



Rep. Al Riley

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1 AMENDMENT TO SENATE BILL 8

2 AMENDMENT NO. _____. Amend Senate Bill 8 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 5-10 and 20-5 as follows:

6 (5 ILCS 430/5-10)

7 Sec. 5-10. Ethics training.

8 (a) Each officer, member, and employee must complete, at
9 least annually beginning in 2004, an ethics training program
10 conducted by the appropriate State agency. Each ultimate
11 jurisdictional authority must implement an ethics training
12 program for its officers, members, and employees. These ethics
13 training programs shall be overseen by the appropriate Ethics
14 Commission and Inspector General appointed pursuant to this Act
15 in consultation with the Office of the Attorney General.

16 (b) Each ultimate jurisdictional authority subject to the

1 Executive Ethics Commission shall submit to the Executive
2 Ethics Commission, at least annually, or more frequently as
3 required by that Commission, an annual report that summarizes
4 ethics training that was completed during the previous year,
5 and lays out the plan for the ethics training programs in the
6 coming year.

7 (c) Each Inspector General shall set standards and
8 determine the hours and frequency of training necessary for
9 each position or category of positions. A person who fills a
10 vacancy in an elective or appointed position that requires
11 training and a person employed in a position that requires
12 training must complete his or her initial ethics training
13 within 30 days after commencement of his or her office or
14 employment.

15 (d) Upon completion of the ethics training program, each
16 officer, member, and employee must certify in writing that the
17 person has completed the training program. Each officer,
18 member, and employee must provide to his or her ethics officer
19 a signed copy of the certification by the deadline for
20 completion of the ethics training program.

21 (e) The ethics training provided under this Act by the
22 Secretary of State may be expanded to satisfy the requirement
23 of Section 4.5 of the Lobbyist Registration Act.

24 (f) The ethics training provided under this Act by State
25 agencies under the control of the Governor shall include the
26 requirements and duties of State officers and employees under

1 Sections 50-39, 50-40, and 50-45 of the Illinois Procurement
2 Code.

3 (Source: P.A. 96-555, eff. 8-18-09.)

4 (5 ILCS 430/20-5)

5 Sec. 20-5. Executive Ethics Commission.

6 (a) The Executive Ethics Commission is created.

7 (b) The Executive Ethics Commission shall consist of 9
8 commissioners. The Governor shall appoint 5 commissioners, and
9 the Attorney General, Secretary of State, Comptroller, and
10 Treasurer shall each appoint one commissioner. Appointments
11 shall be made by and with the advice and consent of the Senate
12 by three-fifths of the elected members concurring by record
13 vote. Any nomination not acted upon by the Senate within 60
14 session days of the receipt thereof shall be deemed to have
15 received the advice and consent of the Senate. If, during a
16 recess of the Senate, there is a vacancy in an office of
17 commissioner, the appointing authority shall make a temporary
18 appointment until the next meeting of the Senate when the
19 appointing authority shall make a nomination to fill that
20 office. No person rejected for an office of commissioner shall,
21 except by the Senate's request, be nominated again for that
22 office at the same session of the Senate or be appointed to
23 that office during a recess of that Senate. No more than 5
24 commissioners may be of the same political party.

25 The terms of the initial commissioners shall commence upon

1 qualification. Four initial appointees of the Governor, as
2 designated by the Governor, shall serve terms running through
3 June 30, 2007. One initial appointee of the Governor, as
4 designated by the Governor, and the initial appointees of the
5 Attorney General, Secretary of State, Comptroller, and
6 Treasurer shall serve terms running through June 30, 2008. The
7 initial appointments shall be made within 60 days after the
8 effective date of this Act.

9 After the initial terms, commissioners shall serve for
10 4-year terms commencing on July 1 of the year of appointment
11 and running through June 30 of the fourth following year.
12 Commissioners may be reappointed to one or more subsequent
13 terms.

14 Vacancies occurring other than at the end of a term shall
15 be filled by the appointing authority only for the balance of
16 the term of the commissioner whose office is vacant.

17 Terms shall run regardless of whether the position is
18 filled.

19 (c) The appointing authorities shall appoint commissioners
20 who have experience holding governmental office or employment
21 and shall appoint commissioners from the general public. A
22 person is not eligible to serve as a commissioner if that
23 person (i) has been convicted of a felony or a crime of
24 dishonesty or moral turpitude, (ii) is, or was within the
25 preceding 12 months, engaged in activities that require
26 registration under the Lobbyist Registration Act, (iii) is

1 related to the appointing authority, or (iv) is a State officer
2 or employee.

3 (d) The Executive Ethics Commission shall have
4 jurisdiction over all officers and employees of State agencies
5 other than the General Assembly, the Senate, the House of
6 Representatives, the President and Minority Leader of the
7 Senate, the Speaker and Minority Leader of the House of
8 Representatives, the Senate Operations Commission, the
9 legislative support services agencies, and the Office of the
10 Auditor General. The Executive Ethics Commission shall have
11 jurisdiction over all board members and employees of Regional
12 Transit Boards. The jurisdiction of the Commission is limited
13 to matters arising under this Act, except as provided in
14 subsection (d-5).

15 A member or legislative branch State employee serving on an
16 executive branch board or commission remains subject to the
17 jurisdiction of the Legislative Ethics Commission and is not
18 subject to the jurisdiction of the Executive Ethics Commission.

19 (d-5) The Executive Ethics Commission shall have
20 jurisdiction over all chief procurement officers and
21 procurement compliance monitors and their respective staffs.
22 The Executive Ethics Commission shall have jurisdiction over
23 any matters arising under the Illinois Procurement Code if the
24 Commission is given explicit authority in that Code.

25 (d-6) (1) The Executive Ethics Commission shall have
26 jurisdiction over the Illinois Power Agency and its staff. The

1 Director of the Agency shall be appointed by a majority of the
2 commissioners of the Executive Ethics Commission, subject to
3 Senate confirmation, for a term of 2 years. The Director is
4 removable for cause by a majority of the Commission upon a
5 finding of neglect, malfeasance, absence, or incompetence.

6 (2) In case of a vacancy in the office of Director of the
7 Illinois Power Agency during a recess of the Senate, the
8 Executive Ethics Commission may make a temporary appointment
9 until the next meeting of the Senate, at which time the
10 Executive Ethics Commission shall nominate some person to fill
11 the office, and any person so nominated who is confirmed by the
12 Senate shall hold office during the remainder of the term and
13 until his or her successor is appointed and qualified. Nothing
14 in this subsection shall prohibit the Executive Ethics
15 Commission from removing a temporary appointee or from
16 appointing a temporary appointee as the Director of the
17 Illinois Power Agency.

18 (3) Prior to June 1, 2012, the Executive Ethics Commission
19 may, until the Director of the Illinois Power Agency is
20 appointed and qualified or a temporary appointment is made
21 pursuant to paragraph (2) of this subsection, designate some
22 person as an acting Director to execute the powers and
23 discharge the duties vested by law in that Director. An acting
24 Director shall serve no later than 60 calendar days, or upon
25 the making of an appointment pursuant to paragraph (1) or (2)
26 of this subsection, whichever is earlier. Nothing in this

1 subsection shall prohibit the Executive Ethics Commission from
2 removing an acting Director or from appointing an acting
3 Director as the Director of the Illinois Power Agency.

4 (4) No person rejected by the Senate for the office of
5 Director of the Illinois Power Agency shall, except at the
6 Senate's request, be nominated again for that office at the
7 same session or be appointed to that office during a recess of
8 that Senate.

9 (e) The Executive Ethics Commission must meet, either in
10 person or by other technological means, at least monthly and as
11 often as necessary. At the first meeting of the Executive
12 Ethics Commission, the commissioners shall choose from their
13 number a chairperson and other officers that they deem
14 appropriate. The terms of officers shall be for 2 years
15 commencing July 1 and running through June 30 of the second
16 following year. Meetings shall be held at the call of the
17 chairperson or any 3 commissioners. Official action by the
18 Commission shall require the affirmative vote of 5
19 commissioners, and a quorum shall consist of 5 commissioners.
20 Commissioners shall receive compensation in an amount equal to
21 the compensation of members of the State Board of Elections and
22 may be reimbursed for their reasonable expenses actually
23 incurred in the performance of their duties.

24 (f) No commissioner or employee of the Executive Ethics
25 Commission may during his or her term of appointment or
26 employment:

1 (1) become a candidate for any elective office;

2 (2) hold any other elected or appointed public office
3 except for appointments on governmental advisory boards or
4 study commissions or as otherwise expressly authorized by
5 law;

6 (3) be actively involved in the affairs of any
7 political party or political organization; or

8 (4) advocate for the appointment of another person to
9 an appointed or elected office or position or actively
10 participate in any campaign for any elective office.

11 (g) An appointing authority may remove a commissioner only
12 for cause.

13 (h) The Executive Ethics Commission shall appoint an
14 Executive Director. The compensation of the Executive Director
15 shall be as determined by the Commission. The Executive
16 Director of the Executive Ethics Commission may employ and
17 determine the compensation of staff, as appropriations permit.

18 (i) The Executive Ethics Commission shall appoint, by a
19 majority of the members appointed to the Commission, chief
20 procurement officers and may appoint procurement compliance
21 monitors in accordance with the provisions of the Illinois
22 Procurement Code. The compensation of a chief procurement
23 officer and procurement compliance monitor shall be determined
24 by the Commission.

25 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11;
26 97-618, eff. 10-26-11; 97-677, eff. 2-6-12.)

1 Section 15. The Illinois Procurement Code is amended by
2 re-enacting and changing Sections 1-12 and 1-13, by changing
3 Sections 1-10, 5-5, 5-30, 10-10, 10-15, 15-25, 15-30, 20-10,
4 20-15, 20-20, 20-25, 20-30, 20-43, 20-80, 20-160, 25-35, 35-15,
5 35-30, 35-35, 40-30, 45-15, 45-30, 45-45, 45-57, 50-2, 50-10,
6 50-10.5, 50-39, 50-40, 50-45, and 53-10, and by adding Sections
7 1-15.40, 1-15.47, 1-15.48, 1-15.49, 10-30, 25-85, 30-40,
8 45-85, 45-90, and 50-36.5 as follows:

9 (30 ILCS 500/1-10)

10 Sec. 1-10. Application.

11 (a) This Code applies only to procurements for which
12 bidders, offerors, potential contractors, or contractors were
13 first solicited on or after July 1, 1998. This Code shall not
14 be construed to affect or impair any contract, or any provision
15 of a contract, entered into based on a solicitation prior to
16 the implementation date of this Code as described in Article
17 99, including but not limited to any covenant entered into with
18 respect to any revenue bonds or similar instruments. All
19 procurements for which contracts are solicited between the
20 effective date of Articles 50 and 99 and July 1, 1998 shall be
21 substantially in accordance with this Code and its intent.

22 (b) This Code shall apply regardless of the source of the
23 funds with which the contracts are paid, including federal
24 assistance moneys. Except as specifically provided in this

1 Code, this ~~This~~ Code shall not apply to:

2 (1) Contracts between the State and its political
3 subdivisions or other governments, or between State
4 governmental bodies ~~except as specifically provided in~~
5 ~~this Code.~~

6 (2) Grants, except for the filing requirements of
7 Section 20-80.

8 (3) Purchase of care.

9 (4) Hiring of an individual as employee and not as an
10 independent contractor, whether pursuant to an employment
11 code or policy or by contract directly with that
12 individual.

13 (5) Collective bargaining contracts.

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

22 (7) Contracts necessary to prepare for anticipated
23 litigation, enforcement actions, or investigations,
24 provided that the chief legal counsel to the Governor shall
25 give his or her prior approval when the procuring agency is
26 one subject to the jurisdiction of the Governor, and

1 provided that the chief legal counsel of any other
2 procuring entity subject to this Code shall give his or her
3 prior approval when the procuring entity is not one subject
4 to the jurisdiction of the Governor.

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

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

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

18 (11) Public-private agreements entered into according
19 to the procurement requirements of Section 20 of the
20 Public-Private Partnerships for Transportation Act and
21 design-build agreements entered into according to the
22 procurement requirements of Section 25 of the
23 Public-Private Partnerships for Transportation Act.

24 (12) Contracts for legal, financial, and other
25 professional and artistic services entered into on or
26 before December 31, 2018 by the Illinois Finance Authority

1 in which the State of Illinois is not obligated. Such
2 contracts shall be awarded through a competitive process
3 authorized by the Board of the Illinois Finance Authority
4 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
5 50-35, and 50-37 of this Code, as well as the final
6 approval by the Board of the Illinois Finance Authority of
7 the terms of the contract.

8 (13) ~~The provisions of this paragraph (13), other than~~
9 ~~this sentence, are inoperative on and after January 1, 2019~~
10 ~~or 2 years after the effective date of this amendatory Act~~
11 ~~of the 99th General Assembly, whichever is later.~~ Contracts
12 for services, commodities, and equipment to support the
13 delivery of timely forensic science services in
14 consultation with and subject to the approval of the Chief
15 Procurement Officer as provided in subsection (d) of
16 Section 5-4-3a of the Unified Code of Corrections, except
17 for the requirements of Sections 20-60, 20-65, 20-70, and
18 20-160 and Article 50 of this Code; however, the Chief
19 Procurement Officer may, in writing with justification,
20 waive any certification required under Article 50 of this
21 Code. For any contracts for services which are currently
22 provided by members of a collective bargaining agreement,
23 the applicable terms of the collective bargaining
24 agreement concerning subcontracting shall be followed.

25 On and after January 1, 2019, this paragraph (13),
26 except for this sentence, is inoperative.

1 (14) Contracts for participation expenditures required
2 by a domestic or international trade show or exhibition of
3 an exhibitor, member, or sponsor.

4 (15) Contracts with a railroad or utility that requires
5 the State to reimburse the railroad or utilities for the
6 relocation of utilities for construction or other public
7 purpose. Contracts included within this paragraph (15)
8 shall include, but not be limited to, those associated
9 with: relocations, crossings, installations, and
10 maintenance. For the purposes of this paragraph (15),
11 "railroad" means any form of non-highway ground
12 transportation that runs on rails or electromagnetic
13 guideways and "utility" means: (1) public utilities as
14 defined in Section 3-105 of the Public Utilities Act, (2)
15 telecommunications carriers as defined in Section 13-202
16 of the Public Utilities Act, (3) electric cooperatives as
17 defined in Section 3.4 of the Electric Supplier Act, (4)
18 telephone or telecommunications cooperatives as defined in
19 Section 13-212 of the Public Utilities Act, (5) rural water
20 or waste water systems with 10,000 connections or less, (6)
21 a holder as defined in Section 21-201 of the Public
22 Utilities Act, and (7) municipalities owning or operating
23 utility systems consisting of public utilities as that term
24 is defined in Section 11-117-2 of the Illinois Municipal
25 Code.

26 Notwithstanding any other provision of law, notice of

1 contracts entered into under any paragraph ~~item (12)~~ of this
2 subsection (b) shall be published in the Procurement Bulletin
3 within 14 calendar days after contract execution. The chief
4 procurement officer shall prescribe the form and content of the
5 notice. Each State agency ~~The Illinois Finance Authority~~ shall
6 provide the chief procurement officer, on a monthly basis, in
7 the form and content prescribed by the chief procurement
8 officer, a report of contracts procured under an exemption
9 provided in any paragraph ~~that are related to the procurement~~
10 ~~of goods and services identified in item (12)~~ of this
11 subsection (b). At a minimum, this report shall include the
12 name of the contractor, a description of the supply or service
13 provided, the total amount of the contract, the term of the
14 contract, and the exception to the Code utilized. A copy of
15 each of these contracts shall be made available to the chief
16 procurement officer immediately upon request. The chief
17 procurement officer shall submit a report to the Governor and
18 General Assembly no later than November 1 of each year that
19 shall include, at a minimum, an annual summary of the monthly
20 information reported to the chief procurement officer.

21 (c) This Code does not apply to the electric power
22 procurement process provided for under Section 1-75 of the
23 Illinois Power Agency Act and Section 16-111.5 of the Public
24 Utilities Act.

25 (d) Except for Section 20-160 and Article 50 of this Code,
26 and as expressly required by Section 9.1 of the Illinois

1 Lottery Law, the provisions of this Code do not apply to the
2 procurement process provided for under Section 9.1 of the
3 Illinois Lottery Law.

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

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

21 (g) (Blank). ~~This Code does not apply to the processes used~~
22 ~~by the Illinois Power Agency to retain a mediator to mediate~~
23 ~~contract disputes between gas utilities and the clean coal SNG~~
24 ~~facility and to retain an expert to assist in the review of~~
25 ~~contracts under subsection (h) of Section 9-220 of the Public~~
26 ~~Utilities Act. This Code does not apply to the process used by~~

1 ~~the Illinois Commerce Commission to retain an expert to assist~~
2 ~~in determining the actual incurred costs of the clean coal SNG~~
3 ~~facility and the reasonableness of those costs as required~~
4 ~~under subsection (h) of Section 9-220 of the Public Utilities~~
5 ~~Act.~~

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

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

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

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

22 (l) This Code does not apply to the processes used by the
23 Illinois Student Assistance Commission to procure supplies and
24 services paid for from the private funds of the Illinois
25 Prepaid Tuition Fund. As used in this subsection (l), "private
26 funds" means funds derived from deposits paid into the Illinois

1 Prepaid Tuition Trust Fund and the earnings thereon.

2 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
3 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
4 1-1-15; 99-801, eff. 1-1-17.)

5 (30 ILCS 500/1-12)

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

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

11 (b) Notice of each contract entered into by a State agency
12 that is related to the procurement of goods and services
13 identified in this Section shall be published in the Illinois
14 Procurement Bulletin within 14 calendar days after contract
15 execution. The chief procurement officer shall prescribe the
16 form and content of the notice. Each State agency shall provide
17 the chief procurement officer, on a monthly basis, in the form
18 and content prescribed by the chief procurement officer, a
19 report of contracts that are related to the procurement of
20 supplies ~~goods~~ and services identified in this Section. At a
21 minimum, this report shall include the name of the contractor,
22 a description of the supply or service provided, the total
23 amount of the contract, the term of the contract, and the
24 exception to the Code utilized. A copy of any or all of these
25 contracts shall be made available to the chief procurement

1 officer immediately upon request. The chief procurement
2 officer shall submit a report to the Governor and General
3 Assembly no later than November 1 of each year that shall
4 include, at a minimum, an annual summary of the monthly
5 information reported to the chief procurement officer.

6 (c) (Blank). ~~This Section is repealed December 31, 2016.~~

7 (d) The General Assembly finds and declares that:

8 (1) This amendatory Act of the 100th General Assembly
9 manifests the intention of the General Assembly to remove
10 the repeal of this Section.

11 (2) This Section was originally enacted to protect,
12 promote, and preserve the general welfare. Any
13 construction of this Section that results in the repeal of
14 this Section on December 31, 2016 would be inconsistent
15 with the manifest intent of the General Assembly and
16 repugnant to the context of this Code.

17 It is hereby declared to have been the intent of the
18 General Assembly this Section not be subject to repeal on
19 December 31, 2016.

20 This Section shall be deemed to have been in continuous
21 effect since August 3, 2012 (the effective date of Public Act
22 97-895), and it shall continue to be in effect henceforward
23 until it is otherwise lawfully repealed. All previously enacted
24 amendments to this Section taking effect on or after December
25 31, 2016, are hereby validated.

26 All actions taken in reliance on or pursuant to this

1 Section in the procurement of artistic or musical services are
2 hereby validated.

3 In order to ensure the continuing effectiveness of this
4 Section, it is set forth in full and re-enacted by this
5 amendatory Act of the 100th General Assembly. This re-enactment
6 is intended as a continuation of this Section. It is not
7 intended to supersede any amendment to this Section that is
8 enacted by the 100th General Assembly.

9 In this amendatory Act of the 100th General Assembly, the
10 base text of this Section is set forth as amended by Public Act
11 98-1076. Striking and underscoring is used only to show changes
12 being made to the base text.

13 This Section applies to all procurements made on or before
14 the effective date of this amendatory Act of the 100th General
15 Assembly.

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

17 (30 ILCS 500/1-13)

18 Sec. 1-13. Applicability to public institutions of higher
19 education.

20 (a) This Code shall apply to public institutions of higher
21 education, regardless of the source of the funds with which
22 contracts are paid, except as provided in this Section.

23 (b) Except as provided in this Section, this Code shall not
24 apply to procurements made by or on behalf of public
25 institutions of higher education for any of the following:

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

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

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

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

19 (5) Procurement expenditures for periodicals, ~~and~~
20 books, subscriptions, database licenses, and other
21 publications procured for use by a university library or
22 academic department, except for expenditures related to
23 procuring textbooks for student use or materials for resale
24 or rental.

25 (6) Procurement expenditures for placement of students
26 in externships, practicums, field experiences, and for

1 medical residencies and rotations.

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

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

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

13 Notice of each contract entered into by a public institution of
14 higher education that is related to the procurement of goods
15 and services identified in items (1) through (9) ~~(7)~~ of this
16 subsection shall be published in the Procurement Bulletin
17 within 14 calendar days after contract execution. The Chief
18 Procurement Officer shall prescribe the form and content of the
19 notice. Each public institution of higher education shall
20 provide the Chief Procurement Officer, on a monthly basis, in
21 the form and content prescribed by the Chief Procurement
22 Officer, a report of contracts that are related to the
23 procurement of goods and services identified in this
24 subsection. At a minimum, this report shall include the name of
25 the contractor, a description of the supply or service
26 provided, the total amount of the contract, the term of the

1 contract, and the exception to the Code utilized. A copy of any
2 or all of these contracts shall be made available to the Chief
3 Procurement Officer immediately upon request. The Chief
4 Procurement Officer shall submit a report to the Governor and
5 General Assembly no later than November 1 of each year that
6 shall include, at a minimum, an annual summary of the monthly
7 information reported to the Chief Procurement Officer.

8 (b-5) Except as provided in this subsection, the provisions
9 of this Code shall not apply to contracts for medical
10 ~~FDA-regulated~~ supplies, and to contracts for medical services
11 necessary for the delivery of care and treatment at medical,
12 dental, or veterinary teaching facilities utilized by Southern
13 Illinois University or the University of Illinois and at any
14 university-operated health care center or dispensary that
15 provides care, treatment, and medications for students,
16 faculty and staff. Other supplies and services needed for these
17 teaching facilities shall be subject to the jurisdiction of the
18 Chief Procurement Officer for Public Institutions of Higher
19 Education who may establish expedited procurement procedures
20 and may waive or modify certification, contract, hearing,
21 process and registration requirements required by the Code. All
22 procurements made under this subsection shall be documented and
23 may require publication in the Illinois Procurement Bulletin.

24 (c) Procurements made by or on behalf of public
25 institutions of higher education for the fulfillment of a grant
26 shall be made in accordance with the requirements of this Code

1 ~~to the extent practical. any of the following shall be made in~~
2 ~~accordance with the requirements of this Code to the extent~~
3 ~~practical as provided in this subsection:~~

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

9 ~~(2) (Blank).~~

10 ~~(3) (Blank).~~

11 ~~(4) Procurements required for fulfillment of a grant.~~

12 Upon the written request of a public institution of higher
13 education, the Chief Procurement Officer may waive contract,
14 registration, certification, and hearing requirements of this
15 Code if, based on the item to be procured or the terms of a
16 grant, compliance is impractical. The public institution of
17 higher education shall provide the Chief Procurement Officer
18 with specific reasons for the waiver, including the necessity
19 of contracting with a particular potential contractor, and
20 shall certify that an effort was made in good faith to comply
21 with the provisions of this Code. The Chief Procurement Officer
22 shall provide written justification for any waivers. By
23 November 1 of each year, the Chief Procurement Officer shall
24 file a report with the General Assembly identifying each
25 contract approved with waivers and providing the justification
26 given for any waivers for each of those contracts. Notice of

1 each waiver made under this subsection shall be published in
2 the Procurement Bulletin within 14 calendar days after contract
3 execution. The Chief Procurement Officer shall prescribe the
4 form and content of the notice.

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

13 (e) Notwithstanding subsection (e) of Section 50-10.5 of
14 this Code, the Chief Procurement Officer, with the approval of
15 the Executive Ethics Commission, may permit a public
16 institution of higher education to accept a bid or enter into a
17 contract with a business that assisted the public institution
18 of higher education in determining whether there is a need for
19 a contract or assisted in reviewing, drafting, or preparing
20 documents related to a bid or contract, provided that the bid
21 or contract is essential to research administered by the public
22 institution of higher education and it is in the best interest
23 of the public institution of higher education to accept the bid
24 or contract. For purposes of this subsection, "business"
25 includes all individuals with whom a business is affiliated,
26 including, but not limited to, any officer, agent, employee,

1 consultant, independent contractor, director, partner,
2 manager, or shareholder of a business. The Executive Ethics
3 Commission may promulgate rules and regulations for the
4 implementation and administration of the provisions of this
5 subsection (e).

6 (f) As used in this Section:

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

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

19 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~

20 (h) The General Assembly finds and declares that:

21 (1) Public Act 98-1076, which took effect on January 1,
22 2015, changed the repeal date set for this Section from
23 December 31, 2014 to December 31, 2016.

24 (2) The Statute on Statutes sets forth general rules on
25 the repeal of statutes and the construction of multiple
26 amendments, but Section 1 of that Act also states that

1 these rules will not be observed when the result would be
2 "inconsistent with the manifest intent of the General
3 Assembly or repugnant to the context of the statute".

4 (3) This amendatory Act of the 100th General Assembly
5 manifests the intention of the General Assembly to remove
6 the repeal of this Section.

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

13 It is hereby declared to have been the intent of the
14 General Assembly that this Section not be subject to repeal on
15 December 31, 2014.

16 This Section shall be deemed to have been in continuous
17 effect since December 20, 2011 (the effective date of Public
18 Act 97-643), and it shall continue to be in effect henceforward
19 until it is otherwise lawfully repealed. All previously enacted
20 amendments to this Section taking effect on or after December
21 31, 2014, are hereby validated.

22 All actions taken in reliance on or pursuant to this
23 Section by any public institution of higher education, person,
24 or entity are hereby validated.

25 In order to ensure the continuing effectiveness of this
26 Section, it is set forth in full and re-enacted by this

1 amendatory Act of the 100th General Assembly. This re-enactment
2 is intended as a continuation of this Section. It is not
3 intended to supersede any amendment to this Section that is
4 enacted by the 100th General Assembly.

5 In this amendatory Act of the 100th General Assembly, the
6 base text of the reenacted Section is set forth as amended by
7 Public Act 98-1076. Striking and underscoring is used only to
8 show changes being made to the base text.

9 This Section applies to all procurements made on or before
10 the effective date of this amendatory Act of the 100th General
11 Assembly.

12 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;
13 98-1076, eff. 1-1-15.)

14 (30 ILCS 500/1-15.40 new)

15 Sec. 1-15.40. Electronic procurement. "Electronic
16 procurement" means conducting all or some of the procurement
17 function over the Internet.

18 (30 ILCS 500/1-15.47 new)

19 Sec. 1-15.47. Master contract. "Master contract" means a
20 definite quantity, indefinite quantity, or requirements
21 contract awarded in accordance with this Code, against which
22 subsequent orders may be placed to meet the needs of a State
23 purchasing entity. A master contract may be for use by a single
24 State purchasing entity or for multiple State purchasing

1 entities and other entities as authorized under the
2 Governmental Joint Purchasing Act.

3 (30 ILCS 500/1-15.48 new)

4 Sec. 1-15.48. Multiple Award. "Multiple award" means an
5 award that is made to 2 or more bidders or offerors for similar
6 supplies, services, or construction-related services.

7 (30 ILCS 500/1-15.49 new)

8 Sec. 1-15.49. No-cost contract. "No-cost contract" means a
9 contract in which the State of Illinois does not make a payment
10 to or receive a payment from the vendor, but the vendor has the
11 contractual authority to charge an entity other than the State
12 of Illinois for supplies or services at the State's contracted
13 rate to fulfill the State's mandated requirements.

14 (30 ILCS 500/5-5)

15 Sec. 5-5. Procurement Policy Board.

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

18 (b) Authority and duties. The Board shall have the
19 authority and responsibility to review, comment upon, and
20 recommend, consistent with this Code, rules and practices
21 governing the procurement, management, control, and disposal
22 of supplies, services, professional or artistic services,
23 construction, and real property and capital improvement leases

1 procured by the State. The Board shall also have the authority
2 to recommend a program for professional development and provide
3 opportunities for training in procurement practices and
4 policies to chief procurement officers and their staffs in
5 order to ensure that all procurement is conducted in an
6 efficient, professional, and appropriately transparent manner.

7 Upon a three-fifths vote of its members, the Board may
8 review a contract. Upon a three-fifths vote of its members, the
9 Board may propose procurement rules for consideration by chief
10 procurement officers. These proposals shall be published in
11 each volume of the Procurement Bulletin. Except as otherwise
12 provided by law, the Board shall act upon the vote of a
13 majority of its members who have been appointed and are
14 serving.

15 (b-5) Reviews, studies, and hearings. The Board may review,
16 study, and hold public hearings concerning the implementation
17 and administration of this Code. Each chief procurement
18 officer, State purchasing officer, procurement compliance
19 monitor, and State agency shall cooperate with the Board,
20 provide information to the Board, and be responsive to the
21 Board in the Board's conduct of its reviews, studies, and
22 hearings.

23 (c) Members. The Board shall consist of 5 members appointed
24 one each by the 4 legislative leaders and the Governor. Each
25 member shall have demonstrated sufficient business or
26 professional experience in the area of procurement to perform

1 the functions of the Board. No member may be a member of the
2 General Assembly.

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

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

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

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

22 (h) Procurement recommendations. Upon a three-fifths vote
23 of its members, the Board may review a proposal, bid, or
24 contract and issue a recommendation to void a contract or
25 reject a proposal or bid based on any violation of this Code or
26 the existence of a conflict of interest as described in

1 subsections (b) and (d) of Section 50-35. A chief procurement
2 officer or State purchasing officer shall notify the Board if
3 an alleged conflict of interest or violation of the Code is
4 identified, discovered, or reasonably suspected to exist. Any
5 person or entity may notify the Board of an alleged conflict of
6 interest or violation of the Code. A recommendation of the
7 Board shall be delivered to the appropriate chief procurement
8 officer and Executive Ethics Commission within 7 calendar days
9 and must be published in the next volume of the Procurement
10 Bulletin. In the event that an alleged conflict of interest or
11 violation of the Code that was not originally disclosed with
12 the bid, offer, or proposal is identified and filed with the
13 Board, the Board shall provide written notice of the alleged
14 conflict of interest or violation to the bidder, offeror,
15 potential contractor, contractor, or subcontractor on that
16 contract. If the alleged conflict of interest or violation is
17 by the subcontractor, written notice shall also be provided to
18 the bidder, offeror, potential contractor, or contractor. The
19 bidder, offeror, potential contractor, contractor, or
20 subcontractor shall have 15 calendar days to provide a written
21 response to the notice, and a hearing before the Board on the
22 alleged conflict of interest or violation shall be held upon
23 request by the bidder, offeror, potential contractor,
24 contractor, or subcontractor. The requested hearing date and
25 time shall be determined by the Board, but in no event shall
26 the hearing occur later than 15 calendar days after the date of

1 the request.

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

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

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

10 (30 ILCS 500/5-30)

11 Sec. 5-30. Proposed contracts; Procurement Policy Board.

12 (a) Except as provided in subsection (c), within 14 ~~30~~
13 calendar days after notice of the awarding or letting of a
14 contract has appeared in the Procurement Bulletin in accordance
15 with subsection (b) of Section 15-25, the Board may request in
16 writing from the contracting agency and the contracting agency
17 shall promptly, but in no event later than 7 calendar days
18 after receipt of the request, provide to the Board, by
19 electronic or other means satisfactory to the Board,
20 documentation in the possession of the contracting agency
21 concerning the proposed contract. Nothing in this subsection is
22 intended to waive or abrogate any privilege or right of
23 confidentiality authorized by law.

24 (b) No contract subject to this Section may be entered into
25 until the 14-day ~~30-day~~ period described in subsection (a) has

1 expired, unless the contracting agency requests in writing that
2 the Board waive the period and the Board grants the waiver in
3 writing.

4 (c) This Section does not apply to (i) contracts entered
5 into under this Code for small and emergency procurements as
6 those procurements are defined in Article 20 and (ii) contracts
7 for professional and artistic services that are nonrenewable,
8 one year or less in duration, and have a value of less than
9 \$20,000. If requested in writing by the Board, however, the
10 contracting agency must promptly, but in no event later than 10
11 calendar days after receipt of the request, transmit to the
12 Board a copy of the contract for an emergency procurement and
13 documentation in the possession of the contracting agency
14 concerning the contract.

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

16 (30 ILCS 500/10-10)

17 Sec. 10-10. Independent State purchasing officers.

18 (a) The chief procurement officer shall appoint a State
19 purchasing officer for each agency that the chief procurement
20 officer is responsible for under Section 1-15.15. A State
21 purchasing officer shall be located in the State agency that
22 the officer serves but shall report to his or her respective
23 chief procurement officer. The State purchasing officer shall
24 have direct communication with agency staff assigned to assist
25 with any procurement process. At the direction of his or her

1 respective chief procurement officer, a State purchasing
2 officer shall have the authority to (i) review any contract or
3 contract amendment prior to execution to ensure that applicable
4 procurement and contracting standards were followed and (ii)
5 approve or reject contracts for a purchasing agency. If the
6 State purchasing officer provides written approval of the
7 contract, the head of the applicable State agency shall have
8 the authority to sign and enter into that contract. All actions
9 of a State purchasing officer are subject to review by a chief
10 procurement officer in accordance with procedures and policies
11 established by the chief procurement officer.

12 (a-5) A State purchasing officer may (i) attend any
13 procurement meetings; (ii) access any records or files related
14 to procurement; (iii) submit reports to the chief procurement
15 officer on procurement issues; (iv) ensure the State agency is
16 maintaining appropriate records; and (v) ensure transparency
17 of the procurement process.

18 (a-10) If a State purchasing officer is aware of
19 misconduct, waste, or inefficiency with respect to State
20 procurement, the State purchasing officer shall advise the
21 State agency of the issue in writing. If the State agency does
22 not correct the issue, the State purchasing officer shall
23 report the problem, in writing, to the chief procurement
24 officer and appropriate Inspector General.

25 (b) In addition to any other requirement or qualification
26 required by State law, within 30 months after appointment, a

1 State purchasing officer must be a Certified Professional
2 Public Buyer or a Certified Public Purchasing Officer, pursuant
3 to certification by the Universal Public Purchasing
4 Certification Council or the Institute for Supply Management. A
5 State purchasing officer shall serve a term of 5 years
6 beginning on the date of the officer's appointment. A State
7 purchasing officer shall have an office located in the State
8 agency that the officer serves but shall report to the chief
9 procurement officer. A State purchasing officer may be removed
10 by a chief procurement officer for cause after a hearing by the
11 Executive Ethics Commission. The chief procurement officer or
12 executive officer of the State agency housing the State
13 purchasing officer may institute a complaint against the State
14 purchasing officer by filing such a complaint with the
15 Commission and the Commission shall have a public hearing based
16 on the complaint. The State purchasing officer, chief
17 procurement officer, and executive officer of the State agency
18 shall receive notice of the hearing and shall be permitted to
19 present their respective arguments on the complaint. After the
20 hearing, the Commission shall make a non-binding
21 recommendation on whether the State purchasing officer shall be
22 removed. The salary of a State purchasing officer shall be
23 established by the chief procurement officer and may not be
24 diminished during the officer's term. In the absence of an
25 appointed State purchasing officer, the applicable chief
26 procurement officer shall exercise the procurement authority

1 created by this Code and may appoint a temporary acting State
2 purchasing officer.

3 (c) Each State purchasing officer owes a fiduciary duty to
4 the State.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
6 for the effective date of changes made by P.A. 96-795); 97-895,
7 eff. 8-3-12.)

8 (30 ILCS 500/10-15)

9 Sec. 10-15. Procurement compliance monitors.

10 (a) The Executive Ethics Commission may ~~shall~~ appoint
11 procurement compliance monitors to oversee and review the
12 procurement processes. Each procurement compliance monitor
13 shall serve a term of 5 years beginning on the date of the
14 officer's appointment. Each procurement compliance monitor
15 appointed pursuant to this Section and serving a 5-year term on
16 the effective date of this amendatory Act of the 100th General
17 Assembly shall ~~have an office located in the State agency that~~
18 ~~the monitor serves but shall~~ report to the ~~appropriate~~ chief
19 procurement officer in the performance of his or her duties
20 until the expiration of the monitor's term. The compliance
21 monitor shall have direct communications with the executive
22 officer of a State agency in exercising duties. A procurement
23 compliance monitor may be removed only for cause after a
24 hearing by the Executive Ethics Commission. The appropriate
25 chief procurement officer or executive officer of the State

1 agency served by ~~housing~~ the procurement compliance monitor may
2 institute a complaint against the procurement compliance
3 monitor with the Commission and the Commission shall hold a
4 public hearing based on the complaint. The procurement
5 compliance monitor, State purchasing officer, appropriate
6 chief procurement officer, and executive officer of the State
7 agency shall receive notice of the hearing and shall be
8 permitted to present their respective arguments on the
9 complaint. After the hearing, the Commission shall determine
10 whether the procurement compliance monitor shall be removed.
11 The salary of a procurement compliance monitor shall be
12 established by the Executive Ethics Commission and may not be
13 diminished during the officer's term.

14 (b) The procurement compliance monitor shall: (i) review
15 any procurement, contract, or contract amendment as directed by
16 the Executive Ethics Commission or a chief procurement officer;
17 and (ii) report any findings of the review, in writing, to the
18 Commission, the affected agency, the chief procurement officer
19 responsible for the affected agency, and any entity requesting
20 the review. The procurement compliance monitor may: (i) review
21 each contract or contract amendment prior to execution to
22 ensure that applicable procurement and contracting standards
23 were followed; (ii) attend any procurement meetings; (iii)
24 access any records or files related to procurement; (iv) issue
25 reports to the chief procurement officer on procurement issues
26 that present issues or that have not been corrected after

1 consultation with appropriate State officials; (v) ensure the
2 State agency is maintaining appropriate records; and (vi)
3 ensure transparency of the procurement process.

4 (c) If the procurement compliance monitor is aware of
5 misconduct, waste, or inefficiency with respect to State
6 procurement, the procurement compliance monitor shall advise
7 the State agency of the issue in writing. If the State agency
8 does not correct the issue, the monitor shall report the
9 problem, in writing, to the chief procurement officer and
10 Inspector General.

11 (d) Each procurement compliance monitor owes a fiduciary
12 duty to the State.

13 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
14 for the effective date of changes made by P.A. 96-795); 97-895,
15 eff. 8-3-12.)

16 (30 ILCS 500/10-30 new)

17 Sec. 10-30. Fiduciary duty. Each chief procurement
18 officer, State purchasing officer, and procurement compliance
19 monitor owe a fiduciary duty to the State.

20 (30 ILCS 500/15-25)

21 Sec. 15-25. Bulletin content.

22 (a) Invitations for bids. Notice of each and every contract
23 that is offered, including renegotiated contracts and change
24 orders, shall be published in the Bulletin. ~~All businesses~~

1 ~~listed on the Department of Transportation Disadvantaged~~
2 ~~Business Enterprise Directory, the Department of Central~~
3 ~~Management Services Business Enterprise Program, and the Chief~~
4 ~~Procurement Office's Small Business Vendors Directory shall be~~
5 ~~furnished written instructions and information on how to~~
6 ~~register on each Procurement Bulletin maintained by the State.~~
7 ~~Such information shall be provided to each business within 30~~
8 ~~calendar days after the business' notice of certification.~~ The
9 applicable chief procurement officer may provide by rule an
10 organized format for the publication of this information, but
11 in any case it must include at least the date first offered,
12 the date submission of offers is due, the location that offers
13 are to be submitted to, the purchasing State agency, the
14 responsible State purchasing officer, a brief purchase
15 description, the method of source selection, information of how
16 to obtain a comprehensive purchase description and any
17 disclosure and contract forms, and encouragement to potential
18 contractors to hire qualified veterans, as defined by Section
19 45-67 of this Code, and qualified Illinois minorities, women,
20 persons with disabilities, and residents discharged from any
21 Illinois adult correctional center.

22 (a-5) All businesses listed on the Illinois Unified
23 Certification Program Disadvantaged Business Enterprise
24 Directory, the Business Enterprise Program of the Department of
25 Central Management Services, and any small business database
26 created pursuant to Section 45-45 of this Code shall be

1 furnished written instructions and information on how to
2 register for the Illinois Procurement Bulletin. This
3 information shall be provided to each business within 30
4 calendar days after the business's notice of certification or
5 qualification.

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

13 For purposes of this subsection (b), "contracts let" means
14 a construction agency's act of advertising an invitation for
15 bids for one or more construction projects.

16 (b-5) Contracts awarded. Notice of each and every contract
17 that is awarded, including renegotiated contracts and change
18 orders, shall be issued electronically to the successful
19 responsible bidder, offeror, or contractor and published in the
20 ~~next available subsequent~~ Bulletin. The applicable chief
21 procurement officer may provide by rule an organized format for
22 the publication of this information, but in any case it must
23 include at least all of the information specified in subsection
24 (a) as well as the name of the successful responsible bidder,
25 offeror, the contract price, the number of unsuccessful bidders
26 or offerors and any other disclosure specified in any Section

1 of this Code. This notice must be posted in the online
2 electronic Bulletin prior to execution of the contract.

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

10 (c) Emergency purchase disclosure. Any chief procurement
11 officer or State purchasing officer exercising emergency
12 purchase authority under this Code shall publish a written
13 description and reasons and the total cost, if known, or an
14 estimate if unknown and the name of the responsible chief
15 procurement officer and State purchasing officer, and the
16 business or person contracted with for all emergency purchases
17 in the ~~next timely, practicable~~ Bulletin. This notice must be
18 posted in the online electronic Bulletin no later than 5
19 calendar days after the contract is awarded. Notice of a
20 hearing to extend an emergency contract must be posted in the
21 online electronic Procurement Bulletin no later than 14
22 calendar days prior to the hearing.

23 (c-5) Business Enterprise Program report. Each purchasing
24 agency shall, with the assistance of the applicable chief
25 procurement officer, post in the online electronic Bulletin a
26 copy of its annual report of utilization of businesses owned by

1 minorities, females, and persons with disabilities as
2 submitted to the Business Enterprise Council for Minorities,
3 Females, and Persons with Disabilities pursuant to Section 6(c)
4 of the Business Enterprise for Minorities, Females, and Persons
5 with Disabilities Act within 10 calendar days after its
6 submission of its report to the Council.

7 (c-10) Renewals. Notice of each contract renewal shall be
8 posted in the ~~online electronic~~ Bulletin within 14 calendar
9 days of the determination to execute a renewal of the ~~renew the~~
10 ~~contract and the next available subsequent Bulletin~~. The notice
11 shall include at least all of the information required in
12 subsection (a) or (b), as applicable.

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

22 (d) Other required disclosure. The applicable chief
23 procurement officer shall provide by rule for the organized
24 publication of all other disclosure required in other Sections
25 of this Code in a timely manner.

26 (e) The changes to subsections (b), (c), (c-5), (c-10), and

1 (c-15) of this Section made by this amendatory Act of the 96th
2 General Assembly apply to reports submitted, offers made, and
3 notices on contracts executed on or after its effective date.

4 (f) Each chief procurement officer shall, in consultation
5 with the agencies under his or her jurisdiction, provide the
6 Procurement Policy Board with the information and resources
7 necessary, and in a manner, to effectuate the purpose of this
8 amendatory Act of the 96th General Assembly.

9 (Source: P.A. 97-895, eff. 8-3-12; 98-1038, eff. 8-25-14;
10 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/15-30)

12 Sec. 15-30. Electronic Bulletin clearinghouse.

13 (a) The Procurement Policy Board shall maintain on its
14 official website a searchable database containing all
15 information required to be included in the Illinois Procurement
16 Bulletin under subsections (b), (c), (c-10), and (c-15) of
17 Section 15-25 and all information required to be disclosed
18 under Section 50-41. The posting of procurement information on
19 the website is subject to the same posting requirements as the
20 online electronic Bulletin.

21 (b) For the purposes of this Section, searchable means
22 searchable and sortable by awarded ~~successful~~ ~~responsible~~
23 bidder, offeror, potential contractor, or contractor, for
24 emergency purchases, business or person contracted with; the
25 contract price or total cost; the service or supply ~~good~~; the

1 purchasing State agency; and the date first offered or
2 announced.

3 (c) The applicable chief procurement officer shall provide
4 the Procurement Policy Board the information and resources
5 necessary, and in a manner, to effectuate the purpose of this
6 Section.

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

8 (30 ILCS 500/20-10)

9 (Text of Section before amendment by P.A. 99-906)

10 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
11 and 98-1076)

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

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

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

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

24 (d) Bid opening. Bids shall be opened publicly or through
25 an electronic procurement system in the presence of one or more

1 witnesses at the time and place designated in the invitation
2 for bids. The name of each bidder, the amount of each bid, and
3 other relevant information as may be specified by rule shall be
4 recorded. After the award of the contract, the winning bid and
5 the record of each unsuccessful bid shall be open to public
6 inspection.

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

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

1 officer.

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

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

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

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

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

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

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

24 (h) Multi-step sealed bidding. When it is considered
25 impracticable to initially prepare a purchase description to
26 support an award based on price, an invitation for bids may be

1 issued requesting the submission of unpriced offers to be
2 followed by an invitation for bids limited to those bidders
3 whose offers have been qualified under the criteria set forth
4 in the first solicitation.

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

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

26 An invitation for bids shall be issued and shall include

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

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

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

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

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

22 This subsection does not apply to (i) procurements of
23 professional and artistic services, (ii) telecommunications
24 services, communication services, and information services,
25 and (iii) contracts for construction projects, including
26 design professional services.

1 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
2 98-1076, eff. 1-1-15.)

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

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

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

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

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

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

25 (e) Bid acceptance and bid evaluation. Bids shall be

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

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

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

1 shall receive the award. The explanation shall appear in the
2 appropriate volume of the Illinois Procurement Bulletin. The
3 written explanation must include:

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

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

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

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

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

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

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

24 (i) Alternative procedures. Notwithstanding any other
25 provision of this Act to the contrary, the Director of the
26 Illinois Power Agency may create alternative bidding

1 procedures to be used in procuring professional services under
2 subsection (a) of Section 1-75 and subsection (d) of Section
3 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
4 of the Public Utilities Act and to procure renewable energy
5 resources under Section 1-56 of the Illinois Power Agency Act.
6 These alternative procedures shall be set forth together with
7 the other criteria contained in the invitation for bids, and
8 shall appear in the appropriate volume of the Illinois
9 Procurement Bulletin.

10 (j) Reverse auction. Notwithstanding any other provision
11 of this Section and in accordance with rules adopted by the
12 chief procurement officer, that chief procurement officer may
13 procure supplies or services through a competitive electronic
14 auction bidding process after the chief procurement officer
15 determines that the use of such a process will be in the best
16 interest of the State. The chief procurement officer shall
17 publish that determination in his or her next volume of the
18 Illinois Procurement Bulletin.

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

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

26 Bids shall be accepted electronically at the time and in

1 the manner designated in the invitation for bids. During the
2 auction, a bidder's price shall be disclosed to other bidders.
3 Bidders shall have the opportunity to reduce their bid prices
4 during the auction. At the conclusion of the auction, the
5 record of the bid prices received and the name of each bidder
6 shall be open to public inspection.

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

9 The contract shall be awarded within 60 calendar days after
10 the auction by written notice to the lowest responsible bidder,
11 or all bids shall be rejected except as otherwise provided in
12 this Code. Extensions of the date for the award may be made by
13 mutual written consent of the State purchasing officer and the
14 lowest responsible bidder.

15 This subsection does not apply to (i) procurements of
16 professional and artistic services, (ii) telecommunications
17 services, communication services, and information services,
18 and (iii) contracts for construction projects, including
19 design professional services.

20 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
21 98-1076, eff. 1-1-15.)

22 (Text of Section after amendment by P.A. 99-906)

23 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
24 98-1076, and 99-906)

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

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

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

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

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

20 (e) Bid acceptance and bid evaluation. Bids shall be
21 unconditionally accepted without alteration or correction,
22 except as authorized in this Code. Bids shall be evaluated
23 based on the requirements set forth in the invitation for bids,
24 which may include criteria to determine acceptability such as
25 inspection, testing, quality, workmanship, delivery, and
26 suitability for a particular purpose. Those criteria that will

1 affect the bid price and be considered in evaluation for award,
2 such as discounts, transportation costs, and total or life
3 cycle costs, shall be objectively measurable. The invitation
4 for bids shall set forth the evaluation criteria to be used.

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

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

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

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

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

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

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

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

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

18 (i) Alternative procedures. Notwithstanding any other
19 provision of this Act to the contrary, the Director of the
20 Illinois Power Agency may create alternative bidding
21 procedures to be used in procuring professional services under
22 Section 1-56, subsections (a) and (c) of Section 1-75 and
23 subsection (d) of Section 1-78 of the Illinois Power Agency Act
24 and Section 16-111.5(c) of the Public Utilities Act and to
25 procure renewable energy resources under Section 1-56 of the
26 Illinois Power Agency Act. These alternative procedures shall

1 be set forth together with the other criteria contained in the
2 invitation for bids, and shall appear in the appropriate volume
3 of the Illinois Procurement Bulletin.

4 (j) Reverse auction. Notwithstanding any other provision
5 of this Section and in accordance with rules adopted by the
6 chief procurement officer, that chief procurement officer may
7 procure supplies or services through a competitive electronic
8 auction bidding process after the chief procurement officer
9 determines that the use of such a process will be in the best
10 interest of the State. The chief procurement officer shall
11 publish that determination in his or her next volume of the
12 Illinois Procurement Bulletin.

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

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

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

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

3 The contract shall be awarded within 60 calendar days after
4 the auction by written notice to the lowest responsible bidder,
5 or all bids shall be rejected except as otherwise provided in
6 this Code. Extensions of the date for the award may be made by
7 mutual written consent of the State purchasing officer and the
8 lowest responsible bidder.

9 This subsection does not apply to (i) procurements of
10 professional and artistic services, (ii) telecommunications
11 services, communication services, and information services,
12 and (iii) contracts for construction projects, including
13 design professional services.

14 (Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

15 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
16 98-1076, and 99-906)

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 bids

1 shall be published in the Illinois Procurement Bulletin at
2 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 more
6 witnesses at the time and place designated in the invitation
7 for bids. The name of each bidder, the amount of each bid, and
8 other relevant information as may be specified by rule shall be
9 recorded. After the award of the contract, the winning bid and
10 the record of each unsuccessful bid shall be open to public
11 inspection.

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

23 (f) Correction or withdrawal of bids. Correction or
24 withdrawal of inadvertently erroneous bids before or after
25 award, or cancellation of awards of contracts based on bid
26 mistakes, shall be permitted in accordance with rules. After

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

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

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

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

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

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

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

25 The written explanation shall be filed with the Legislative
26 Audit Commission and the Procurement Policy Board, and be made

1 available for inspection by the public, within 30 days after
2 the agency's decision to award the contract.

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

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

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

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

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

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

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

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

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

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

6 (Source: P.A. 98-1076, eff. 1-1-15; 99-906, eff. 6-1-17.)

7 (30 ILCS 500/20-15)

8 Sec. 20-15. Competitive sealed proposals.

9 (a) Conditions for use. When provided under this Code or
10 under rules, or when the purchasing agency determines in
11 writing that the use of competitive sealed bidding is either
12 not practicable or not advantageous to the State, a contract
13 may be entered into by competitive sealed proposals.

14 (b) Request for proposals. Proposals shall be solicited
15 through a request for proposals.

16 (c) Public notice. Public notice of the request for
17 proposals shall be published in the Illinois Procurement
18 Bulletin at least 14 calendar days before the date set in the
19 invitation for the opening of proposals.

20 (d) Receipt of proposals. Proposals shall be opened
21 publicly or via an electronic procurement system in the
22 presence of one or more witnesses at the time and place
23 designated in the request for proposals, but proposals shall be
24 opened in a manner to avoid disclosure of contents to competing
25 offerors during the process of negotiation. A record of

1 proposals shall be prepared and shall be open for public
2 inspection after contract award.

3 (e) Evaluation factors. The requests for proposals shall
4 state the relative importance of price and other evaluation
5 factors. Proposals shall be submitted in 2 parts: the first,
6 covering items except price; and the second, covering price.
7 The first part of all proposals shall be evaluated and ranked
8 independently of the second part of all proposals.

9 (f) Discussion with responsible offerors and revisions of
10 offers or proposals. As provided in the request for proposals
11 and under rules, discussions may be conducted with responsible
12 offerors who submit offers or proposals determined to be
13 reasonably susceptible of being selected for award for the
14 purpose of clarifying and assuring full understanding of and
15 responsiveness to the solicitation requirements. Those
16 offerors shall be accorded fair and equal treatment with
17 respect to any opportunity for discussion and revision of
18 proposals. Revisions may be permitted after submission and
19 before award for the purpose of obtaining best and final
20 offers. In conducting discussions there shall be no disclosure
21 of any information derived from proposals submitted by
22 competing offerors. If information is disclosed to any offeror,
23 it shall be provided to all competing offerors.

24 (g) Award. Awards shall be made to the responsible offeror
25 whose proposal is determined in writing to be the most
26 advantageous to the State, taking into consideration price and

1 the evaluation factors set forth in the request for proposals.
2 The contract file shall contain the basis on which the award is
3 made.

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

5 (30 ILCS 500/20-20)

6 Sec. 20-20. Small purchases.

7 (a) Amount. Any individual procurement of supplies or
8 services ~~other than professional or artistic services,~~ not
9 exceeding \$100,000 ~~\$10,000~~ and any procurement of construction
10 not exceeding \$100,000, or any individual procurement of
11 professional or artistic services not exceeding \$100,000
12 ~~\$30,000~~ may be made without competitive source selection ~~sealed~~
13 ~~bidding~~. Procurements shall not be artificially divided so as
14 to constitute a small purchase under this Section. Any
15 procurement of construction not exceeding \$100,000 may be made
16 by an alternative competitive source selection. The
17 construction agency shall establish rules for an alternative
18 competitive source selection process. This Section does not
19 apply to construction-related professional services contracts
20 awarded in accordance with the provisions of the Architectural,
21 Engineering, and Land Surveying Qualifications Based Selection
22 Act.

23 (b) Adjustment. Each July 1, the small purchase maximum
24 established in subsection (a) shall be adjusted for inflation
25 as determined by the Consumer Price Index for All Urban

1 Consumers as determined by the United States Department of
2 Labor and rounded to the nearest \$100.

3 (c) Based upon rules proposed by the Board and rules
4 promulgated by the chief procurement officers, the small
5 purchase maximum established in subsection (a) may be modified.
6 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

7 (30 ILCS 500/20-25)

8 Sec. 20-25. Sole source procurements.

9 (a) In accordance with standards set by rule, contracts may
10 be awarded without use of the specified method of source
11 selection when there is only one economically feasible source
12 for the item. A State contract may be awarded as a sole source
13 contract ~~procurement~~ unless an interested party submits a
14 written request for a public hearing at which the chief
15 procurement officer and purchasing agency present written
16 justification for the procurement method. Any interested party
17 may present testimony. A sole source contract where a hearing
18 was requested by an interested party may be awarded after the
19 hearing is conducted with the approval of the chief procurement
20 officer.

21 (b) This Section may not be used as a basis for amending a
22 contract for professional or artistic services if the amendment
23 would result in an increase in the amount paid under the
24 contract of more than 5% of the initial award, or would extend
25 the contract term beyond the time reasonably needed for a

1 competitive procurement, not to exceed 2 months.

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

12 (d) By August 1 each year, each chief procurement officer
13 shall file a report with the General Assembly identifying each
14 contract the officer sought under the sole source procurement
15 method and providing the justification given for seeking sole
16 source as the procurement method for each of those contracts.

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

18 (30 ILCS 500/20-30)

19 Sec. 20-30. Emergency purchases.

20 (a) Conditions for use. In accordance with standards set by
21 rule, a purchasing agency may make emergency procurements
22 without competitive sealed bidding or prior notice when there
23 exists a threat to public health or public safety, or when
24 immediate expenditure is necessary for repairs to State
25 property in order to protect against further loss of or damage

1 to State property, to prevent or minimize serious disruption in
2 critical State services that affect health, safety, or
3 collection of substantial State revenues, or to ensure the
4 integrity of State records; provided, however, that the term of
5 the emergency purchase shall be limited to the time reasonably
6 needed for a competitive procurement, not to exceed 90 calendar
7 days. A contract may be extended beyond 90 calendar days if the
8 chief procurement officer determines additional time is
9 necessary and that the contract scope and duration are limited
10 to the emergency. Prior to execution of the extension, the
11 chief procurement officer must hold a public hearing and
12 provide written justification for all emergency contracts.
13 Members of the public may present testimony. Emergency
14 procurements shall be made with as much competition as is
15 practicable under the circumstances. A written description of
16 the basis for the emergency and reasons for the selection of
17 the particular contractor shall be included in the contract
18 file.

19 (b) Notice. Notice of all emergency procurements shall be
20 provided to the Procurement Policy Board and published in the
21 online electronic Bulletin no later than 5 calendar days after
22 the contract is awarded. Notice of intent to extend an
23 emergency contract shall be provided to the Procurement Policy
24 Board and published in the online electronic Bulletin at least
25 14 calendar days before the public hearing. Notice shall
26 include at least a description of the need for the emergency

1 purchase, the contractor, and if applicable, the date, time,
2 and location of the public hearing. A copy of this notice and
3 all documents provided at the hearing shall be included in the
4 subsequent Procurement Bulletin. Before the next appropriate
5 volume of the Illinois Procurement Bulletin, the purchasing
6 agency shall publish in the Illinois Procurement Bulletin a
7 copy of each written description and reasons and the total cost
8 of each emergency procurement made during the previous month.
9 When only an estimate of the total cost is known at the time of
10 publication, the estimate shall be identified as an estimate
11 and published. When the actual total cost is determined, it
12 shall also be published in like manner before the 10th day of
13 the next succeeding month.

14 (c) Statements ~~Affidavits~~. A chief procurement officer
15 making a procurement under this Section shall file statements
16 ~~affidavits~~ with the Procurement Policy Board and the Auditor
17 General within 10 calendar days after the procurement setting
18 forth the amount expended, the name of the contractor involved,
19 and the conditions and circumstances requiring the emergency
20 procurement. When only an estimate of the cost is available
21 within 10 calendar days after the procurement, the actual cost
22 shall be reported immediately after it is determined. At the
23 end of each fiscal quarter, the Auditor General shall file with
24 the Legislative Audit Commission and the Governor a complete
25 listing of all emergency procurements reported during that
26 fiscal quarter. The Legislative Audit Commission shall review

1 the emergency procurements so reported and, in its annual
2 reports, advise the General Assembly of procurements that
3 appear to constitute an abuse of this Section.

4 (d) Quick purchases. The chief procurement officer may
5 promulgate rules extending the circumstances by which a
6 purchasing agency may make purchases under this Section,
7 including but not limited to the procurement of items available
8 at a discount for a limited period of time.

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

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

13 (30 ILCS 500/20-43)

14 Sec. 20-43. Bidder or offeror authorized to transact
15 business or conduct affairs ~~do business~~ in Illinois. In
16 addition to meeting any other requirement of law or rule, a
17 person (other than an individual acting as a sole proprietor)
18 may qualify as a bidder or offeror under this Code only if the
19 person is a legal entity prior to submitting the bid, offer, or
20 proposal. The legal entity must be authorized to transact
21 business or conduct affairs in Illinois prior to execution of
22 the contract ~~submitting the bid, offer, or proposal~~. This
23 Section shall not apply to construction contracts that are
24 subject to the requirements of Sections 30-20 and 33-10 of this
25 Code. The pre-qualification requirements of Sections 30-20 and

1 33-10 of this Code shall include the requirement that the
2 bidder be registered with the Secretary of State.

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

4 (30 ILCS 500/20-80)

5 Sec. 20-80. Contract files.

6 (a) Written determinations. All written determinations
7 required under this Article shall be placed in the contract
8 file maintained by the chief procurement officer.

9 (b) Filing with Comptroller. Whenever a grant, defined
10 pursuant to accounting standards established by the
11 Comptroller, or a contract liability, except for: (1) contracts
12 paid from personal services, or (2) contracts between the State
13 and its employees to defer compensation in accordance with
14 Article 24 of the Illinois Pension Code, exceeding \$20,000 is
15 incurred by any State agency, a copy of the contract, purchase
16 order, grant, or lease shall be filed with the Comptroller
17 within 30 calendar days thereafter. Beginning January 1, 2013,
18 the Comptroller may require that contracts and grants required
19 to be filed with the Comptroller under this Section shall be
20 filed electronically, unless the agency is incapable of filing
21 the contract or grant electronically because it does not
22 possess the necessary technology or equipment. Any State agency
23 that is incapable of electronically filing its contracts or
24 grants shall submit a written statement to the Governor and to
25 the Comptroller attesting to the reasons for its inability to

1 comply. This statement shall include a discussion of what the
2 State agency needs in order to effectively comply with this
3 Section. Prior to requiring electronic filing, the Comptroller
4 shall consult with the Governor as to the feasibility of
5 establishing mutually agreeable technical standards for the
6 electronic document imaging, storage, and transfer of
7 contracts and grants, taking into consideration the technology
8 available to that agency, best practices, and the technological
9 capabilities of State agencies. Nothing in this amendatory Act
10 of the 97th General Assembly shall be construed to impede the
11 implementation of an Enterprise Resource Planning (ERP)
12 system. For each State contract for ~~goods~~, supplies, or
13 services awarded on or after July 1, 2010, the contracting
14 agency shall provide the applicable rate and unit of
15 measurement of the ~~goods~~, supplies, or services on the contract
16 obligation document as required by the Comptroller. If the
17 contract obligation document that is submitted to the
18 Comptroller contains the rate and unit of measurement of the
19 ~~goods~~, supplies, or services, the Comptroller shall provide
20 that information on his or her official website. Any
21 cancellation or modification to any such contract liability
22 shall be filed with the Comptroller within 30 calendar days of
23 its execution.

24 (c) Late filing affidavit. When a contract, purchase order,
25 grant, or lease required to be filed by this Section has not
26 been filed within 30 calendar days of execution, the

1 Comptroller shall refuse to issue a warrant for payment
2 thereunder until the agency files with the Comptroller the
3 contract, purchase order, grant, or lease and an affidavit,
4 signed by the chief executive officer of the agency or his or
5 her designee, setting forth an explanation of why the contract
6 liability was not filed within 30 calendar days of execution. A
7 copy of this affidavit shall be filed with the Auditor General.

8 (d) Timely execution of contracts. Except as set forth in
9 subsection (b) of this Section, no ~~No~~ voucher shall be
10 submitted to the Comptroller for a warrant to be drawn for the
11 payment of money from the State treasury or from other funds
12 held by the State Treasurer on account of any contract unless
13 the contract is reduced to writing before the services are
14 performed and filed with the Comptroller. Contractors ~~Vendors~~
15 shall not be paid for any supplies ~~goods~~ that were received or
16 services that were rendered before the contract was reduced to
17 writing and signed by all necessary parties. A chief
18 procurement officer may request an exception to this subsection
19 by submitting a written statement to the Comptroller and
20 Treasurer setting forth the circumstances and reasons why the
21 contract could not be reduced to writing before the supplies
22 were received or services were performed. A waiver of this
23 subsection must be approved by the Comptroller and Treasurer.
24 This Section shall not apply to emergency purchases if notice
25 of the emergency purchase is filed with the Procurement Policy
26 Board and published in the Bulletin as required by this Code.

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

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

6 (30 ILCS 500/20-160)

7 Sec. 20-160. Business entities; certification;
8 registration with the State Board of Elections.

9 (a) For purposes of this Section, the terms "business
10 entity", "contract", "State contract", "contract with a State
11 agency", "State agency", "affiliated entity", and "affiliated
12 person" have the meanings ascribed to those terms in Section
13 50-37.

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

1 contractor's failure to comply with this Section.

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

21 (d) Any business entity, not required under subsection (c)
22 to register, whose aggregate bids and proposals on State
23 contracts annually total more than \$50,000, or whose aggregate
24 bids and proposals on State contracts combined with the
25 business entity's aggregate annual total value of State
26 contracts exceed \$50,000, shall register with the State Board

1 of Elections in accordance with Section 9-35 of the Election
2 Code prior to submitting to a State agency the bid or proposal
3 whose value causes the business entity to fall within the
4 monetary description of this subsection. A business entity
5 required to register under this subsection has a continuing
6 duty to ensure that the registration is accurate during the
7 period beginning on the date of registration and ending on the
8 day after the date the contract is awarded. Any change in
9 information must be reported to the State Board of Elections
10 within 5 business days following such change or no later than a
11 day before the contract is awarded, whichever date is earlier.

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

1 assessed.

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

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

13 (g) For any bid or offer for a contract with a State agency
14 by a business entity required to register under this Section,
15 the chief procurement officer shall verify that the business
16 entity is required to register under this Section and is in
17 compliance with the registration requirements on the date the
18 bid or offer is due. A chief procurement officer shall not
19 accept a bid or offer if the business entity is not in
20 compliance with the registration requirements as of the date
21 bids or offers are due. Upon discovery of noncompliance with
22 this Section, if the bidder or offeror made a good faith effort
23 to comply with registration efforts prior to the date the bid
24 or offer is due, a chief procurement officer may provide the
25 bidder or offeror 5 business days to achieve compliance. A
26 chief procurement officer may extend the time to prove

1 compliance by as long as necessary in the event that there is a
2 failure within the State Board of Election's registration
3 system.

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

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

14 (i) This Section applies regardless of the method of source
15 selection used in awarding the contract.

16 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;
17 98-1076, eff. 1-1-15.)

18 (30 ILCS 500/25-35)

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

20 (a) Delivery of necessary supplies. To avoid interruption
21 or impediment of delivery of necessary supplies, commodities,
22 and coal, State purchasing officers may approve a State
23 agency's ~~make~~ purchases of or contracts for supplies and
24 commodities after April 30 of a fiscal year when delivery of
25 the supplies and commodities is to be made after June 30 of

1 that fiscal year and payment for which is to be made from
2 appropriations for the next fiscal year.

3 (b) Postage. All postage stamps purchased from State funds
4 must be perforated for identification purposes. A General
5 Assembly member may furnish the U.S. Post Office with a warrant
6 so as to allow for the creation or continuation of a bulk rate
7 mailing fund in the name of the General Assembly member or may
8 furnish a postage meter company or post office with a warrant
9 so as to facilitate the purchase of a postage meter and its
10 stamps. Any postage meter so purchased must also contain a
11 stamp that shall state "Official State Mail".

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

13 (30 ILCS 500/25-85 new)

14 Sec. 25-85. Best value procurement.

15 (a) This Section shall apply only to purchases of heavy
16 mobile fleet vehicles and off-road construction equipment
17 procured by or on behalf of:

18 (1) institutions of higher education;

19 (2) the Department of Agriculture;

20 (3) the Department of Transportation; and

21 (4) the Department of Natural Resources.

22 (b) As used in this Section, "best value procurement" means
23 a contract award determined by objective criteria related to
24 price, features, functions, and life-cycle costs that may
25 include the following:

1 (1) total cost of ownership, including warranty, under
2 which all repair costs are borne solely by the warranty
3 provider; repair costs; maintenance costs; fuel
4 consumption; and salvage value;

5 (2) product performance, productivity, and safety
6 standards;

7 (3) the supplier's ability to perform to the contract
8 requirements; and

9 (4) environmental benefits, including reduction of
10 greenhouse gas emissions, reduction of air pollutant
11 emissions, or reduction of toxic or hazardous materials.

12 (c) The department or institution may enter into a contract
13 for heavy mobile fleet vehicles and off-road construction
14 equipment for use by the department or institution by means of
15 best value procurement, using specifications and criteria
16 developed in consultation with the Chief Procurement Officer of
17 each designated department or institution and conducted in
18 accordance with Section 20-15 of this Code.

19 (c) The department or institution may enter into a contract
20 for heavy mobile fleet vehicles and off-road construction
21 equipment for use by the department or institution by means of
22 best value procurement, using specifications and criteria
23 developed in consultation with the Chief Procurement Officer of
24 each designated department or institution and conducted in
25 accordance with Section 20-15 of this Code.

26 (d) In addition to disclosure of the minimum requirements

1 for qualification, the solicitation document shall specify
2 which business performance measures, in addition to price,
3 shall be given a weighted value. The solicitation shall include
4 a scoring method based on those factors and price in
5 determining the successful offeror. Any evaluation and scoring
6 method shall ensure substantial weight is given to the contract
7 price.

8 (e) Upon written request of any person who has submitted an
9 offer, notice of the award shall be posted in a public place in
10 the offices of the department or institution at least 24 hours
11 before executing the contract or purchase order. If, before
12 making an award, any offeror who has submitted a bid files a
13 protest with the department or institution against the awarding
14 of the contract or purchase order on the ground that his or her
15 offer should have been selected in accordance with the
16 selection criteria in the solicitation document, the contract
17 or purchase order shall not be awarded until either the protest
18 has been withdrawn or the appropriate Chief Procurement Officer
19 has made a final decision as to the action to be taken relative
20 to the protest. Within 10 days after filing a protest, the
21 protesting offeror shall file with the Chief Procurement
22 Officer a full and complete written statement specifying in
23 detail the ground of the protest and the facts in support
24 thereof.

25 (f) The total annual value of vehicles and equipment
26 purchased through best value procurement pursuant to this

1 Section shall be limited to \$20,000,000 per each department or
2 institution.

3 (g) Best value procurement shall only be used on
4 procurements first solicited on or before June 30, 2020.

5 (h) On or before January 1, 2021, the Chief Procurement
6 Officer of each designated department or institution shall
7 prepare an evaluation of the best value procurement pilot
8 program authorized by this Section, including a recommendation
9 on whether or not the process should be continued. The
10 evaluation shall be posted in the applicable volume or volumes
11 of the Illinois Procurement Bulletin on or before January 1,
12 2021.

13 (i) This Section is repealed on January 1, 2021.

14 (30 ILCS 500/35-15)

15 Sec. 35-15. Prequalification.

16 (a) The chief procurement officer for matters other than
17 construction and the higher education chief procurement
18 officer shall each develop appropriate and reasonable
19 prequalification standards and categories of professional and
20 artistic services.

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

25 (c) The chief procurement officer for matters other than

1 construction and the higher education chief procurement
2 officer shall each also assemble and maintain a comprehensive
3 list of prequalified and categorized businesses and persons.

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

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

8 (30 ILCS 500/35-30)

9 Sec. 35-30. Awards.

10 (a) All State contracts for professional and artistic
11 services, except as provided in this Section, shall be awarded
12 using the competitive request for proposal process outlined in
13 this Section.

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

20 (c) Prepared forms shall be submitted to the chief
21 procurement officer for matters other than construction or the
22 higher education chief procurement officer, whichever is
23 appropriate, for publication in its Illinois Procurement
24 Bulletin and circulation to the chief procurement officer for
25 matters other than construction or the higher education chief

1 procurement officer's list of prequalified vendors. Notice of
2 the offer or request for proposal shall appear at least 14
3 calendar days before the response to the offer is due.

4 (d) All interested respondents shall return their
5 responses to the chief procurement officer for matters other
6 than construction or the higher education chief procurement
7 officer, whichever is appropriate, which shall open and record
8 them. The chief procurement officer for matters other than
9 construction or higher education chief procurement officer
10 then shall forward the responses, together with any information
11 it has available about the qualifications and other State work
12 of the respondents.

13 (e) After evaluation, ranking, and selection, the
14 responsible chief procurement officer, State purchasing
15 officer, or his or her designee shall notify the chief
16 procurement officer for matters other than construction or the
17 higher education chief procurement officer, whichever is
18 appropriate, of the successful respondent and shall forward a
19 copy of the signed contract for the chief procurement officer
20 for matters other than construction or higher education chief
21 procurement officer's file. The chief procurement officer for
22 matters other than construction or higher education chief
23 procurement officer shall publish the names of the responsible
24 procurement decision-maker, the agency letting the contract,
25 the successful respondent, a contract reference, and value of
26 the let contract in the next appropriate volume of the Illinois

1 Procurement Bulletin.

2 (f) For all professional and artistic contracts with
3 annualized value that exceeds \$100,000 ~~\$25,000~~, evaluation and
4 ranking by price are required. Any chief procurement officer or
5 State purchasing officer, but not their designees, may select a
6 respondent other than the lowest respondent by price. In any
7 case, when the contract exceeds the \$100,000 ~~\$25,000~~ threshold
8 and the lowest respondent is not selected, the chief
9 procurement officer or the State purchasing officer shall
10 forward together with the contract notice of who the low
11 respondent by price was and a written decision as to why
12 another was selected to the chief procurement officer for
13 matters other than construction or the higher education chief
14 procurement officer, whichever is appropriate. The chief
15 procurement officer for matters other than construction or
16 higher education chief procurement officer shall publish as
17 provided in subsection (e) of Section 35-30, but shall include
18 notice of the chief procurement officer's or State purchasing
19 officer's written decision.

20 (g) The chief procurement officer for matters other than
21 construction and higher education chief procurement officer
22 may each refine, but not contradict, this Section by
23 promulgating rules for submission to the Procurement Policy
24 Board and then to the Joint Committee on Administrative Rules.
25 Any refinement shall be based on the principles and procedures
26 of the federal Architect-Engineer Selection Law, Public Law

1 92-582 Brooks Act, and the Architectural, Engineering, and Land
2 Surveying Qualifications Based Selection Act; except that
3 pricing shall be an integral part of the selection process.

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

5 (30 ILCS 500/35-35)

6 Sec. 35-35. Exceptions.

7 (a) Exceptions to Section 35-30 are allowed for sole source
8 procurements, emergency procurements, and at the discretion of
9 the chief procurement officer or the State purchasing officer,
10 but not their designees, for professional and artistic
11 contracts that are nonrenewable, one year or less in duration,
12 and have a value of less than \$100,000 ~~\$20,000~~.

13 (b) All exceptions granted under this Article must still be
14 submitted to the chief procurement officer for matters other
15 than construction or the higher education chief procurement
16 officer, whichever is appropriate, and published as provided
17 for in subsection (f) of Section 35-30, shall name the
18 authorizing chief procurement officer or State purchasing
19 officer, and shall include a brief explanation of the reason
20 for the exception.

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

22 (30 ILCS 500/40-30)

23 Sec. 40-30. Purchase option. Leases ~~Initial leases~~ of all
24 space in entire, free-standing buildings shall include an

1 option to purchase exercisable ~~exercisable~~ by the State,
2 unless the purchasing officer determines that inclusion of such
3 purchase option is not in the State's best interest and makes
4 that determination in writing along with the reasons for making
5 that determination and publishes the written determination in
6 the appropriate volume of the Illinois Procurement Bulletin.
7 Leases from governmental units and not-for-profit entities are
8 exempt from the requirements of this Section.

9 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised
10 9-9-16.)

11 (30 ILCS 500/45-15)

12 Sec. 45-15. Soybean oil-based ink and vegetable oil-based
13 ink.

14 (a) As used in this Section:

15 "Digital printing" means a printing method which includes,
16 but is not limited to, the electrostatic process of
17 transferring ink or toner to a substrate. This process may
18 involve the use of photo imaging plates, photoreceptor drums,
19 or belts which hold an electrostatic charge. "Digital printing"
20 is also defined as a process of transferring ink through a
21 print head directly to a substrate, as is done with ink-jet
22 printers.

23 "Offset printing" means lithography, flexography, gravure,
24 or letterpress. "Offset printing" involves the process of
25 transferring ink through static or fixed image plates using an

1 impact method of pressing ink into a substrate.

2 (b) Contracts requiring the procurement of offset printing
3 services shall specify the use of soybean oil-based ink or
4 vegetable oil-based ink unless a State purchasing officer
5 determines that another type of ink is required to assure high
6 quality and reasonable pricing of the printed product.

7 This Section does not apply to digital printing services.

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

9 (30 ILCS 500/45-30)

10 Sec. 45-30. Illinois Correctional Industries.
11 Notwithstanding anything to the contrary in other law, each ~~the~~
12 chief procurement officer appointed pursuant to ~~paragraph (4)~~
13 ~~of subsection (a) of~~ Section 10-20 shall, in consultation with
14 Illinois Correctional Industries, a division of the Illinois
15 Department of Corrections (referred to as the "Illinois
16 Correctional Industries" or "ICI") determine for all State
17 agencies under their respective jurisdictions which articles,
18 materials, industry related services, food stuffs, and
19 finished goods that are produced or manufactured by persons
20 confined in institutions and facilities of the Department of
21 Corrections who are participating in Illinois Correctional
22 Industries programs shall be purchased from Illinois
23 Correctional Industries. Each ~~The~~ chief procurement officer
24 appointed pursuant to ~~paragraph (4) of subsection (a) of~~
25 Section 10-20 shall develop and distribute to the appropriate

1 ~~various~~ purchasing and using agencies a listing of all Illinois
2 Correctional Industries products and procedures for
3 implementing this Section.

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

5 (30 ILCS 500/45-45)

6 Sec. 45-45. Small businesses.

7 (a) Set-asides. Each chief procurement officer has
8 authority to designate as small business set-asides a fair
9 proportion of construction, supply, and service contracts for
10 award to small businesses in Illinois. Advertisements for bids
11 or offers for those contracts shall specify designation as
12 small business set-asides. In awarding the contracts, only bids
13 or offers from qualified small businesses shall be considered.

14 (b) Small business. "Small business" means a business that
15 is independently owned and operated and that is not dominant in
16 its field of operation. The chief procurement officer shall
17 establish a detailed definition by rule, using in addition to
18 the foregoing criteria other criteria, including the number of
19 employees and the dollar volume of business. When computing the
20 size status of a potential contractor, annual sales and
21 receipts of the potential contractor and all of its affiliates
22 shall be included. The maximum number of employees and the
23 maximum dollar volume that a small business may have under the
24 rules promulgated by the chief procurement officer may vary
25 from industry to industry to the extent necessary to reflect

1 differing characteristics of those industries, subject to the
2 following limitations:

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

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

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

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

13 (c) Fair proportion. For the purpose of subsection (a), for
14 State agencies of the executive branch, a fair proportion of
15 construction contracts shall be no less than 25% nor more than
16 40% of the annual total contracts for construction.

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

24 (e) Small business specialist. Each ~~The~~ chief procurement
25 officer shall designate one or more individuals ~~a State~~
26 ~~purchasing officer who will be responsible for engaging an~~

1 ~~experienced contract negotiator~~ to serve as its small business
2 specialist. The small business specialists shall collectively
3 work together to accomplish the following duties, ~~whose duties~~
4 ~~shall include:~~

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

10 (2) Assisting small businesses in complying with the
11 procedures for bidding on State contracts.

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

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

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

23 (f) Small business annual report. Each small business
24 specialist ~~The State purchasing officer~~ designated under
25 subsection (e) shall annually before November ~~December~~ 1 report
26 in writing to the General Assembly concerning the awarding of

1 contracts to small businesses. The report shall include the
2 total value of awards made in the preceding fiscal year under
3 the designation of small business set-aside. The report shall
4 also include the total value of awards made to businesses owned
5 by minorities, females, and persons with disabilities, as
6 defined in the Business Enterprise for Minorities, Females, and
7 Persons with Disabilities Act, in the preceding fiscal year
8 under the designation of small business set-aside.

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

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

13 (30 ILCS 500/45-57)

14 Sec. 45-57. Veterans.

15 (a) Set-aside goal. It is the goal of the State to promote
16 and encourage the continued economic development of small
17 businesses owned and controlled by qualified veterans and that
18 qualified service-disabled veteran-owned small businesses
19 (referred to as SDVOSB) and veteran-owned small businesses
20 (referred to as VOSB) participate in the State's procurement
21 process as both prime contractors and subcontractors. Not less
22 than 3% of the total dollar amount of State contracts, as
23 defined by the Director of Central Management Services, shall
24 be established as a goal to be awarded to SDVOSB and VOSB. That
25 portion of a contract under which the contractor subcontracts

1 with a SDVOSB or VOSB may be counted toward the goal of this
2 subsection. The Department of Central Management Services
3 shall adopt rules to implement compliance with this subsection
4 by all State agencies.

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

11 (1) The total number of VOSB, and the number of SDVOSB,
12 who submitted bids for contracts under this Code.

13 (2) The total number of VOSB, and the number of SDVOSB,
14 who entered into contracts with the State under this Code
15 and the total value of those contracts.

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

1 on the continued need to encourage and promote businesses owned
2 by qualified veterans.

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

7 (e) Definitions. As used in this Section:

8 "Armed forces of the United States" means the United States
9 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in
10 active duty as defined under 38 U.S.C. Section 101. Service in
11 the Merchant Marine that constitutes active duty under Section
12 401 of federal Public Act 95-202 shall also be considered
13 service in the armed forces for purposes of this Section.

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

1 Disabilities Act.

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

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

22 "Qualified service-disabled veteran-owned small business"
23 or "SDVOSB" means a small business (i) that is at least 51%
24 owned by one or more qualified service-disabled veterans living
25 in Illinois or, in the case of a corporation, at least 51% of
26 the stock of which is owned by one or more qualified

1 service-disabled veterans living in Illinois; (ii) that has its
2 home office in Illinois; and (iii) for which items (i) and (ii)
3 are factually verified annually by the Department of Central
4 Management Services.

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

13 "Service-connected disability" means a disability incurred
14 in the line of duty in the active military, naval, or air
15 service as described in 38 U.S.C. 101(16).

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

25 "State agency" has the meaning provided in Section 1-15.100
26 of this Code ~~same meaning as in Section 2 of the Business~~

1 ~~Enterprise for Minorities, Females, and Persons with~~
2 ~~Disabilities Act.~~

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

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

22 (f) Certification program. The Illinois Department of
23 Veterans' Affairs and the Department of Central Management
24 Services shall work together to devise a certification
25 procedure to assure that businesses taking advantage of this
26 Section are legitimately classified as qualified

1 service-disabled veteran-owned small businesses or qualified
2 veteran-owned small businesses.

3 (g) Penalties.

4 (1) Administrative penalties. The chief procurement
5 officers appointed pursuant to Section 10-20 shall suspend
6 any person who commits a violation of Section 17-10.3 or
7 subsection (d) of Section 33E-6 of the Criminal Code of
8 2012 relating to this Section from bidding on, or
9 participating as a contractor, subcontractor, or supplier
10 in, any State contract or project for a period of not less
11 than 3 years, and, if the person is certified as a
12 service-disabled veteran-owned small business or a
13 veteran-owned small business, then the Department shall
14 revoke the business's certification for a period of not
15 less than 3 years. An additional or subsequent violation
16 shall extend the periods of suspension and revocation for a
17 period of not less than 5 years. The suspension and
18 revocation shall apply to the principals of the business
19 and any subsequent business formed or financed by, or
20 affiliated with, those principals.

21 (2) Reports of violations. Each State agency shall
22 report any alleged violation of Section 17-10.3 or
23 subsection (d) of Section 33E-6 of the Criminal Code of
24 2012 relating to this Section to the chief procurement
25 officers appointed pursuant to Section 10-20. The chief
26 procurement officers appointed pursuant to Section 10-20

1 shall subsequently report all such alleged violations to
2 the Attorney General, who shall determine whether to bring
3 a civil action against any person for the violation.

4 (3) List of suspended persons. The chief procurement
5 officers appointed pursuant to Section 10-20 shall monitor
6 the status of all reported violations of Section 17-10.3 or
7 subsection (d) of Section 33E-6 of the Criminal Code of
8 1961 or the Criminal Code of 2012 relating to this Section
9 and shall maintain and make available to all State agencies
10 a central listing of all persons that committed violations
11 resulting in suspension.

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

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

25 (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;
26 98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/45-90 new)

2 Sec. 45-90. Small business contracts.

3 (a) Not less than 10% of the total dollar amount of State
4 contracts shall be established as a goal to be awarded as a
5 contract or subcontract to small businesses.

6 (b) The percentage in subsection (a) relates to the total
7 dollar amount of State contracts during each State fiscal year,
8 calculated by examining independently each type of contract for
9 each State official or agency which lets such contracts.

10 (c) Each State agency shall file with its chief procurement
11 officer an annual compliance plan which shall outline the goals
12 for contracting with small businesses for the then-current
13 fiscal year, the manner in which the agency intends to reach
14 these goals, and a timetable for reaching these goals. The
15 chief procurement officer shall review and approve the plan of
16 the agency and may reject any plan that does not comply with
17 this Section.

18 (d) Each State agency shall file with its chief procurement
19 officer an annual report of its utilization of small businesses
20 during the preceding fiscal year, including lapse period
21 spending and a mid-fiscal year report of its utilization to
22 date for the then-current fiscal year. The reports shall
23 include a self-evaluation of the efforts of the State official
24 or agency to meet its goals.

25 (e) The chief procurement officers shall make public

1 presentations, at least once a year, directed at providing
2 information to small businesses about the contracting process
3 and how to apply for contracts or subcontracts.

4 (f) Each chief procurement officer shall file, no later
5 than November 1 of each year, an annual report with the
6 Governor and the General Assembly that shall include, but need
7 not be limited to, the following:

8 (1) a summary of the number of contracts awarded and
9 the average contract amount by each State official or
10 agency; and

11 (2) an analysis of the level of overall goal
12 achievement concerning purchases from small businesses.

13 (g) Each chief procurement officer may adopt rules to
14 implement and administer this Section.

15 (30 ILCS 500/50-2)

16 Sec. 50-2. Continuing disclosure; false certification.
17 Every person that has entered into a ~~multi-year~~ contract for
18 more than one year in duration for the initial term or for any
19 renewal term and ~~every subcontractor with a multi-year~~
20 ~~subcontract~~ shall certify, by January ~~July~~ 1 of each fiscal
21 year covered by the contract after the initial fiscal year, to
22 the ~~responsible~~ chief procurement officer or, if the
23 procurement is under the authority of a chief procurement
24 officer, the applicable procurement officer of any changes that
25 affect its ability ~~whether it continues~~ to satisfy the

1 requirements of this Article pertaining to eligibility for a
2 contract award. If a contractor or subcontractor continues to
3 meet all requirements of this Article, it shall not be required
4 to submit any certification or if the work under the contract
5 has been substantially completed before contract expiration
6 but the contract has not yet expired. If a contractor or
7 subcontractor is not able to truthfully certify that it
8 continues to meet all requirements, it shall provide with its
9 certification a detailed explanation of the circumstances
10 leading to the change in certification status. A contractor or
11 subcontractor that makes a false statement material to any
12 given certification required under this Article is, in addition
13 to any other penalties or consequences prescribed by law,
14 subject to liability under the Illinois False Claims Act for
15 submission of a false claim.

16 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
17 for the effective date of P.A. 96-795); 96-1304, eff. 7-27-10.)

18 (30 ILCS 500/50-10)

19 Sec. 50-10. Felons.

20 (a) Unless otherwise provided, no person or business
21 convicted of a felony shall do business with the State of
22 Illinois or any State agency, or enter into a subcontract, from
23 the date of conviction until 5 years after the date of
24 completion of the sentence for that felony, unless no person
25 held responsible by a prosecutorial office for the facts upon

1 which the conviction was based continues to have any
2 involvement with the business.

3 For purposes of this subsection (a), "completion of
4 sentence" means completion of all sentencing related to the
5 felony conviction or admission and includes, but is not limited
6 to, the following: incarceration, mandatory supervised
7 release, probation, work release, house arrest, or commitment
8 to a mental facility.

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

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

1 (30 ILCS 500/50-10.5)

2 Sec. 50-10.5. Prohibited bidders, offerors, potential
3 contractors, and contractors.

4 (a) Unless otherwise provided, no business shall bid,
5 offer, enter into a contract or subcontract under this Code, or
6 make a submission to a vendor portal if the business or any
7 officer, director, partner, or other managerial agent of the
8 business has been convicted of a felony under the
9 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
10 the Illinois Securities Law of 1953 for a period of 5 years
11 from the date of conviction.

12 (b) Every bid and offer submitted to the State, every
13 contract executed by the State, every vendor's submission to a
14 vendor portal, and every subcontract subject to Section 20-120
15 of this Code shall contain a certification by the bidder,
16 offeror, potential contractor, contractor, or subcontractor,
17 respectively, that the bidder, offeror, potential contractor,
18 contractor, or subcontractor is not barred from being awarded a
19 contract or subcontract under this Section and acknowledges
20 that the chief procurement officer shall declare the related
21 contract void if any of the certifications completed pursuant
22 to this subsection (b) are false. If the false certification is
23 made by a subcontractor, then the contractor's submitted bid or
24 offer and the executed contract may not be declared void,
25 unless the contractor refuses to terminate the subcontract upon
26 the State's request after a finding that the subcontract's

1 certification was false.

2 (c) If a business is not a natural person, the prohibition
3 in subsection (a) applies only if:

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

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

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

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

22 This subsection does not prohibit a person or business from
23 submitting a bid or offer or entering into a contract if the
24 person or business: (i) initiates a communication with an
25 employee to provide general information about products,
26 services, or industry best practices, ~~and, if applicable, that~~

1 ~~communication is documented in accordance with Section 50-39 or~~
2 (ii) responds to a communication initiated by an employee of
3 the State for the purposes of providing information to evaluate
4 new products, trends, services, or technologies, or (iii) asks
5 for clarification regarding a solicitation, so long as there is
6 no competitive advantage to the person or business and the
7 question and answer, if material, are posted to the Illinois
8 Procurement Bulletin as an addendum to the solicitation.

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

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

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

25 No person or business shall submit specifications to a
26 State agency unless requested to do so by an employee of the

1 State. No person or business who contracts with a State agency
2 to write specifications for a particular procurement need shall
3 submit a bid or proposal or receive a contract for that
4 procurement need.

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

6 (30 ILCS 500/50-39)

7 Sec. 50-39. Procurement communications reporting
8 requirement.

9 (a) Any written or oral communication received by a State
10 employee who, by the nature of his or her duties, has the
11 authority to participate personally and substantially in the
12 decision to award a State contract and that imparts or requests
13 material information or makes a material argument regarding
14 potential action concerning an active procurement matter,
15 including, but not limited to, an application, a contract, or a
16 project, shall be reported to the Procurement Policy Board,
17 and, with respect to the Illinois Power Agency, by the
18 initiator of the communication, and may be reported also by the
19 recipient.

20 Any person communicating orally, in writing,
21 electronically, or otherwise with the Director or any person
22 employed by, or associated with, the Illinois Power Agency to
23 impart, solicit, or transfer any information related to the
24 content of any power procurement plan, the manner of conducting
25 any power procurement process, the procurement of any power

1 supply, or the method or structure of contracting with power
2 suppliers must disclose to the Procurement Policy Board the
3 full nature, content, and extent of any such communication in
4 writing by submitting a report with the following information:

5 (1) The names of any party to the communication.

6 (2) The date on which the communication occurred.

7 (3) The time at which the communication occurred.

8 (4) The duration of the communication.

9 (5) The method (written, oral, etc.) of the
10 communication.

11 (6) A summary of the substantive content of the
12 communication.

13 These communications do not include the following: (i)
14 statements by a person publicly made in a public forum; (ii)
15 statements regarding matters of procedure and practice, such as
16 format, the number of copies required, the manner of filing,
17 and the status of a matter; (iii) statements made by a State
18 employee of the agency to the agency head or other employees of
19 that agency, to the employees of the Executive Ethics
20 Commission, or to an employee of another State agency who,
21 through the communication, is either (a) exercising his or her
22 experience or expertise in the subject matter of the particular
23 procurement in the normal course of business, for official
24 purposes, and at the initiation of the purchasing agency or the
25 appropriate State purchasing officer, or (b) exercising
26 oversight, supervisory, or management authority over the

1 procurement in the normal course of business and as part of
2 official responsibilities; (iv) unsolicited communications
3 providing general information about products, services, or
4 industry best practices before those products or services
5 become involved in a procurement matter; (v) communications
6 received in response to procurement solicitations, including,
7 but not limited to, vendor responses to a request for
8 information, request for proposal, request for qualifications,
9 invitation for bid, or a small purchase, sole source, or
10 emergency solicitation, or questions and answers posted to the
11 Illinois Procurement Bulletin to supplement the procurement
12 action, provided that the communications are made in accordance
13 with the instructions contained in the procurement
14 solicitation, procedures, or guidelines; (vi) communications
15 that are privileged, protected, or confidential under law; and
16 (vii) communications that are part of a formal procurement
17 process as set out by statute, rule, or the solicitation,
18 guidelines, or procedures, including, but not limited to, the
19 posting of procurement opportunities, the process for
20 approving a procurement business case or its equivalent, fiscal
21 approval, submission of bids, the finalizing of contract terms
22 and conditions with an awardee or apparent awardee, and similar
23 formal procurement processes. The provisions of this Section
24 shall not apply to communications regarding the administration
25 and implementation of an existing contract, except
26 communications regarding change orders or the renewal or

1 extension of a contract.

2 The reporting requirement does not apply to any
3 communication asking for clarification regarding a contract
4 solicitation so long as there is no competitive advantage to
5 the person or business and the question and answer, if
6 material, are posted to the Illinois Procurement Bulletin as an
7 addendum to the contract solicitation.

8 (b) The report required by subsection (a) shall be
9 submitted monthly and include at least the following: (i) the
10 date and time of each communication; (ii) the identity of each
11 person from whom the written or oral communication was
12 received, the individual or entity represented by that person,
13 and any action the person requested or recommended; (iii) the
14 identity and job title of the person to whom each communication
15 was made; (iv) if a response is made, the identity and job
16 title of the person making each response; (v) a detailed
17 summary of the points made by each person involved in the
18 communication; (vi) the duration of the communication; (vii)
19 the location or locations of all persons involved in the
20 communication and, if the communication occurred by telephone,
21 the telephone numbers for the callers and recipients of the
22 communication; and (viii) any other pertinent information. No
23 trade secrets or other proprietary or confidential information
24 shall be included in any communication reported to the
25 Procurement Policy Board.

26 (c) Additionally, when an oral communication made by a

1 person required to register under the Lobbyist Registration Act
2 is received by a State employee that is covered under this
3 Section, all individuals who initiate or participate in the
4 oral communication shall submit a written report to that State
5 employee that memorializes the communication and includes, but
6 is not limited to, the items listed in subsection (b).

7 (d) The Procurement Policy Board shall make each report
8 submitted pursuant to this Section available on its website
9 within 7 calendar days after its receipt of the report. The
10 Procurement Policy Board may promulgate rules to ensure
11 compliance with this Section.

12 (e) The reporting requirements shall also be conveyed
13 through ethics training under the State Officials and Employees
14 Ethics Act. An employee who knowingly and intentionally
15 violates this Section shall be subject to suspension or
16 discharge. The Executive Ethics Commission shall promulgate
17 rules, including emergency rules, to implement this Section.

18 (f) This Section becomes operative on January 1, 2011.

19 (g) For purposes of this Section:

20 "Active procurement matter" means a procurement process
21 beginning with requisition or determination of need by an
22 agency and continuing through the publication of an award
23 notice or other completion of a final procurement action, the
24 resolution of any protests, and the expiration of any protest
25 or Procurement Policy Board review period, if applicable.

26 "Active procurement matter" also includes communications

1 relating to change orders, renewals, or extensions.

2 "Material information" means information that a reasonable
3 person would deem important in determining his or her course of
4 action and pertains to significant issues, including, but not
5 limited to, price, quantity, and terms of payment or
6 performance.

7 "Material argument" means a communication that a
8 reasonable person would believe was made for the purpose of
9 influencing a decision relating to a procurement matter.

10 "Material argument" does not include general information about
11 products, services, or industry best practices or a response to
12 a communication initiated by an employee of the State for the
13 purposes of providing information to evaluate new products,
14 trends, services, or technologies.

15 (Source: P.A. 97-333, eff. 8-12-11; 97-618, eff. 10-26-11;
16 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

17 (30 ILCS 500/50-40)

18 Sec. 50-40. Reporting and anticompetitive practices. When,
19 for any reason, any vendor, bidder, offeror, potential
20 contractor, contractor, chief procurement officer, State
21 purchasing officer, designee, elected official, or State
22 employee suspects collusion or other anticompetitive practice
23 among any bidders, offerors, potential contractors,
24 contractors, or employees of the State, a notice of the
25 relevant facts shall be transmitted to the appropriate

1 Inspector General, the Attorney General, and the chief
2 procurement officer.

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

4 (30 ILCS 500/50-45)

5 Sec. 50-45. Confidentiality. Any chief procurement
6 officer, State purchasing officer, designee, ~~or~~ executive
7 officer, or State employee who willfully uses or allows the use
8 of specifications, competitive solicitation documents,
9 proprietary competitive information, contracts, or selection
10 information to compromise the fairness or integrity of the
11 procurement or contract process shall be subject to immediate
12 dismissal, regardless of the Personnel Code, any contract, or
13 any collective bargaining agreement, and may in addition be
14 subject to criminal prosecution.

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

16 (30 ILCS 500/53-10)

17 Sec. 53-10. Concessions and leases of State property and
18 no-cost contracts.

19 (a) Except for property under the jurisdiction of a public
20 institution of higher education, concessions, including the
21 assignment, license, sale, or transfer of interests in or
22 rights to discoveries, inventions, patents, or copyrightable
23 works, may be entered into by the State agency with
24 jurisdiction over the property, whether tangible or

1 intangible.

2 (b) Except for property under the jurisdiction of a public
3 institution of higher education, all leases of State property
4 and concessions shall be reduced to writing and shall be
5 awarded under the provisions of Article 20, except that the
6 contract shall be awarded to the highest bidder or ~~and~~ best
7 bidder or offeror when the State receives a lease payment, a
8 percentage of sales from the lessee, or in-kind support from
9 the lessee based on the return to the State.

10 (c) Except for property under the jurisdiction of a public
11 institution of higher education, all no-cost procurements
12 shall be reduced to writing and shall be awarded under the
13 provisions of Article 20 of this Code. All awards of no-cost
14 procurements shall identify the estimated business value to the
15 lessee and the value to the State.

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

18 (30 ILCS 503/Act rep.)

19 Section 20. The Small Business Contracts Act is repealed.

20 Section 25. The Governmental Joint Purchasing Act is
21 amended by changing Sections 1, 2, 3, 4, and 4.2 and by adding
22 Sections 1.1, 4.05, and 4.3 as follows:

23 (30 ILCS 525/1) (from Ch. 85, par. 1601)

1 Sec. 1. Definitions. For the purposes of this Act,
2 "Governmental ~~governmental~~ unit" means State of Illinois,
3 any State agency as defined in Section 1-15.100 of the Illinois
4 Procurement Code, officers of the State of Illinois, any public
5 authority which has the power to tax, or any other public
6 entity created by statute.

7 "Master contract" means a definite quantity or indefinite
8 quantity contract awarded pursuant to this Act against which
9 subsequent orders may be placed to meet the needs of a
10 governmental unit or qualified not-for-profit agency.

11 "Multiple award" means an award that is made to 2 or more
12 bidders or offerors for similar supplies or services.

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

14 (30 ILCS 525/1.1 new)

15 Sec. 1.1. Joint purchasing programs. Each chief
16 procurement officer may establish a joint purchasing program
17 and a cooperative purchasing program.

18 (30 ILCS 525/2) (from Ch. 85, par. 1602)

19 Sec. 2. Joint purchasing authority.

20 (a) Any governmental unit, except a governmental unit
21 subject to the jurisdiction of a chief procurement officer
22 established in Section 10-20 of the Illinois Procurement Code,
23 may purchase personal property, supplies and services jointly
24 with one or more other governmental units. All such joint

1 purchases shall be by competitive solicitation as provided in
2 Section 4 ~~of this Act,~~ except as otherwise provided in this
3 Act. The provisions of any other acts under which a
4 governmental unit operates which refer to purchases and
5 procedures in connection therewith shall be superseded by the
6 provisions of this Act when the governmental units are
7 exercising the joint powers created by this Act.

8 (a-5) For purchases made by a governmental unit subject to
9 the jurisdiction of a chief procurement officer established in
10 Section 10-20 of the Illinois Procurement Code, the applicable
11 ~~A~~ chief procurement officer established in Section 10-20 of the
12 Illinois Procurement Code may authorize the purchase of
13 ~~personal property,~~ supplies, and services jointly with a
14 governmental unit entity of this State, governmental entity of
15 ~~or~~ another state, or with a consortium of governmental entities
16 of one or more other states, except as otherwise provided in
17 this Act. Subject to provisions of the joint purchasing
18 solicitation, the appropriate chief procurement officer may
19 designate the resulting contract as available to governmental
20 units in Illinois.

21 (a-10) Each chief procurement officer appointed pursuant
22 to Section 10-20 of the Illinois Procurement Code may authorize
23 the purchase or lease of supplies and services which have been
24 procured through a competitive process by a federal agency; a
25 consortium of governmental, educational, medical, research, or
26 similar entities; or group purchasing organizations of which

1 the chief procurement officer or State agency is a member or
2 affiliate, including, without limitation, any purchasing
3 entity operating under the federal General Services
4 Administration, the Higher Education Cooperation Act, and the
5 Midwestern Higher Education Compact Act. Each applicable chief
6 procurement officer may authorize purchases and contracts
7 which have been procured through other methods of procurement
8 if the chief procurement officer determines it is in the best
9 interests of the State. Each chief procurement officer may
10 establish detailed rules, policies, and procedures for use of
11 these cooperative contracts. Notices of award shall be
12 published by the chief procurement officer in the Illinois
13 Procurement Bulletin at least 14 days prior to use of the
14 contract. Each chief procurement officer shall submit to the
15 General Assembly by November 1 of each year a report of
16 procurements made under this subsection (a-10).

17 (b) Any not-for-profit agency that qualifies under Section
18 45-35 of the Illinois Procurement Code and that either (1) acts
19 pursuant to a board established by or controlled by a unit of
20 local government or (2) receives grant funds from the State or
21 from a unit of local government, shall be eligible to
22 participate in contracts established by the State.

23 (c) For governmental units subject to the jurisdiction of a
24 chief procurement officer established in Section 10-20 of the
25 Illinois Procurement Code, if any contract or amendment to a
26 contract is entered into or purchase or expenditure of funds is

1 made at any time in violation of this Act or any other law, the
2 contract or amendment may be declared void by the chief
3 procurement officer or may be ratified and affirmed, if the
4 chief procurement officer determines that ratification is in
5 the best interests of the governmental unit. If the contract or
6 amendment is ratified and affirmed, it shall be without
7 prejudice to the governmental unit's rights to any appropriate
8 damages.

9 (d) This Section does not apply to construction-related
10 professional services contracts awarded in accordance with the
11 provisions of the Architectural, Engineering, and Land
12 Surveying Qualifications Based Selection Act.

13 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

14 (30 ILCS 525/3) (from Ch. 85, par. 1603)

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

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

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

25 The ~~personal property,~~ supplies or services involved shall
26 be distributed or rendered directly to each governmental unit

1 taking part in the purchase. The person selling the personal
2 property, supplies or services may bill each governmental unit
3 separately for its proportionate share of the cost of the
4 personal property, supplies or services purchased.

5 The credit or liability of each governmental unit shall
6 remain separate and distinct. Disputes between contractors
7 ~~bidders~~ and governmental units or qualified not-for-profit
8 agencies shall be resolved between the immediate parties.

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

10 (30 ILCS 525/4) (from Ch. 85, par. 1604)

11 Sec. 4. Bids, offers, and small purchases. The purchases of
12 all personal property, supplies and services under this Act,
13 except for small purchases, shall be based on competitive
14 solicitations unless, for purchases made pursuant to
15 subsection (a) of Section 2 of this Act, it is the
16 determination of the applicable chief procurement officer that
17 it is impractical to obtain competition. Purchases pursuant to
18 this Section and shall follow the same procedures used for
19 competitive solicitations made pursuant to the Illinois
20 Procurement Code when the State is a party to the joint
21 purchase. For purchases made pursuant to subsection (a) of
22 Section 2 of this Act where the applicable chief procurement
23 officer makes the determination that it is impractical to
24 obtain competition, purchases shall either follow the same
25 procedure used for sole source procurements in Section 20-25 of

1 the Illinois Procurement Code or the same procedure used for
2 emergency purchases in Section 20-30 of the Illinois
3 Procurement Code. For purchases pursuant to subsection (a) of
4 Section 2, bids and offers shall be solicited by public notice
5 inserted at least once in a newspaper of general circulation in
6 one of the counties where the materials are to be used and at
7 least 5 calendar days before the final date of submitting bids
8 or offers, except as otherwise provided in this Section. Where
9 the State of Illinois is a party to the joint purchase
10 agreement, public notice soliciting the bids or offers shall be
11 published in the appropriate volume of the Illinois Procurement
12 Bulletin. Such notice shall include a general description of
13 the ~~personal property,~~ supplies or services to be purchased and
14 shall state where ~~all blanks and~~ specifications may be obtained
15 and the time and place for the opening of bids and offers. The
16 governmental unit conducting the competitive procurement
17 process may also solicit sealed bids or offers by sending
18 requests by mail to potential contractors and by posting
19 notices on a public bulletin board in its office. Small
20 purchases pursuant to this Section shall follow the same
21 procedure used for small purchases in Section 20-20 of the
22 Illinois Procurement Code.

23 All purchases, orders or contracts shall be awarded to the
24 lowest responsible bidder or highest-ranked offeror, taking
25 into consideration the qualities of the articles or services
26 supplied, their conformity with the specifications, their

1 suitability to the requirements of the participating
2 governmental units and the delivery terms.

3 Where the State of Illinois is not a party, all bids or
4 offers may be rejected and new bids or offers solicited if one
5 or more of the participating governmental units believes the
6 public interest may be served thereby. Each bid or offer, with
7 the name of the bidder or offeror, shall be entered on a
8 record, which record with the successful bid or offer,
9 indicated thereon shall, after the award of the purchase or
10 order or contract, be open to public inspection. A copy of all
11 contracts shall be filed with the purchasing office or clerk or
12 secretary of each participating governmental unit.

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

14 (30 ILCS 525/4.05 new)

15 Sec. 4.05. Other methods of joint purchases.

16 (a) It may be determined that it is impractical to obtain
17 competition because either (i) there is only one
18 economically-feasible source for the item or (ii) there is a
19 threat to public health or public safety, or when immediate
20 expenditure is necessary to prevent or minimize serious
21 disruption in critical State services that affect health,
22 safety, or collection of substantial State revenues, or to
23 ensure the integrity of State records.

24 (b) When the State of Illinois is a party to the joint
25 purchase agreement, the applicable chief procurement officer

1 shall make a determination whether (i) there is only one
2 economically feasible source for the item or (ii) that there
3 exists a threat to public health or public safety or that
4 immediate expenditure is necessary to prevent or minimize
5 serious disruption in critical State services.

6 (c) When there is only one economically feasible source for
7 the item, the chief procurement officer may authorize a sole
8 economically-feasible source contract. When there exists a
9 threat to public health or public safety or when immediate
10 expenditure is necessary to prevent or minimize serious
11 disruption in critical State services, the chief procurement
12 officer may authorize an emergency procurement without
13 competitive sealed bidding or competitive sealed proposals or
14 prior notice.

15 (d) All joint purchases made pursuant to this Section shall
16 follow the same procedures for sole source contracts in the
17 Illinois Procurement Code when the chief procurement officer
18 determines there is only one economically-feasible source for
19 the item. All joint purchases made pursuant to this Section
20 shall follow the same procedures for emergency purchases in the
21 Illinois Procurement Code when the chief procurement officer
22 determines immediate expenditure is necessary to prevent or
23 minimize serious disruption in critical State services that
24 affect health, safety, or collection of substantial State
25 revenues, or to ensure the integrity of State records.

26 (e) Each chief procurement officer shall submit to the

1 General Assembly by November 1 of each year a report of
2 procurements made under this Section.

3 (30 ILCS 525/4.2) (from Ch. 85, par. 1604.2)

4 Sec. 4.2. Any governmental unit may, without violating any
5 bidding requirement otherwise applicable to it, procure
6 ~~personal property,~~ supplies and services under any contract let
7 by the State pursuant to lawful procurement procedures.
8 Purchases made by the State of Illinois must be approved or
9 authorized by the appropriate chief procurement officer.

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

11 (30 ILCS 525/4.3 new)

12 Sec. 4.3. Suspension or debarment. Any contractor or
13 subcontractor may be suspended for violation of this Act or for
14 failure to conform to specifications or terms of delivery.
15 Suspension shall be for cause and may be for a period of up to
16 10 years at the discretion of the appropriate chief procurement
17 officer. Contractors or subcontractors may be debarred in
18 accordance with rules adopted by the chief procurement officer
19 or as otherwise provided by law.

20 Section 26. The State Prompt Payment Act is amended by
21 changing Section 7 as follows:

22 (30 ILCS 540/7) (from Ch. 127, par. 132.407)

1 Sec. 7. Payments to subcontractors and material suppliers.

2 (a) When a State official or agency responsible for
3 administering a contract submits a voucher to the Comptroller
4 for payment to a contractor, that State official or agency
5 shall promptly make available electronically the voucher
6 number, the date of the voucher, and the amount of the voucher.
7 The State official or agency responsible for administering the
8 contract shall provide subcontractors and material suppliers,
9 known to the State official or agency, with instructions on how
10 to access the electronic information.

11 (a-5) When a contractor receives any payment, the
12 contractor shall pay each subcontractor and material supplier
13 in proportion to the work completed by each subcontractor and
14 material supplier its ~~their~~ application or pay estimate, plus
15 interest received under this Act, ~~less any retention~~. When a
16 contractor receives any payment, the contractor shall pay each
17 lower-tiered subcontractor and material supplier and each
18 subcontractor and material supplier shall make payment to its
19 own respective subcontractors and material suppliers. If the
20 contractor receives less than the full payment due under the
21 public construction contract, the contractor shall be
22 obligated to disburse on a pro rata basis those funds received,
23 plus interest received under this Act, with the contractor,
24 subcontractors and material suppliers each receiving a
25 prorated portion based on the amount of payment each has
26 earned. When, however, the State official or agency ~~public~~

1 ~~owner~~ does not release the full payment due under the contract
2 because there are specific areas of work or materials the State
3 agency or official has determined ~~contractor is rejecting or~~
4 ~~because the contractor has otherwise determined~~ such areas are
5 not suitable for payment, then those specific subcontractors or
6 material suppliers involved shall not be paid for that portion
7 of work rejected or deemed not suitable for payment and all
8 other subcontractors and suppliers shall be paid based upon the
9 amount of payment each has earned ~~in full~~, plus interest
10 received under this Act.

11 (a-10) For construction contracts with the Department of
12 Transportation, the contractor, subcontractor, or material
13 supplier, regardless of tier, shall not offset, decrease, or
14 diminish payment or payments that are due to its subcontractors
15 or material suppliers without reasonable cause.

16 A contractor, who refuses to make prompt payment, in whole
17 or in part, shall provide to the subcontractor or material
18 supplier and the public owner or its agent, a written notice of
19 that refusal. The written notice shall be made by a contractor
20 no later than 5 calendar days after payment is received by the
21 contractor. The written notice shall identify the Department of
22 Transportation's contract, any subcontract or material
23 purchase agreement, a detailed reason for refusal, the value of
24 the payment to be withheld, and the specific remedial actions
25 required of the subcontractor or material supplier so that
26 payment may be made. Written notice of refusal may be given in

1 a form and method which is acceptable to the parties and public
2 owner.

3 (b) If the contractor, without reasonable cause, fails to
4 make full payment of amounts due under subsection (a) to its
5 ~~his~~ subcontractors and material suppliers within 15 calendar
6 days after receipt of payment from the State official or agency
7 ~~under the public construction contract~~, the contractor shall
8 pay to its ~~his~~ subcontractors and material suppliers, in
9 addition to the payment due them, interest in the amount of 2%
10 per month, calculated from the expiration of the 15-day period
11 until fully paid. This subsection shall further ~~also~~ apply to
12 any payments made by subcontractors and material suppliers to
13 their subcontractors and material suppliers and to all payments
14 made to lower tier subcontractors and material suppliers
15 throughout the contracting chain.

16 (1) If a contractor, without reasonable cause, fails to
17 make payment in full as provided in subsection (a-5) ~~(a)~~
18 within 15 calendar days after receipt of payment under the
19 public construction contract, any subcontractor or
20 material supplier to whom payments are owed may file a
21 written notice and request for administrative hearing with
22 the State official or agency setting forth the amount owed
23 by the contractor and the contractor's failure to timely
24 pay the amount owed. The written notice and request for
25 administrative hearing shall identify the public
26 construction contract, the contractor, and the amount

1 owed, and shall contain a sworn statement or attestation to
2 verify the accuracy of the notice. The notice and request
3 for administrative hearing shall be filed with the State
4 official for the public construction contract, with a copy
5 of the notice concurrently provided to the contractor.
6 Notice to the State official may be made by certified or
7 registered mail, messenger service, or personal service,
8 and must include proof of delivery to the State official.

9 (2) The State official or agency, within 15 calendar
10 days after receipt of a subcontractor's or material
11 supplier's written notice and request for administrative
12 hearing ~~of the failure to receive payment from the~~
13 ~~contractor,~~ shall hold a hearing convened by an
14 administrative law judge to determine whether the
15 contractor withheld payment, without reasonable cause,
16 from the subcontractors or ~~and~~ material suppliers and what
17 amount, if any, is due to the subcontractors or ~~and~~
18 material suppliers, and the reasonable cause or causes
19 asserted by the contractor. The State official or agency
20 shall provide appropriate notice to the parties of the
21 date, time, and location of the hearing. Each contractor,
22 subcontractor, or ~~and~~ material supplier has the right to be
23 represented by counsel at a ~~the~~ hearing and to
24 cross-examine witnesses and challenge documents. Upon the
25 request of the subcontractor or material supplier and a
26 showing of good cause, reasonable continuances may be

1 granted by the administrative law judge.

2 (3) Upon ~~If there is~~ a finding by the administrative
3 law judge that the contractor failed to make payment in
4 full, without reasonable cause, as provided in subsection
5 (a-10) (a), then the administrative law judge shall, in
6 writing, order ~~direct~~ the contractor to pay the amount owed
7 to the subcontractors or ~~and~~ material suppliers plus
8 interest within 15 calendar days after the order ~~finding~~.

9 (4) If a contractor fails to make full payment as
10 ordered under paragraph (3) of this subsection (b) within
11 15 days after the administrative law judge's order ~~finding~~,
12 then the contractor shall be barred from entering into a
13 State public construction contract for a period of one year
14 beginning on the date of the administrative law judge's
15 order ~~finding~~.

16 (5) If, on 2 or more occasions within a 3-calendar-year
17 period, there is a finding by an administrative law judge
18 that the contractor failed to make payment in full, without
19 reasonable cause, and a written order was issued to a
20 contractor under paragraph (3) of this subsection (b), then
21 the contractor shall be barred from entering into a State
22 public construction contract for a period of 6 months
23 beginning on the date of the administrative law judge's
24 second written order, even if the payments required under
25 the orders were made in full.

26 (6) If a contractor fails to make full payment as

1 ordered under paragraph (4) of this subsection (b), the
2 subcontractor or material supplier may, within 30 days of
3 the date of that order, petition the State agency for an
4 order for reasonable attorney's fees and costs incurred in
5 the prosecution of the action under this subsection (b).
6 Upon that petition and taking of additional evidence, as
7 may be required, the administrative law judge may issue a
8 supplemental order directing the contractor to pay those
9 reasonable attorney's fees and costs.

10 (7) The written order of the administrative law judge
11 shall be final and appealable under the Administrative
12 Review Law.

13 (c) This Section shall not be construed to in any manner
14 diminish, negate, or interfere with the
15 contractor-subcontractor or contractor-material supplier
16 relationship or commercially useful function.

17 (d) This Section shall not preclude, bar, or stay the
18 rights, remedies, and defenses available to the parties by way
19 of the operation of their contract, purchase agreement, the
20 Mechanics Lien Act, or the Public Construction Bond Act.

21 (e) State officials and agencies may adopt rules as may be
22 deemed necessary in order to establish the formal procedures
23 required under this Section.

24 (f) As used in this Section,

25 "Payment" means the discharge of an obligation in money or
26 other valuable consideration or thing delivered in full or

1 partial satisfaction of an obligation to pay. "Payment" shall
2 include interest paid pursuant to this Act.

3 "Reasonable cause" may include, but is not limited to,
4 unsatisfactory workmanship or materials; failure to provide
5 documentation required by the contract, subcontract, or
6 material purchase agreement; claims made against the
7 Department of Transportation or the subcontractor pursuant to
8 subsection (c) of Section 23 of the Mechanics Lien Act or the
9 Public Construction Bond Act; judgments, levies, garnishments,
10 or other court-ordered assessments or offsets in favor of the
11 Department of Transportation or other State agency entered
12 against a subcontractor or material supplier. "Reasonable
13 cause" does not include payments issued to the contractor that
14 create a negative or reduced valuation pay application or pay
15 estimate due to a reduction of contract quantities or work not
16 performed or provided by the subcontractor or material
17 supplier; the interception or withholding of funds for reasons
18 not related to the subcontractor's or material supplier's work
19 on the contract; anticipated claims or assessments of third
20 parties not a party related to the contract or subcontract;
21 asserted claims or assessments of third parties that are not
22 authorized by court order, administrative tribunal, or
23 statute. "Reasonable cause" further does not include the
24 withholding, offset, or reduction of payment, in whole or in
25 part, due to the assessment of liquidated damages or penalties
26 assessed by the Department of Transportation against the

1 contractor, unless the subcontractor's performance or supplied
2 materials were the sole and proximate cause of the liquidated
3 damage or penalty.

4 (Source: P.A. 94-672, eff. 1-1-06; 94-972, eff. 7-1-07.)

5 Section 27. The Business Enterprise for Minorities,
6 Females, and Persons with Disabilities Act is amended by adding
7 Section 8g as follows:

8 (30 ILCS 575/8g new)

9 Sec. 8g. Special Committee on Minority, Female, Persons
10 with Disabilities, and Veterans Contracting.

11 (a) There is created a Special Committee on Minority,
12 Female, Persons with Disabilities, and Veterans Contracting
13 under the Council. The Special Committee shall review Illinois'
14 procurement laws regarding contracting with minority-owned
15 businesses, female-owned businesses, businesses owned by
16 persons with disabilities, and veteran-owned businesses to
17 determine what changes should be made to increase participation
18 of these businesses in State procurements.

19 (b) The Special Committee shall consist of the following
20 members:

21 (1) 3 persons each to be appointed by the Speaker of
22 the House of Representatives, the Minority Leader of the
23 House of Representatives, the President of the Senate, and
24 the Minority Leader of the Senate; only one Special

1 Committee member of each appointee under this paragraph may
2 be a current member of the General Assembly;

3 (2) the Director of Central Management Services, or his
4 or her designee;

5 (3) the chairperson of the Council, or his or her
6 designee; and

7 (4) each chief procurement officer.

8 (c) The Special Committee shall conduct at least 3
9 hearings, with at least one hearing in Springfield and one in
10 Chicago. Each hearing shall be open to the public and notice of
11 the hearings shall be posted on the websites of the Procurement
12 Policy Board, the Department of Central Management Services,
13 and the General Assembly at least 6 days prior to the hearing.

14 Section 30. The Illinois Human Rights Act is amended by
15 changing Section 2-101 as follows:

16 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

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

19 (A) Employee.

20 (1) "Employee" includes:

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

23 (b) An apprentice;

24 (c) An applicant for any apprenticeship.

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

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

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

11 (iii) the work performed:

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

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

17 (III) does not displace regular employees;

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

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

24 (2) "Employee" does not include:

25 (a) (Blank);

26 (b) Individuals employed by persons who are not

1 "employers" as defined by this Act;

2 (c) Elected public officials or the members of
3 their immediate personal staffs;

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

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

11 (B) Employer.

12 (1) "Employer" includes:

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

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

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

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

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

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

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

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

1 connection with employment, including apprenticeships or
2 applications for apprenticeships.

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

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

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

22 (H) Public Employee. "Public employee" means an employee of
23 the State, agency or department thereof, unit of local
24 government, school district, instrumentality or political
25 subdivision. "Public employee" does not include public
26 officers or employees of the General Assembly or agencies

1 thereof.

2 (I) Public Officer. "Public officer" means a person who is
3 elected to office pursuant to the Constitution or a statute or
4 ordinance, or who is appointed to an office which is
5 established, and the qualifications and duties of which are
6 prescribed, by the Constitution or a statute or ordinance, to
7 discharge a public duty for the State, agency or department
8 thereof, unit of local government, school district,
9 instrumentality or political subdivision.

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

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

22 (1) a born U.S. citizen;

23 (2) a naturalized U.S. citizen;

24 (3) a U.S. national; or

25 (4) a person born outside the United States and not a
26 U.S. citizen who is not an unauthorized alien and who is

1 protected from discrimination under the provisions of
2 Section 1324b of Title 8 of the United States Code, as now
3 or hereafter amended.

4 (Source: P.A. 98-1037, eff. 1-1-15; 98-1050, eff. 1-1-15;
5 99-78, eff. 7-20-15; 99-758, eff. 1-1-17.)

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".