is amended by
changing Sections 33E-2 and 33E-9 as follows:

(720 ILCS 5/33E-2) (from Ch. 38, par. 33E-2)
Sec. 33E-2. Definitions. In this Act:
(a) "Public contract" means any contract for goods,
services or construction let to any person with or without bid
by any unit of State or local government.
(b) "Unit of State or local government" means the State,
yany unit of state government or agency thereof, any county or
municipal government or committee or agency thereof, or any
other entity which is funded by or expends tax dollars or the
proceeds of publicly guaranteed bonds.
(c) "Change order" means a change in a contract term other
than as specifically provided for in the contract which
authorizes or necessitates any increase or decrease in the cost
of the contract or the time to completion.
(d) "Person" means any individual, firm, partnership,
corporation, joint venture or other entity, but does not
include a unit of State or local government.
(e) "Person employed by any unit of State or local
government" means any employee of a unit of State or local
government and any person defined in subsection (d) who is authorized by such unit of State or local government to act on its behalf in relation to any public contract.

(f) "Sheltered market" has the meaning ascribed to it in Section 8b of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; except that, with respect to State contracts set aside for award to service-disabled veteran-owned small businesses and veteran-owned small businesses pursuant to Section 45-57 of the Illinois Procurement Code, "sheltered market" means procurements pursuant to that Section.

(g) "Kickback" means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

(h) "Prime contractor" means any person who has entered into a public contract.

(i) "Prime contractor employee" means any officer, partner, employee, or agent of a prime contractor.

(i-5) "Stringing" means knowingly structuring a contract or job order to avoid the contract or job order being subject to competitive bidding requirements.
(j) "Subcontract" means a contract or contractual action entered into by a prime contractor or subcontractor for the purpose of obtaining goods or services of any kind under a prime contract.

(k) "Subcontractor" (1) means any person, other than the prime contractor, who offers to furnish or furnishes any goods or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract; and (2) includes any person who offers to furnish or furnishes goods or services to the prime contractor or a higher tier subcontractor.

(l) "Subcontractor employee" means any officer, partner, employee, or agent of a subcontractor.

(Source: P.A. 97-260, eff. 8-5-11.)

(720 ILCS 5/33E-9) (from Ch. 38, par. 33E-9)

Sec. 33E-9. Change orders. Any change order authorized under this Section shall be made in writing. Any person employed by and authorized by any unit of State or local government to approve a change order to any public contract who knowingly grants that approval without first obtaining from the unit of State or local government on whose behalf the contract was signed, or from a designee authorized by that unit of State or local government, a determination in writing that (1) the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was
signed, or (2) the change is germane to the original contract as signed, or (3) the change order is in the best interest of the unit of State or local government and authorized by law, commits a Class 4 felony. The written determination and the written change order resulting from that determination shall be preserved in the contract's file which shall be open to the public for inspection. This Section shall only apply to a change order or series of change orders which authorize or necessitate an increase or decrease in either the cost of a public contract by a total of $50,000 or more or the time of completion by a total of 90 days or more.

(Source: P.A. 86-150; 87-618.)

Section 40. The Illinois Human Rights Act is amended by changing Section 2-101 as follows:

(775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

Sec. 2-101. Definitions. The following definitions are applicable strictly in the context of this Article.

(A) Employee.

(1) "Employee" includes:

(a) Any individual performing services for remuneration within this State for an employer;

(b) An apprentice;

(c) An applicant for any apprenticeship.

For purposes of subsection (D) of Section 2-102 of this
Act, "employee" also includes an unpaid intern. An unpaid intern is a person who performs work for an employer under the following circumstances:

(i) the employer is not committed to hiring the person performing the work at the conclusion of the intern's tenure;

(ii) the employer and the person performing the work agree that the person is not entitled to wages for the work performed; and

(iii) the work performed:

(I) supplements training given in an educational environment that may enhance the employability of the intern;

(II) provides experience for the benefit of the person performing the work;

(III) does not displace regular employees;

(IV) is performed under the close supervision of existing staff; and

(V) provides no immediate advantage to the employer providing the training and may occasionally impede the operations of the employer.

(2) "Employee" does not include:

(a) Domestic servants in private homes;

(b) Individuals employed by persons who are not "employers" as defined by this Act;
(c) Elected public officials or the members of their immediate personal staffs;

(d) Principal administrative officers of the State or of any political subdivision, municipal corporation or other governmental unit or agency;

(e) A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee, or work activity client.

(B) Employer.

(1) "Employer" includes:

(a) Any person employing 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation;

(b) Any person employing one or more employees when a complainant alleges civil rights violation due to unlawful discrimination based upon his or her physical or mental disability unrelated to ability, pregnancy, or sexual harassment;

(c) The State and any political subdivision, municipal corporation or other governmental unit or agency, without regard to the number of employees;

(d) Any party to a public contract without regard to the number of employees;

(e) A joint apprenticeship or training committee
without regard to the number of employees.

(2) "Employer" does not include any religious corporation, association, educational institution, society, or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a recognized church or religious denomination with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, society or non-profit nursing institution of its activities.

(C) Employment Agency. "Employment Agency" includes both public and private employment agencies and any person, labor organization, or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or to procure, recruit, refer or place employees.

(D) Labor Organization. "Labor Organization" includes any organization, labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or
applications for apprenticeships.

(E) Sexual Harassment. "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(F) Religion. "Religion" with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(G) Public Employer. "Public employer" means the State, an agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(H) Public Employee. "Public employee" means an employee of the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision. "Public employee" does not include public officers or employees of the General Assembly or agencies thereof.
(I) Public Officer. "Public officer" means a person who is elected to office pursuant to the Constitution or a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by the Constitution or a statute or ordinance, to discharge a public duty for the State, agency or department thereof, unit of local government, school district, instrumentality or political subdivision.

(J) Eligible Bidder. "Eligible bidder" means a person who, prior to contract award a bid opening, has filed with the Department a properly completed, sworn and currently valid employer report form, pursuant to the Department's regulations. The provisions of this Article relating to eligible bidders apply only to bids on contracts with the State and its departments, agencies, boards, and commissions, and the provisions do not apply to bids on contracts with units of local government or school districts.

(K) Citizenship Status. "Citizenship status" means the status of being:

1. a born U.S. citizen;
2. a naturalized U.S. citizen;
3. a U.S. national; or
4. a person born outside the United States and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under the provisions of Section 1324b of Title 8 of the United States Code, as now
or hereafter amended.
(Source: P.A. 98-1037, eff. 1-1-15; 98-1050, eff. 1-1-15; 99-78, eff. 7-20-15.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect January 1, 2017.
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Statutes amended in order of appearance

3  5 ILCS 350/1 from Ch. 127, par. 1301
4  20 ILCS 5/5-115 was 20 ILCS 5/5.13e
5  30 ILCS 5/3-2 from Ch. 15, par. 303-2
6  30 ILCS 5/3-3 from Ch. 15, par. 303-3
7  30 ILCS 500/1-5
8  30 ILCS 500/1-10
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10 30 ILCS 500/1-13
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