



Rep. Diane Blair-Sherlock

Filed: 4/8/2026

10400HB5146ham001

LRB104 20069 HLH 36455 a

1 AMENDMENT TO HOUSE BILL 5146

2 AMENDMENT NO. _____. Amend House Bill 5146 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 20-10 as follows:

6 (30 ILCS 500/20-10)

7 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
8 98-1076, 99-906, 100-43, 101-31, 101-657, 102-29, 103-558, and
9 103-564)

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

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

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

1 procurement.

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

6 (d) Bid opening. Bids shall be opened publicly or through
7 an electronic procurement system in the presence of one or
8 more witnesses at the time and place designated in the
9 invitation for bids. The name of each bidder, including earned
10 and applied bid credit from the Illinois Works Jobs Program
11 Act, the amount of each bid, and other relevant information as
12 may be specified by rule shall be recorded. After the award of
13 the contract, the winning bid and the record of each
14 unsuccessful bid shall be open to public inspection.

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

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

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

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

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

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

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

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

3 The written explanation shall be filed with the
4 Legislative Audit Commission, and the Commission on Equity and
5 Inclusion, and the Procurement Policy Board, and be made
6 available for inspection by the public, within 14 calendar
7 days after the agency's decision to award the contract.

8 (g-5) Failed bid notice. In addition to the requirements
9 of subsection (g), if a bidder has failed to be awarded a
10 contract after 4 consecutive bids to provide the same services
11 to the Department of Transportation, the Capital Development
12 Board, or the Illinois State Toll Highway Authority, the
13 applicable agency shall, in writing, detail why each of the 4
14 bids was not awarded to the bidder. The applicable agency
15 shall submit by certified copy to the bidder the reason or
16 reasons why each of the 4 bids was not awarded to the bidder.
17 The agency shall submit that certified copy to the bidder
18 within the same calendar quarter in which the fourth bid was
19 rejected. This subsection does not apply if information
20 pertaining to a failed bid was previously disclosed to a
21 bidder by electronic means. If any agency chooses to provide
22 information by electronic means, the agency shall have a
23 written policy outlining how the agency will reasonably ensure
24 the bidder receives the information. For the purposes of this
25 subsection, "electronic means" means an email communication
26 from the applicable agency to the bidder or a public posting on

1 the applicable agency's procurement bulletin.

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

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

21 (j) Reverse auction. Notwithstanding any other provision
22 of this Section and in accordance with rules adopted by the
23 chief procurement officer, that chief procurement officer may
24 procure supplies or services through a competitive electronic
25 auction bidding process after the chief procurement officer
26 determines that the use of such a process will be in the best

1 interest of the State. The chief procurement officer shall
2 publish that determination in his or her next volume of the
3 Illinois Procurement Bulletin.

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

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

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

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

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

26 This subsection does not apply to (i) procurements of

1 professional and artistic services, (ii) telecommunications
2 services, communication services, and information services,
3 and (iii) contracts for construction projects, including
4 design professional services.

5 (k) Catalog awards by market basket analysis. A contract
6 for catalog supplies may be awarded pursuant to this Section
7 using a market basket analysis to evaluate the lowest price a
8 vendor can offer for a representative sample of catalog
9 supplies. The award shall be made to the responsible and
10 responsive bidder with the lowest cost for the representative
11 sample, based on analysis of all available same items. The
12 prices bid for each line item shall be firm and specified in
13 the contract. Supplies offered by the bidder that are not
14 evaluated as part of the market basket constitute the balance
15 of the bidder's catalog. Line items shall be priced,
16 categorized into distinct groups, and have a fixed discount by
17 group. Only the catalog supplies offered in the bid may be
18 specified in the contract. A contract awarded under this
19 subsection shall include terms and conditions for (i) price
20 changes for evaluated line items, (ii) substitution of
21 evaluated line items, and (iii) the addition of catalog
22 supplies that were not evaluated nor offered at the time of
23 bid. The purchasing agency shall conduct semi-annual reviews
24 of usage, substitutions, and items added or removed from the
25 catalog.

26 As used in this subsection (k):

1 "Catalog supplies" means a defined list of items with
2 verifiable prices that are categorized into distinct groups of
3 like, similar, or the same supplies.

4 "Line item" means a separately identified supply with its
5 own description, unit of measure, quantity, and price.

6 "Market basket analysis" means an evaluation of the cost
7 of the representative sample of catalog supplies to determine
8 the lowest cost bidder.

9 "Representative sample" means the line items that make up
10 at least 75% of the supplies of the State's previous purchases
11 based on all available data.

12 (Source: P.A. 102-29, eff. 6-25-21; 103-558, eff. 1-1-24;
13 103-564, eff. 11-17-23.)

14 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
15 98-1076, 99-906, 100-43, 101-31, 101-657, 102-29, 103-558, and
16 103-564)

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

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

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

25 (c) Public notice. Public notice of the invitation for

1 bids shall be published in the Illinois Procurement Bulletin
2 at least 14 calendar days before the date set in the invitation
3 for the opening of bids.

4 (d) Bid opening. Bids shall be opened publicly or through
5 an electronic procurement system in the presence of one or
6 more witnesses at the time and place designated in the
7 invitation for bids. The name of each bidder, including earned
8 and applied bid credit from the Illinois Works Jobs Program
9 Act, the amount of each bid, and other relevant information as
10 may be specified by rule shall be recorded. After the award of
11 the contract, the winning bid and the record of each
12 unsuccessful bid shall be open to public inspection.

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

25 (f) Correction or withdrawal of bids. Correction or
26 withdrawal of inadvertently erroneous bids before or after

1 award, or cancellation of awards of contracts based on bid
2 mistakes, shall be permitted in accordance with rules. After
3 bid opening, no changes in bid prices or other provisions of
4 bids prejudicial to the interest of the State or fair
5 competition shall be permitted. All decisions to permit the
6 correction or withdrawal of bids based on bid mistakes shall
7 be supported by written determination made by a State
8 purchasing officer.

9 (g) Award. The contract shall be awarded with reasonable
10 promptness by written notice to the lowest responsible and
11 responsive bidder whose bid meets the requirements and
12 criteria set forth in the invitation for bids, except when a
13 State purchasing officer determines it is not in the best
14 interest of the State and by written explanation determines
15 another bidder shall receive the award. The explanation shall
16 appear in the appropriate volume of the Illinois Procurement
17 Bulletin. The written explanation must include:

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

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

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

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

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

1 The written explanation shall be filed with the
2 Legislative Audit Commission, and the Commission on Equity and
3 Inclusion, and the Procurement Policy Board, and be made
4 available for inspection by the public, within 14 days after
5 the agency's decision to award the contract.

6 (g-5) Failed bid notice. In addition to the requirements
7 of subsection (g), if a bidder has failed to be awarded a
8 contract after 4 consecutive bids to provide the same services
9 to the Department of Transportation, the Capital Development
10 Board, or the Illinois State Toll Highway Authority, the
11 applicable agency shall, in writing, detail why each of the 4
12 bids was not awarded to the bidder. The applicable agency
13 shall submit by certified copy to the bidder the reason or
14 reasons why each of the 4 bids was not awarded to the bidder.
15 The agency shall submit that certified copy to the bidder
16 within the same calendar quarter in which the fourth bid was
17 rejected. This subsection does not apply if information
18 pertaining to a failed bid was previously disclosed to a
19 bidder by electronic means. If any agency chooses to provide
20 information by electronic means, the agency shall have a
21 written policy outlining how the agency will reasonably ensure
22 the bidder receives the information. For the purposes of this
23 subsection, "electronic means" means an email communication
24 from the applicable agency to the bidder or a public posting on
25 the applicable agency's procurement bulletin.

26 (h) Multi-step sealed bidding. When it is considered

1 impracticable to initially prepare a purchase description to
2 support an award based on price, an invitation for bids may be
3 issued requesting the submission of unpriced offers to be
4 followed by an invitation for bids limited to those bidders
5 whose offers have been qualified under the criteria set forth
6 in the first solicitation.

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

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

1 Illinois Procurement Bulletin.

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

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

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

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

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

24 This subsection does not apply to (i) procurements of
25 professional and artistic services, (ii) telecommunications
26 services, communication services, and information services,

1 and (iii) contracts for construction projects, including
2 design professional services.

3 (k) Catalog awards by market basket analysis. A contract
4 for catalog supplies may be awarded pursuant to this Section
5 using a market basket analysis to evaluate the lowest price a
6 vendor can offer for a representative sample of catalog
7 supplies. The award shall be made to the responsible and
8 responsive bidder with the lowest cost for the representative
9 sample, based on analysis of all available same items. The
10 prices bid for each line item shall be firm and specified in
11 the contract. Supplies offered by the bidder that are not
12 evaluated as part of the market basket constitute the balance
13 of the bidder's catalog. Line items shall be priced,
14 categorized into distinct groups, and have a fixed discount by
15 group. Only the catalog supplies offered in the bid may be
16 specified in the contract. Supplies offered by the bidder that
17 are not evaluated as part of the market basket constitute the
18 balance of the bidder's catalog. Line items shall be priced,
19 categorized into distinct groups and have a fixed discount by
20 group. Only the catalog supplies offered in the bid may be
21 specified in the contract. A contract awarded under this
22 subsection shall include terms and conditions for (i) price
23 changes for evaluated line items, (ii) substitution of
24 evaluated line items, and (iii) the addition of catalog
25 supplies that were not evaluated nor offered at the time of
26 bid. The purchasing agency shall conduct semi-annual reviews

1 of usage, substitutions, and items added or removed from the
2 catalog.

3 As used in this subsection (k):

4 "Catalog supplies" means a defined list of items with
5 verifiable prices that are categorized into distinct groups of
6 like, similar, or the same supplies.

7 "Line item" means a separately identified supply with its
8 own description, unit of measure, quantity, and price.

9 "Market basket analysis" means an evaluation of the cost
10 of the representative sample of catalog supplies to determine
11 the lowest cost bidder.

12 "Representative sample" means the line items that make up
13 at least 75% of the supplies of the State's previous purchases
14 based on all available data.

15 (Source: P.A. 102-29, eff. 6-25-21; 103-558, eff. 1-1-24;
16 103-564, eff. 11-17-23.)

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