

HB5937



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5937

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Adds definitions for various terms, including "bid", "bidder", "chief procurement office", "change order", "contractor", "offer", "offeror", "respondent", "response", and "vendor". Provides that various provisions of the Code apply to bidders, offerors, vendors, and contractors. Makes changes concerning various dates. Makes other changes. Effective immediately.

LRB098 20264 HLH 55653 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-10, 1-11, 50-40, 50-45, 50-70, and 55-10
6 and by adding Sections as follows:

7 (30 ILCS 500/1-10)

8 Sec. 1-10. Application.

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

20 (b) This Code shall apply regardless of the source of the
21 funds with which the contracts are paid, including federal
22 assistance moneys. This Code shall not apply to:

23 (1) Contracts between the State and its political

1 subdivisions or other governments, or between State
2 governmental bodies except as specifically provided in
3 this Code.

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

6 (3) Purchase of care.

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

11 (5) Collective bargaining contracts.

12 (6) Purchase of real estate, except that notice of this
13 type of contract with a value of more than \$25,000 must be
14 published in the Procurement Bulletin within 10 calendar 7
15 days after the deed is recorded in the county of
16 jurisdiction. The notice shall identify the real estate
17 purchased, the names of all parties to the contract, the
18 value of the contract, and the effective date of the
19 contract.

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

1 prior approval when the procuring entity is not one subject
2 to the jurisdiction of the Governor.

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

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

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

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

22 (12) Contracts for legal, financial, and other
23 professional and artistic services entered into on or
24 before December 31, 2018 by the Illinois Finance Authority
25 in which the State of Illinois is not obligated. Such
26 contracts shall be awarded through a competitive process

1 authorized by the Board of the Illinois Finance Authority
2 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
3 50-35, and 50-37 of this Code, as well as the final
4 approval by the Board of the Illinois Finance Authority of
5 the terms of the contract.

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

26 (c) This Code does not apply to the electric power

1 procurement process provided for under Section 1-75 of the
2 Illinois Power Agency Act and Section 16-111.5 of the Public
3 Utilities Act.

4 (d) Except for Section 20-160 and Article 50 of this Code,
5 and as expressly required by Section 9.1 of the Illinois
6 Lottery Law, the provisions of this Code do not apply to the
7 procurement process provided for under Section 9.1 of the
8 Illinois Lottery Law.

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

20 (f) This Code does not apply to the process used by the
21 Illinois Power Agency to retain a mediator to mediate sourcing
22 agreement disputes between gas utilities and the clean coal SNG
23 brownfield facility, as defined in Section 1-10 of the Illinois
24 Power Agency Act, as required under subsection (h-1) of Section
25 9-220 of the Public Utilities Act.

26 (g) This Code does not apply to the processes used by the

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

11 (h) This Code does not apply to the process to procure or
12 contracts entered into in accordance with Sections 11-5.2 and
13 11-5.3 of the Illinois Public Aid Code.

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

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

23 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,
24 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;
25 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
26 98-572, eff. 1-1-14; revised 9-9-13.)

1 (30 ILCS 500/1-11)

2 Sec. 1-11. Applicability of certain Public Acts. The
3 changes made to this Code by Public Act 96-793, Public Act
4 96-795, and this amendatory Act of the 96th General Assembly
5 apply to those procurements for which bidders, offerors,
6 respondents, vendors, or contractors were first solicited on or
7 after July 1, 2010.

8 (Source: P.A. 96-920, eff. 7-1-10.)

9 (30 ILCS 500/1-12)

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

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

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

16 (b) Notice of each contract entered into by a State agency
17 that is related to the procurement of goods and services
18 identified in this Section shall be published in the Illinois
19 Procurement Bulletin within 14 calendar days after contract
20 execution. The chief procurement officer shall prescribe the
21 form and content of the notice. Each State agency shall provide
22 the chief procurement officer, on a monthly basis, in the form
23 and content prescribed by the chief procurement officer, a
24 report of contracts that are related to the procurement of

1 goods and services identified in this Section. At a minimum,
2 this report shall include the name of the vendor or contractor,
3 a description of the supply or service provided, the total
4 amount of the contract, the term of the contract, and the
5 exception to the Code utilized. A copy of any or all of these
6 contracts shall be made available to the chief procurement
7 officer immediately upon request. The chief procurement
8 officer shall submit a report to the Governor and General
9 Assembly no later than November 1 of each year that shall
10 include, at a minimum, an annual summary of the monthly
11 information reported to the chief procurement officer.

12 (c) This Section is repealed December 31, 2016.

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

14 (30 ILCS 500/1-13)

15 (Section scheduled to be repealed on December 31, 2014)

16 Sec. 1-13. Applicability to public institutions of higher
17 education.

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

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

24 (1) Memberships in professional, academic, or athletic
25 organizations on behalf of a public institution of higher

1 education, an employee of a public institution of higher
2 education, or a student at a public institution of higher
3 education.

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

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

13 (4) Procurement expenditures necessary to provide
14 artistic or musical services, performances, or productions
15 held at a venue operated by a public institution of higher
16 education.

17 (5) Procurement expenditures for periodicals and books
18 procured for use by a university library or academic
19 department, except for expenditures related to procuring
20 textbooks for student use or materials for resale or
21 rental.

22 Notice of each contract entered into by a public institution of
23 higher education that is related to the procurement of goods
24 and services identified in items (1) through (5) of this
25 subsection shall be published in the Procurement Bulletin
26 within 14 calendar days after contract execution. The Chief

1 Procurement Officer shall prescribe the form and content of the
2 notice. Each public institution of higher education shall
3 provide the Chief Procurement Officer, on a monthly basis, in
4 the form and content prescribed by the Chief Procurement
5 Officer, a report of contracts that are related to the
6 procurement of goods and services identified in this
7 subsection. At a minimum, this report shall include the name of
8 the vendor or contractor, a description of the supply or
9 service provided, the total amount of the contract, the term of
10 the contract, and the exception to the Code utilized. A copy of
11 any or all of these contracts shall be made available to the
12 Chief Procurement Officer immediately upon request. The Chief
13 Procurement Officer shall submit a report to the Governor and
14 General Assembly no later than November 1 of each year that
15 shall include, at a minimum, an annual summary of the monthly
16 information reported to the Chief Procurement Officer.

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

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

26 (2) Procurements of FDA-regulated goods, products, and

1 services necessary for the delivery of care and treatment
2 at medical, dental, or veterinary teaching facilities
3 utilized by the University of Illinois or Southern Illinois
4 University.

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

8 (4) Procurements required for fulfillment of a grant.

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

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

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

1 subsection (e).

2 (f) As used in this Section:

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

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

15 (g) This Section is repealed on December 31, 2014.

16 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12.)

17 (30 ILCS 500/1-15.01 new)

18 Sec. 1-15.01. Bid. "Bid" means the response submitted by a
19 bidder in a competitive sealed bidding process to an invitation
20 for bids or to a multi-step sealed bidding process.

21 (30 ILCS 500/1-15.02 new)

22 Sec. 1-15.02. Bidder. "Bidder" means one who submits a
23 response in a competitive sealed bidding process to an
24 invitation for bids or to a multi-step sealed bidding process.

1 (30 ILCS 500/1-15.13 new)

2 Sec. 1-15.13. Chief Procurement Office. "Chief Procurement
3 Office" means the offices in which the chief procurement
4 officers appointed pursuant to Section 10-20 are
5 headquartered.

6 (30 ILCS 500/1-15.14 new)

7 Sec. 1-15.14. Change order. "Change order" means a change
8 in a contract term, other than as specifically provided for in
9 the contract, which authorizes or necessitates any increase or
10 decrease in the cost of the contract or the time of completion
11 for procurements subject to the jurisdiction of the chief
12 procurement officer appointed pursuant to item (4) of
13 subsection (a) of Section 10-20.

14 (30 ILCS 500/1-15.17 new)

15 Sec. 1-15.17. Contractor. "Contractor" means any person
16 having a contract with a State agency to furnish goods,
17 services, or construction for an agreed upon price.

18 (30 ILCS 500/1-15.30)

19 Sec. 1-15.30. Contract. "Contract" means all types of State
20 agreements, ~~including change orders and renewals,~~ regardless
21 of what they may be called, for the procurement, use, or
22 disposal of supplies, services, professional or artistic

1 services, or construction or for leases of real property,
2 whether the State is lessor or lessee, or capital improvements,
3 and including renewals, master contracts, contracts for
4 financing through use of installment or lease-purchase
5 arrangements, renegotiated contracts, amendments to contracts,
6 and change orders.

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

9 (30 ILCS 500/1-15.35)

10 Sec. 1-15.35. Cost-reimbursement contract.

11 "Cost-reimbursement contract" means a contract under which a
12 vendor or contractor is reimbursed for costs that are allowable
13 and allocable in accordance with the contract terms and the
14 provisions of this Code, and a fee, if any.

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

16 (30 ILCS 500/1-15.50)

17 Sec. 1-15.50. Negotiation. "Negotiation" means the process
18 of selecting a contractor other than by competitive sealed
19 bids, multi-step sealed bidding, or competitive sealed
20 proposals, whereby a purchasing agency can establish any and
21 all terms and conditions of a procurement contract by
22 discussion with one or more prospective vendors or respondents
23 ~~contractors~~.

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

1 (30 ILCS 500/1-15.51 new)

2 Sec. 1-15.51. Offer. "Offer" means a response submitted by
3 an offeror in a competitive sealed proposal process or to a
4 request for proposals.

5 (30 ILCS 500/1-15.52 new)

6 Sec. 1-15.52. Offeror. "Offeror" means any person who
7 submits a proposal in response to a competitive sealed proposal
8 process or a request for proposals.

9 (30 ILCS 500/1-15.76 new)

10 Sec. 1-15.76. Respondent. "Respondent" means a person who
11 submits a response to a professional and artistic services
12 request for proposals, a request for information, a small
13 purchase request, or a sole source.

14 (30 ILCS 500/1-15.77 new)

15 Sec. 1-15.77. Response. "Response" means a response
16 submitted by a respondent in a professional and artistic
17 services process, a professional and artistic request for
18 proposals, a request for information, a small purchase process,
19 or a sole source process.

20 (30 ILCS 500/1-15.80)

21 Sec. 1-15.80. Responsible bidder ~~or~~ offeror , respondent,

1 vendor, or contractor. "Responsible bidder ~~or~~ offeror,
2 respondent, vendor, or contractor" means a person who has the
3 capability in all respects to perform fully the contract
4 requirements and the integrity and reliability that will assure
5 good faith performance. A responsible bidder ~~or~~ offeror, or
6 respondent shall not include a business or other entity that
7 does not exist as a legal entity at the time a bid or offer
8 ~~proposal~~ is submitted for a State contract.

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

11 (30 ILCS 500/1-15.86 new)

12 Sec. 1-15.86. Responsive offeror. "Responsive offeror"
13 means a person who has submitted an offer that conforms in all
14 material respects to the request for proposals.

15 (30 ILCS 500/1-15.87 new)

16 Sec. 1-15.87. Responsive respondent. "Responsive
17 respondent" means a person who has submitted an offer that
18 conforms in all material respects to the request for
19 information.

20 (30 ILCS 500/1-15.107)

21 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
22 between a person and a person who has a contract subject to
23 this Code, pursuant to which the subcontractor provides to the

1 vendor or contractor, or, if annual value of the contract ~~price~~
2 exceeds \$50,000, another subcontractor, some or all of the
3 goods, services, real property, remuneration, or other
4 monetary forms of consideration that are the subject of the
5 primary contract and includes, among other things, subleases
6 from a lessee of a State agency.

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

9 (30 ILCS 500/1-15.108)

10 Sec. 1-15.108. Subcontractor. "Subcontractor" means a
11 person or entity that enters into a contractual agreement with
12 an annual ~~a total~~ value of \$50,000 or more with a person ~~or~~
13 ~~entity~~ who has a contract subject to this Code pursuant to
14 which the person ~~or entity~~ provides some or all of the goods,
15 services, real property, remuneration, or other monetary forms
16 of consideration that are the subject of the primary State
17 contract, including subleases from a lessee of a State
18 contract.

19 (Source: P.A. 96-920, eff. 7-1-10; 97-895, eff. 8-3-12.)

20 (30 ILCS 500/1-15.116 new)

21 Sec. 1-15.116. Vendor. "Vendor" means a seller or provider
22 of goods, services, or construction.

23 (30 ILCS 500/5-5)

1 Sec. 5-5. Procurement Policy Board.

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

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

16 Upon a three-fifths vote of its members, the Board may
17 review a contract. Upon a three-fifths vote of its members, the
18 Board may propose procurement rules for consideration by chief
19 procurement officers. These proposals shall be published in
20 each volume of the Procurement Bulletin. Except as otherwise
21 provided by law, the Board shall act upon the vote of a
22 majority of its members who have been appointed and are
23 serving.

24 (b-5) Reviews, studies, and hearings. The Board may review,
25 study, and hold public hearings concerning the implementation
26 and administration of this Code. Each chief procurement

1 officer, State purchasing officer, procurement compliance
2 monitor, and State agency shall cooperate with the Board,
3 provide information to the Board, and be responsive to the
4 Board in the Board's conduct of its reviews, studies, and
5 hearings.

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

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

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

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

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

5 (h) Procurement recommendations. Upon a three-fifths vote
6 of its members, the Board may review a proposal, bid, or
7 contract and issue a recommendation to void a contract or
8 reject a proposal or bid based on any violation of this Code or
9 the existence of a conflict of interest as described in
10 subsections (b) and (d) of Section 50-35. A chief procurement
11 officer or State purchasing officer shall notify the Board if
12 an alleged conflict of interest or violation of the Code is
13 identified, discovered, or reasonably suspected to exist. Any
14 person or entity may notify the Board of an alleged conflict of
15 interest or violation of the Code. A recommendation of the
16 Board shall be delivered to the appropriate chief procurement
17 officer and Executive Ethics Commission within 7 calendar ~~5~~
18 days and must be published in the next volume of the
19 Procurement Bulletin. In the event that an alleged conflict of
20 interest or violation of the Code that was not originally
21 disclosed with the bid, offer, or proposal is identified and
22 filed with the Board, the Board shall provide written notice of
23 the alleged conflict of interest or violation to the bidder,
24 offeror, respondent, vendor, contractor or subcontractor on
25 that contract. If the alleged conflict of interest or violation
26 is by the subcontractor, written notice shall also be provided

1 to the bidder, offeror, respondent, vendor, or contractor. The
2 bidder, offeror, respondent, vendor, contractor or
3 subcontractor shall have 15 calendar days to provide a written
4 response to the notice, and a hearing before the Board on the
5 alleged conflict of interest or violation shall be held upon
6 request by the bidder, offeror, respondent, vendor, contractor
7 or subcontractor. The requested hearing date and time shall be
8 determined by the Board, but in no event shall the hearing
9 occur later than 15 calendar days after the date of the
10 request.

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

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

18 (30 ILCS 500/5-25)

19 Sec. 5-25. Rulemaking authority; agency policy; agency
20 response.

21 (a) Rulemaking. A chief procurement officer authorized to
22 make procurements under this Code shall have the authority to
23 promulgate rules to carry out that authority. That rulemaking
24 on specific procurement topics ~~is~~ mentioned in specific
25 Sections of this Code shall not be construed as prohibiting or

1 limiting rulemaking on other procurement topics.

2 All rules shall be promulgated in accordance with the
3 Illinois Administrative Procedure Act. Contractual provisions,
4 specifications, and procurement descriptions are not rules and
5 are not subject to the Illinois Administrative Procedure Act.
6 All rules other than those promulgated by the Board shall be
7 presented in writing to the Board ~~and the Executive Procurement~~
8 ~~Officer~~ for review and comment. The Board ~~and the Executive~~
9 ~~Procurement Officer~~ shall express their opinions and
10 recommendations in writing. The proposed rules and
11 recommendations shall be made available for public review. The
12 rules shall also be approved by the Joint Committee on
13 Administrative Rules.

14 (b) Policy. Each chief procurement officer shall promptly
15 notify the Procurement Policy Board in writing of any proposed
16 new procurement rule or policy or any proposed change in an
17 existing procurement rule or policy.

18 (c) Response. Each State agency must respond promptly in
19 writing to all inquiries and comments of the Procurement Policy
20 Board ~~or Executive Procurement Officer~~.

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

23 (30 ILCS 500/5-30)

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

25 (a) Except as provided in subsection (c), within 30

1 calendar days after notice of the awarding or letting of a
2 contract has appeared in the Procurement Bulletin in accordance
3 with subsection (b) of Section 15-25, the Board may request in
4 writing from the contracting agency and the contracting agency
5 shall promptly, but in no event later than 7 calendar ~~5~~
6 ~~business~~ days after receipt of the request, provide to the
7 Board, by electronic or other means satisfactory to the Board,
8 documentation in the possession of the contracting agency
9 concerning the proposed contract. Nothing in this subsection is
10 intended to waive or abrogate any privilege or right of
11 confidentiality authorized by law.

12 (b) No contract subject to this Section may be entered into
13 until the 30-day period described in subsection (a) has
14 expired, unless the contracting agency requests in writing that
15 the Board waive the period and the Board grants the waiver in
16 writing.

17 (c) This Section does not apply to (i) contracts entered
18 into under this Code for small and emergency procurements as
19 those procurements are defined in Article 20 and (ii) contracts
20 for professional and artistic services that are nonrenewable,
21 one year or less in duration, and have a value of less than
22 \$20,000. If requested in writing by the Board, however, the
23 contracting agency must promptly, but in no event later than 10
24 calendar ~~8 business~~ days after receipt of the request, transmit
25 to the Board a copy of the contract for an emergency
26 procurement and documentation in the possession of the

1 contracting agency concerning the contract.

2 (Source: P.A. 93-839, eff. 7-30-04.)

3 (30 ILCS 500/10-10)

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

5 (a) The chief procurement officer shall appoint a State
6 purchasing officer for each agency that the chief procurement
7 officer is responsible for under Section 1-15.13 ~~1-15.15~~. A
8 State purchasing officer shall be located in the State agency
9 that the officer serves but shall report to his or her
10 respective chief procurement officer. The State purchasing
11 officer shall have direct communication with agency staff
12 assigned to assist with any procurement process. At the
13 direction of his or her respective chief procurement officer, a
14 State purchasing officer shall have the authority to approve or
15 reject contracts for a purchasing agency. If the State
16 purchasing officer provides written approval of the contract,
17 the head of the applicable State agency shall have the
18 authority to sign and enter into that contract. All actions of
19 a State purchasing officer are subject to review by a chief
20 procurement officer in accordance with procedures and policies
21 established by the chief procurement officer.

22 (b) In addition to any other requirement or qualification
23 required by State law, within 30 months after appointment, a
24 State purchasing officer must be a Certified Professional
25 Public Buyer or a Certified Public Purchasing Officer, pursuant

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

26 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of changes made by P.A. 96-795); 97-895,
2 eff. 8-3-12.)

3 (30 ILCS 500/10-20)

4 Sec. 10-20. Independent chief procurement officers.

5 (a) Appointment. Within 60 calendar days after the
6 effective date of this amendatory Act of the 96th General
7 Assembly, the Executive Ethics Commission, with the advice and
8 consent of the Senate shall appoint or approve 4 chief
9 procurement officers, one for each of the following categories:

10 (1) for procurements for construction and
11 construction-related services committed by law to the
12 jurisdiction or responsibility of the Capital Development
13 Board;

14 (2) for procurements for all construction,
15 construction-related services, operation of any facility,
16 and the provision of any service or activity committed by
17 law to the jurisdiction or responsibility of the Illinois
18 Department of Transportation, including the direct or
19 reimbursable expenditure of all federal funds for which the
20 Department of Transportation is responsible or accountable
21 for the use thereof in accordance with federal law,
22 regulation, or procedure, the chief procurement officer
23 recommended for approval under this item appointed by the
24 Secretary of Transportation after consent by the Executive
25 Ethics Commission;

1 (3) for all procurements made by a public institution
2 of higher education; and

3 (4) for all other procurement needs of State agencies.

4 A chief procurement officer shall be responsible to the
5 Executive Ethics Commission but must be located within the
6 agency that the officer provides with procurement services. The
7 chief procurement officer for higher education shall have an
8 office located within the Board of Higher Education, unless
9 otherwise designated by the Executive Ethics Commission. The
10 chief procurement officer for all other procurement needs of
11 the State shall have an office located within the Department of
12 Central Management Services, unless otherwise designated by
13 the Executive Ethics Commission.

14 (b) Terms and independence. Each chief procurement officer
15 appointed under this Section shall serve for a term of 5 years
16 beginning on the date of the officer's appointment. The chief
17 procurement officer may be removed for cause after a hearing by
18 the Executive Ethics Commission. The Governor or the director
19 of a State agency directly responsible to the Governor may
20 institute a complaint against the officer by filing such
21 complaint with the Commission. The Commission shall have a
22 hearing based on the complaint. The officer and the complainant
23 shall receive reasonable notice of the hearing and shall be
24 permitted to present their respective arguments on the
25 complaint. After the hearing, the Commission shall make a
26 finding on the complaint and may take disciplinary action,

1 including but not limited to removal of the officer.

2 The salary of a chief procurement officer shall be
3 established by the Executive Ethics Commission and may not be
4 diminished during the officer's term. The salary may not exceed
5 the salary of the director of a State agency for which the
6 officer serves as chief procurement officer.

7 (c) Qualifications. In addition to any other requirement or
8 qualification required by State law, each chief procurement
9 officer must within 12 months of employment be a Certified
10 Professional Public Buyer or a Certified Public Purchasing
11 Officer, pursuant to certification by the Universal Public
12 Purchasing Certification Council, and must reside in Illinois.

13 (d) Fiduciary duty. Each chief procurement officer owes a
14 fiduciary duty to the State.

15 (e) Vacancy. In case of a vacancy in one or more of the
16 offices of a chief procurement officer under this Section
17 during the recess of the Senate, the Executive Ethics
18 Commission shall make a temporary appointment until the next
19 meeting of the Senate, when the Executive Ethics Commission
20 shall nominate some person to fill the office, and any person
21 so nominated who is confirmed by the Senate shall hold office
22 during the remainder of the term and until his or her successor
23 is appointed and qualified. If the Senate is not in session at
24 the time this amendatory Act of the 96th General Assembly takes
25 effect, the Executive Ethics Commission shall make a temporary
26 appointment as in the case of a vacancy.

1 (f) (Blank). ~~Acting chief procurement officers. Prior to~~
2 ~~August 31, 2010, the Executive Ethics Commission may, until an~~
3 ~~initial chief procurement officer is appointed and qualified,~~
4 ~~designate some person as an acting chief procurement officer to~~
5 ~~execute the powers and discharge the duties vested by law in~~
6 ~~that chief procurement officer. An acting chief procurement~~
7 ~~officer shall serve no later than the appointment of the~~
8 ~~initial chief procurement officer pursuant to subsection (a) of~~
9 ~~this Section. Nothing in this subsection shall prohibit the~~
10 ~~Executive Ethics Commission from appointing an acting chief~~
11 ~~procurement officer as a chief procurement officer.~~

12 (g) (Blank). ~~Transition schedule. Notwithstanding any~~
13 ~~other provision of this Act or this amendatory Act of the 96th~~
14 ~~General Assembly, the chief procurement officers on the~~
15 ~~effective date of Public Act 96-793 shall continue to serve as~~
16 ~~chief procurement officers until August 31, 2010 and shall~~
17 ~~retain their powers and duties pertaining to procurements,~~
18 ~~provided the chief procurement officer appointed or approved by~~
19 ~~the Executive Ethics Commission shall approve any rules~~
20 ~~promulgated to implement this Code or the provisions of this~~
21 ~~amendatory Act of the 96th General Assembly. The chief~~
22 ~~procurement officers appointed or approved by the Executive~~
23 ~~Ethics Commission shall assume the position of chief~~
24 ~~procurement officer upon appointment and work in collaboration~~
25 ~~with the current chief procurement officer and staff. On~~
26 ~~September 1, 2010, the chief procurement officers appointed by~~

1 ~~the Executive Ethics Commission shall assume the powers and~~
2 ~~duties of the chief procurement officers.~~

3 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
4 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

5 (30 ILCS 500/15-20)

6 Sec. 15-20. Qualified bidders, offerors, or respondents.
7 Subscription to the Illinois Procurement Bulletin shall not be
8 required to qualify as a bidder, ~~or~~ offeror, or respondent
9 under this Code.

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

11 (30 ILCS 500/15-25)

12 Sec. 15-25. Bulletin content.

13 (a) Invitations for bids. Notice of each and every contract
14 that is offered, including renegotiated contracts and change
15 orders, shall be published in the Bulletin, and all businesses
16 listed on the Department of Transportation Disadvantaged
17 Business Enterprise Directory, the Department of Central
18 Management Services Business Enterprise Program and Small
19 Business Vendors Directory, and the Capital Development
20 Board's Directory of Certified Minority and Female Business
21 Enterprises shall be furnished written instructions and
22 information on how to register on each Procurement Bulletin
23 maintained by the State. Such information shall be provided to
24 each business within 30 calendar days after the business'

1 notice of certification. The applicable chief procurement
2 officer may provide by rule an organized format for the
3 publication of this information, but in any case it must
4 include at least the date first offered, the date submission of
5 offers is due, the location that offers are to be submitted to,
6 the purchasing State agency, the responsible State purchasing
7 officer, a brief purchase description, the method of source
8 selection, information of how to obtain a comprehensive
9 purchase description and any disclosure and contract forms, and
10 encouragement to ~~prospective~~ vendors to hire qualified
11 veterans, as defined by Section 45-67 of this Code, and
12 qualified Illinois minorities, women, persons with
13 disabilities, and residents discharged from any Illinois adult
14 correctional center.

15 (b) Contracts let. Notice of each and every contract that
16 is let, including renegotiated contracts and change orders,
17 shall be issued electronically to those bidders, ~~or~~ offerors or
18 respondents submitting responses to the solicitations,
19 inclusive of the unsuccessful bidders, offerors, or
20 respondents, immediately upon contract let. Failure of any
21 chief procurement officer to give such notice shall result in
22 tolling the time for filing a ~~bid~~ protest up to 7 calendar ~~5~~
23 ~~business~~ days. ~~The apparent low bidder's award and all other~~
24 ~~bids from bidders responding to solicitations shall be posted~~
25 ~~on the agency's website the next business day.~~

26 (b-5) Contracts awarded. Notice of each and every contract

1 that is awarded, including renegotiated contracts and change
2 orders, shall be issued electronically to the successful
3 responsible bidder, ~~or offeror, or respondent, posted on the~~
4 ~~agency's website the next business day,~~ and published in the
5 next available subsequent Bulletin. The applicable chief
6 procurement officer may provide by rule an organized format for
7 the publication of this information, but in any case it must
8 include at least all of the information specified in subsection
9 (a) as well as the name of the successful responsible bidder,
10 ~~or offeror, or respondent,~~ the contract price, the number of
11 unsuccessful ~~responsive~~ bidders, offerors, or respondents, and
12 any other disclosure specified in any Section of this Code.
13 This notice must be posted in the online electronic Bulletin
14 prior to execution of the contract.

15 (c) Emergency purchase disclosure. Any chief procurement
16 officer or State purchasing officer exercising emergency
17 purchase authority under this Code shall publish a written
18 description and reasons and the total cost, if known, or an
19 estimate if unknown and the name of the responsible chief
20 procurement officer and State purchasing officer, and the
21 business or person contracted with for all emergency purchases
22 in the next timely, practicable Bulletin. This notice must be
23 posted in the online electronic Bulletin no later than 5
24 calendar ~~3-business~~ days after the contract is awarded. Notice
25 of a hearing to extend an emergency contract must be posted in
26 the online electronic Procurement Bulletin no later than 14

1 calendar ~~5-business~~ days prior to the hearing.

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

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

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

1 (d) Other required disclosure. The applicable chief
2 procurement officer shall provide by rule for the organized
3 publication of all other disclosure required in other Sections
4 of this Code in a timely manner.

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

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

14 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
15 for the effective date of changes made by P.A. 96-795);
16 96-1444, eff. 8-20-10; 97-895, eff. 8-3-12.)

17 (30 ILCS 500/15-30)

18 Sec. 15-30. Electronic Bulletin clearinghouse.

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

1 online electronic Bulletin.

2 (b) For the purposes of this Section, searchable means
3 searchable and sortable by successful responsible bidder, ~~or~~
4 offeror, or respondent, or, for emergency purchases, business
5 or person contracted with; the contract price or total cost;
6 the service or good; the purchasing State agency; and the date
7 first offered or announced.

8 (c) The applicable chief procurement officer shall provide
9 the Procurement Policy Board the information and resources
10 necessary, and in a manner, to effectuate the purpose of this
11 Section.

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

15 (30 ILCS 500/15-40 new)

16 Sec. 15-40. Medium of notices and reports. Notices and
17 reports required by any Section of this Code may be made by
18 either paper or electronic means.

19 (30 ILCS 500/20-5)

20 Sec. 20-5. Method of source selection. Unless otherwise
21 authorized by law, all State contracts shall be awarded by
22 competitive sealed bidding, in accordance with Section 20-10,
23 except as provided in Sections 20-15, 20-20, 20-25, 20-30,
24 20-35, 30-15, and 40-20. The chief procurement officers

1 appointed pursuant to Section 10-20 may determine the form and
2 method of solicitation and contract for all procurements.

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

4 (30 ILCS 500/20-10)

5 (Text of Section from P.A. 96-159, 96-588, 97-96, and
6 97-895)

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

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

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

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

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

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

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

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

1 the State and by written explanation determines another bidder
2 shall receive the award. The explanation shall appear in the
3 appropriate volume of the Illinois Procurement Bulletin. The
4 written explanation must include:

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

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

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

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

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

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

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

25 (i) Alternative procedures. Notwithstanding any other
26 provision of this Act to the contrary, the Director of the

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

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

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

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

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

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

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

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

21 (Source: P.A. 96-159, eff. 8-10-09; 96-588, eff. 8-18-09;
22 97-96, eff. 7-13-11; 97-895, eff. 8-3-12.)

23 (Text of Section from P.A. 96-159, 96-795, 97-96, and
24 97-895)

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 in the
13 presence of one or more witnesses at the time and place
14 designated in the invitation for bids. The name of each bidder,
15 the amount of each bid, and other relevant information as may
16 be specified by rule shall be recorded. After the award of the
17 contract, the winning bid and the record of each unsuccessful
18 bid shall be open to public inspection.

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

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

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

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

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

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

26 (3) a listing of all responsible and responsive

1 bidders; and

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

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

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

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

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

1 shall appear in the appropriate volume of the Illinois
2 Procurement Bulletin.

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

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

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

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

26 After the auction period has terminated, withdrawal of bids

1 shall be permitted as provided in subsection (f).

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

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

13 (Source: P.A. 96-159, eff. 8-10-09; 96-795, eff. 7-1-10 (see
14 Section 5 of P.A. 96-793 for the effective date of changes made
15 by P.A. 96-795); 97-96, eff. 7-13-11; 97-895, eff. 8-3-12.)

16 (30 ILCS 500/20-15)

17 Sec. 20-15. Competitive sealed proposals.

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

23 (b) Request for proposals. Proposals shall be solicited
24 through a request for proposals.

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

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

4 (d) Receipt of proposals. Proposals shall be opened
5 publicly in the presence of one or more witnesses at the time
6 and place designated in the request for proposals, but
7 proposals shall be opened in a manner to avoid disclosure of
8 contents to competing offerors during the process of
9 negotiation. A record of proposals shall be prepared and shall
10 be open for public inspection after contract award.

11 (e) Evaluation factors. The requests for proposals shall
12 state the relative importance of price and other evaluation
13 factors. Proposals shall be submitted in 2 parts: the first,
14 covering items except price; and the second, covering price.
15 The first part of all proposals shall be evaluated and ranked
16 independently of the second part of all proposals.

17 (f) Discussion with responsible offerors and revisions of
18 offers or proposals. As provided in the request for proposals
19 and under rules, discussions may be conducted with responsible
20 offerors who submit offers or proposals determined to be
21 reasonably susceptible of being selected for award for the
22 purpose of clarifying and assuring full understanding of and
23 responsiveness to the solicitation requirements. Those
24 offerors shall be accorded fair and equal treatment with
25 respect to any opportunity for discussion and revision of
26 proposals. Revisions may be permitted after submission and

1 before award for the purpose of obtaining best and final
2 offers. In conducting discussions there shall be no disclosure
3 of any information derived from proposals submitted by
4 competing offerors. If information is disclosed to any offeror,
5 it shall be provided to all competing offerors.

6 (g) Award. Awards shall be made to the responsible offeror
7 whose proposal is determined in writing to be the most
8 advantageous to the State, taking into consideration price and
9 the evaluation factors set forth in the request for proposals.
10 The contract file shall contain the basis on which the award is
11 made.

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

13 (30 ILCS 500/20-20)

14 Sec. 20-20. Small purchases.

15 (a) Amount. Any individual procurement of supplies or
16 services other than professional or artistic services, not
17 exceeding \$10,000 and any procurement of construction not
18 exceeding \$30,000 may be made without competitive sealed
19 bidding. Procurements shall not be artificially divided so as
20 to constitute a small purchase under this Section.

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

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

5 (30 ILCS 500/20-25)

6 Sec. 20-25. Sole source procurements.

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

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

24 (c) Notice of intent to enter into a sole source contract
25 shall be provided to the Procurement Policy Board and published

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

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

14 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
15 for the effective date of changes made by P.A. 96-795); 96-920,
16 eff. 7-1-10; 97-895, eff. 8-3-12.)

17 (30 ILCS 500/20-30)

18 Sec. 20-30. Emergency purchases.

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

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

18 (b) Notice. Notice of all emergency procurements shall be
19 provided to the Procurement Policy Board and published in the
20 online electronic Bulletin no later than 5 calendar ~~3 business~~
21 days after the contract is awarded. Notice of intent to extend
22 an emergency contract shall be provided to the Procurement
23 Policy Board and published in the online electronic Bulletin at
24 least 14 calendar days before the public hearing. Notice shall
25 include at least a description of the need for the emergency
26 purchase, the contractor, and if applicable, the date, time,

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

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

1 reports, advise the General Assembly of procurements that
2 appear to constitute an abuse of this Section.

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

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

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

13 (30 ILCS 500/20-35)

14 Sec. 20-35. Competitive selection procedures.

15 (a) Conditions for use. The services specified in Article
16 35 shall be procured in accordance with this Section, except as
17 authorized under Sections 20-25 and 20-30 of this Article.

18 (b) Statement of qualifications. Vendors ~~Potential~~
19 ~~contractors~~ shall submit statements of qualifications and
20 expressions of interest. The chief procurement officer shall
21 specify a uniform format for statements of qualifications.
22 Persons may amend these statements at any time by filing a new
23 statement.

24 (c) Public announcement and form of request for proposals.
25 Public notice of the need for the procurement shall be given in

1 the form of a request for proposals and published in the
2 Illinois Procurement Bulletin at least 14 calendar days before
3 the date set in the request for proposals for the opening of
4 proposals. The request for proposals shall describe the
5 services required, list the type of information and data
6 required of each respondent ~~offeror~~, and state the relative
7 importance of particular qualifications.

8 (d) Discussions. The purchasing agency may conduct
9 discussions with any respondent ~~offeror~~ who has submitted a
10 response ~~proposal~~ to determine the respondent's ~~offeror's~~
11 qualifications for further consideration. Discussions shall
12 not disclose any information derived from proposals submitted
13 by other respondents ~~offerors~~.

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

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

20 (30 ILCS 500/20-40)

21 Sec. 20-40. Cancellation of invitations for bids or
22 requests for proposals. An invitation for bids, a request for
23 proposals, or any other solicitation may be cancelled without
24 penalty, or any and all bids, ~~or~~ proposals, or any other
25 solicitation may be rejected in whole or in part as may be

1 specified in the solicitation, when it is in the best interests
2 of the State in accordance with rules. The reasons for
3 cancellation or rejection shall be made part of the contract
4 file.

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

6 (30 ILCS 500/20-43)

7 Sec. 20-43. Bidder, ~~or~~ offeror, or respondent authorized
8 to do business in Illinois. In addition to meeting any other
9 requirement of law or rule, a person (other than an individual
10 acting as a sole proprietor) may qualify as a bidder, ~~or~~
11 offeror, or respondent under this Code only if the person is a
12 legal entity authorized to transact ~~do~~ business or conduct
13 affairs in Illinois prior to submitting the bid, offer, or
14 proposal.

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

17 (30 ILCS 500/20-80)

18 Sec. 20-80. Contract files.

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

22 (b) Filing with Comptroller. Whenever a grant, defined
23 pursuant to accounting standards established by the
24 Comptroller, or a contract liability, except for: (1) contracts

1 paid from personal services, or (2) contracts between the State
2 and its employees to defer compensation in accordance with
3 Article 24 of the Illinois Pension Code, exceeding \$20,000 is
4 incurred by any State agency, a copy of the contract, purchase
5 order, grant, or lease shall be filed with the Comptroller
6 within 30 calendar days thereafter. Beginning January 1, 2013,
7 the Comptroller may require that contracts and grants required
8 to be filed with the Comptroller under this Section shall be
9 filed electronically, unless the agency is incapable of filing
10 the contract or grant electronically because it does not
11 possess the necessary technology or equipment. Any agency that
12 is incapable of electronically filing its contracts or grants
13 shall submit a written statement to the Governor and to the
14 Comptroller attesting to the reasons for its inability to
15 comply. This statement shall include a discussion of what the
16 agency needs in order to effectively comply with this Section.
17 Prior to requiring electronic filing, the Comptroller shall
18 consult with the Governor as to the feasibility of establishing
19 mutually agreeable technical standards for the electronic
20 document imaging, storage, and transfer of contracts and
21 grants, taking into consideration the technology available to
22 that agency, best practices, and the technological
23 capabilities of State agencies. Nothing in this amendatory Act
24 of the 97th General Assembly shall be construed to impede the
25 implementation of an Enterprise Resource Planning (ERP)
26 system. For each State contract for goods, supplies, or

1 services awarded on or after July 1, 2010, the contracting
2 agency shall provide the applicable rate and unit of
3 measurement of the goods, supplies, or services on the contract
4 obligation document as required by the Comptroller. If the
5 contract obligation document that is submitted to the
6 Comptroller contains the rate and unit of measurement of the
7 goods, supplies, or services, the Comptroller shall provide
8 that information on his or her official website. Any
9 cancellation or modification to any such contract liability
10 shall be filed with the Comptroller within 30 calendar days of
11 its execution.

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

22 (d) Timely execution of contracts. No voucher shall be
23 submitted to the Comptroller for a warrant to be drawn for the
24 payment of money from the State treasury or from other funds
25 held by the State Treasurer on account of any contract unless
26 the contract is reduced to writing before the services are

1 performed and filed with the Comptroller. Vendors shall not be
2 paid for any goods that were received or services that were
3 rendered before the contract was reduced to writing and signed
4 by all necessary parties. A chief procurement officer may
5 request an exception to this subsection by submitting a written
6 statement to the Comptroller and Treasurer setting forth the
7 circumstances and reasons why the contract could not be reduced
8 to writing before the supplies were received or services were
9 performed. A waiver of this subsection must be approved by the
10 Comptroller and Treasurer. This Section shall not apply to
11 emergency purchases if notice of the emergency purchase is
12 filed with the Procurement Policy Board and published in the
13 Bulletin as required by this Code.

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

18 (Source: P.A. 96-794, eff. 1-1-10; 96-795, eff. 7-1-10 (see
19 Section 5 of P.A. 96-793 for the effective date of changes made
20 by P.A. 96-795); 96-1000, eff. 7-2-10; 97-932, eff. 8-10-12.)

21 (30 ILCS 500/20-95)

22 Sec. 20-95. Donations. Nothing in this Code or in the rules
23 promulgated under this Code shall prevent any State agency from
24 complying with the terms and conditions of any grant, gift, or
25 bequest that calls for the procurement of a particular good or

1 service or the use of a particular vendor ~~contractor~~, provided
2 that the grant, gift, or bequest provides majority funding for
3 the contract.

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

5 (30 ILCS 500/20-120)

6 Sec. 20-120. Subcontractors.

7 (a) Any contract granted under this Code shall state
8 whether the services of a subcontractor will be used. The
9 contract shall include the names and addresses of all known
10 subcontractors with subcontracts with an annual value of more
11 than \$50,000, the general type of work to be performed by these
12 subcontractors, and the expected amount of money each will
13 receive under the contract. Upon the request of the chief
14 procurement officer appointed pursuant to paragraph (2) of
15 subsection (a) of Section 10-20, the contractor shall provide
16 the chief procurement officer a copy of a subcontract so
17 identified within 15 calendar days after the request is made. A
18 subcontractor, or contractor on behalf of a subcontractor, may
19 identify information that is deemed proprietary or
20 confidential. If the chief procurement officer determines the
21 information is not relevant to the primary contract, the chief
22 procurement officer may excuse the inclusion of the
23 information. If the chief procurement officer determines the
24 information is proprietary or could harm the business interest
25 of the subcontractor, the chief procurement officer may, in his

1 or her discretion, redact the information. Redacted
2 information shall not become part of the public record.

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

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

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

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
25 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10;
26 97-895, eff. 8-3-12.)

1 (30 ILCS 500/20-155)

2 Sec. 20-155. Solicitation and contract documents.

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

8 (b) A procurement file shall be maintained for all
9 contracts, regardless of the method of procurement. The
10 procurement file shall contain the basis on which the award is
11 made, all submitted bids and proposals, all evaluation
12 materials, score sheets and all other documentation related to
13 or prepared in conjunction with evaluation, negotiation, and
14 the award process. The procurement file shall contain a written
15 determination, signed by the chief procurement officer or State
16 purchasing officer, setting forth the reasoning for the
17 contract award decision. The procurement file shall not include
18 trade secrets or other competitively sensitive, confidential,
19 or proprietary information. The procurement file shall be open
20 to public inspection within 7 calendar ~~business~~ days following
21 award of the contract.

22 (c) The chief procurement officers appointed pursuant to
23 Section 10-20 shall each develop, cause to be printed, and
24 distribute uniform documents for the solicitation, review, and
25 acceptance of all bids, offers, and responses and the award of

1 contracts.

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

5 (30 ILCS 500/20-160)

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

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

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

1 contractor's failure to comply with this Section.

2 (c) Within 30 calendar days after the effective date of
3 this amendatory Act of the 95th General Assembly, each business
4 entity (i) whose aggregate bids and proposals on State
5 contracts annually total more than \$50,000, (ii) whose
6 aggregate bids and proposals on State contracts combined with
7 the business entity's aggregate annual total value of State
8 contracts exceed \$50,000, ~~or~~ (iii) whose contracts with State
9 agencies, in the aggregate, annually total more than \$50,000,
10 or (iv) who makes a submission to the vendor portal shall
11 register with the State Board of Elections in accordance with
12 Section 9-35 of the Election Code. A business entity required
13 to register under this subsection shall submit a copy of the
14 certificate of registration to the applicable chief
15 procurement officer within 90 calendar days after the effective
16 date of this amendatory Act of the 95th General Assembly. A
17 business entity required to register under this subsection due
18 to item (i) or (ii) has a continuing duty to ensure that the
19 registration is accurate during the period beginning on the
20 date of registration and ending on the day after the date the
21 contract is awarded; any change in information must be reported
22 to the State Board of Elections 5 calendar ~~business~~ days
23 following such change or no later than a day before the
24 contract is awarded, whichever date is earlier. A business
25 entity required to register under this subsection due to item
26 (iii) has a continuing duty to ensure that the registration is

1 accurate in accordance with subsection (e).

2 (d) Any business entity, not required under subsection (c)
3 to register within 30 calendar days after the effective date of
4 this amendatory Act of the 95th General Assembly, whose
5 aggregate bids and proposals on State contracts annually total
6 more than \$50,000, or whose aggregate bids and proposals on
7 State contracts combined with the business entity's aggregate
8 annual total value of State contracts exceed \$50,000, shall
9 register with the State Board of Elections in accordance with
10 Section 9-35 of the Election Code prior to submitting to a
11 State agency the bid or proposal whose value causes the
12 business entity to fall within the monetary description of this
13 subsection. A business entity required to register under this
14 subsection has a continuing duty to ensure that the
15 registration is accurate during the period beginning on the
16 date of registration and ending on the day after the date the
17 contract is awarded. Any change in information must be reported
18 to the State Board of Elections within 7 calendar ~~5 business~~
19 days following such change or no later than a day before the
20 contract is awarded, whichever date is earlier.

21 (e) A business entity whose contracts with State agencies,
22 in the aggregate, annually total more than \$50,000 must
23 maintain its registration under this Section and has a
24 continuing duty to ensure that the registration is accurate for
25 the duration of the term of office of the incumbent
26 officeholder awarding the contracts or for a period of 2 years

1 following the expiration or termination of the contracts,
2 whichever is longer. A business entity, required to register
3 under this subsection, has a continuing duty to report any
4 changes on a quarterly basis to the State Board of Elections
5 within 10 calendar ~~business~~ days following the last day of
6 January, April, July, and October of each year. Any update
7 pursuant to this paragraph that is received beyond that date is
8 presumed late and the civil penalty authorized by subsection
9 (e) of Section 9-35 of the Election Code (10 ILCS 5/9-35) may
10 be assessed.

11 Also, if a business entity required to register under this
12 subsection has a pending bid or proposal, any change in
13 information shall be reported to the State Board of Elections
14 within 7 calendar ~~5-business~~ days following such change or no
15 later than a day before the contract is awarded, whichever date
16 is earlier.

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

23 (g) For any bid or proposal for a contract with a State
24 agency by a business entity required to register under this
25 Section, the chief procurement officer shall verify that the
26 business entity is required to register under this Section and

1 is in compliance with the registration requirements on the date
2 the bid or proposal is due. A chief procurement officer shall
3 not accept a bid or proposal if the business entity is not in
4 compliance with the registration requirements as of the date
5 bids or proposals are due.

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

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

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

18 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
19 for the effective date of changes made by P.A. 96-795); 96-848,
20 eff. 1-1-10; 97-333, eff. 8-12-11; 97-895, eff. 8-3-12.)

21 (30 ILCS 500/25-60)

22 Sec. 25-60. Prevailing wage requirements.

23 (a) All services furnished under service contracts of
24 \$2,000 or more or \$200 or more per month and under printing
25 contracts shall be subject to the following prevailing wage

1 requirements:

2 (1) Not less than the general prevailing wage rate of
3 hourly wages for work of a similar character in the
4 locality in which the work is produced shall be paid by the
5 successful bidder, offeror, respondent, vendor, or
6 contractor to its employees who perform the work on the
7 State contracts. The bidder, ~~or~~ offeror, respondent,
8 vendor, or contractor, in order to be considered to be a
9 responsible bidder, ~~or~~ offeror, respondent, vendor, or
10 contractor for the purposes of this Code, shall certify to
11 the purchasing agency that wages to be paid to its
12 employees are no less, and fringe benefits and working
13 conditions of employees are not less favorable, than those
14 prevailing in the locality where the contract is to be
15 performed. Prevailing wages and working conditions shall
16 be determined by the Director of the Illinois Department of
17 Labor.

18 (2) Whenever a collective bargaining agreement is in
19 effect between an employer, other than a governmental body,
20 and service or printing employees as defined in this
21 Section who are represented by a responsible organization
22 that is in no way influenced or controlled by the
23 management, that agreement and its provisions shall be
24 considered as conditions prevalent in that locality and
25 shall be the minimum requirements taken into consideration
26 by the Director of Labor.

1 (b) As used in this Section, "services" means janitorial
2 cleaning services, window cleaning services, building and
3 grounds services, site technician services, natural resources
4 services, food services, and security services. "Printing"
5 means and includes all processes and operations involved in
6 printing, including but not limited to letterpress, offset, and
7 gravure processes, the multilith method, photographic or other
8 duplicating process, the operations of composition,
9 platemaking, presswork, and binding, and the end products of
10 those processes, methods, and operations. As used in this Code
11 "printing" does not include photocopiers used in the course of
12 normal business activities, photographic equipment used for
13 geographic mapping, or printed matter that is commonly
14 available to the general public from contractor inventory.

15 (c) The terms "general prevailing rate of hourly wages",
16 "general prevailing rate of wages", or "prevailing rate of
17 wages" when used in this Section mean the hourly cash wages
18 plus fringe benefits for health and welfare, insurance,
19 vacations, and pensions paid generally, in the locality in
20 which the work is being performed, to employees engaged in work
21 of a similar character.

22 (d) "Locality" shall have the meaning established by rule.

23 (e) This Section does not apply to services furnished under
24 contracts for professional or artistic services.

25 (f) This Section does not apply to vocational programs of
26 training for physically or mentally handicapped persons or to

1 sheltered workshops for the severely disabled.

2 (Source: P.A. 93-370, eff. 1-1-04.)

3 (30 ILCS 500/25-65)

4 Sec. 25-65. Contracts performed outside the United States.
5 Prior to contracting or as a requirement of solicitation of any
6 State contracts for services as defined in Section 1-15.90,
7 whichever is appropriate, prospective vendors shall disclose
8 in a statement of work where services will be performed under
9 that contract, including any subcontracts, and whether any
10 services under that contract, including any subcontracts, are
11 anticipated to be performed outside the United States.

12 In awarding the contract or evaluating the bid or offer,
13 the chief procurement officer may consider such disclosure and
14 the economic impact to the State of Illinois and its residents.

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

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

1 States.

2 ~~The Department of Central Management Services shall~~
3 ~~prepare and deliver to the General Assembly, no later than~~
4 ~~September 1, 2007, a report on the impact of outsourcing~~
5 ~~services on the State's cost of procurement that identifies~~
6 ~~those contracts where it was disclosed that services were~~
7 ~~provided outside of the United States and a description and~~
8 ~~value of those services.~~

9 (Source: P.A. 93-1081, eff. 6-1-05.)

10 (30 ILCS 500/25-80)

11 Sec. 25-80. Successor vendor. All service contracts shall
12 include a clause requiring the bidder, ~~or~~ offeror, or
13 respondent, in order to be considered a responsible bidder, ~~or~~
14 offeror, or respondent for the purposes of this Code, to
15 certify to the purchasing agency (i) that it shall offer to
16 assume the collective bargaining obligations of the prior
17 employer, including any existing collective bargaining
18 agreement with the bargaining representative of any existing
19 collective bargaining unit or units performing substantially
20 similar work to the services covered by the contract subject to
21 its bid or offer, and (ii) that it shall offer employment to
22 all employees currently employed in any existing bargaining
23 unit performing substantially similar work that will be
24 performed by the successor vendor.

25 This Section does not apply to heating and air conditioning

1 service contracts, plumbing service contracts, and electrical
2 service contracts.

3 (Source: P.A. 95-314, eff. 1-1-08.)

4 (30 ILCS 500/30-30)

5 Sec. 30-30. Contracts in excess of \$250,000. For building
6 construction contracts in excess of \$250,000, separate
7 specifications shall be prepared for all equipment, labor, and
8 materials in connection with the following 5 subdivisions of
9 the work to be performed:

10 (1) plumbing;

11 (2) heating, piping, refrigeration, and automatic
12 temperature control systems, including the testing and
13 balancing of those systems;

14 (3) ventilating and distribution systems for
15 conditioned air, including the testing and balancing of
16 those systems;

17 (4) electric wiring; and

18 (5) general contract work.

19 The specifications must be so drawn as to permit separate
20 and independent bidding upon each of the 5 subdivisions of
21 work. All contracts awarded for any part thereof shall award
22 the 5 subdivisions of work separately to responsible and
23 reliable persons, firms, or corporations engaged in these
24 classes of work. The contracts, at the discretion of the
25 construction agency, may be assigned to the successful bidder

1 on the general contract work or to the successful bidder on the
2 subdivision of work designated by the construction agency
3 before the bidding as the prime subdivision of work, provided
4 that all payments will be made directly to the contractors for
5 the 5 subdivisions of work upon compliance with the conditions
6 of the contract.

7 Until a date 4 years after July 1, 2011, the requirements
8 of this Section do not apply to a construction project for
9 which the Capital Development Board is the construction agency
10 if: (i) the project budget is at least \$15,000,000; (ii) the
11 Capital Development Board has submitted to the Procurement
12 Policy Board a written request for a public hearing on waiver
13 of the application of the requirements of this Section to that
14 project, including its reasons for seeking the waiver and why
15 the waiver is in the best interest of the State; (iii) the
16 Capital Development Board has posted notice of the waiver
17 hearing on its procurement web page and on the online
18 Procurement Bulletin at least 15 calendar ~~working~~ days before
19 the hearing; (iv) the Procurement Policy Board, after
20 conducting the public hearing on the waiver request, reviews
21 and approves the request in writing before the award of the
22 contract; (v) the successful low bidder has prequalified with
23 the Capital Development Board; (vi) the bid of the successful
24 low bidder identifies the name of the subcontractor, if any,
25 and the bid proposal costs for each of the 5 subdivisions of
26 work set forth in this Section; and (vii) the contract entered

1 into with the successful bidder provides that no identified
2 subcontractor may be terminated without the written consent of
3 the Capital Development Board. With respect to any construction
4 project described in this paragraph, the Capital Development
5 Board shall: (i) provide to the Auditor General an affidavit
6 that the waiver of the application of the requirements of this
7 Section is in the best interest of the State; (ii) specify in
8 writing as a public record that the project shall comply with
9 the disadvantaged business practices of the Business
10 Enterprise for Minorities, Females, and Persons with
11 Disabilities Act and the equal employment practices of Section
12 2-105 of the Illinois Human Rights Act; and (iii) report
13 annually to the Governor and the General Assembly on the
14 bidding, award, and performance. On and after January 1, 2009
15 (the effective date of Public Act 95-758), the Capital
16 Development Board may award in each year contracts with an
17 aggregate total value of no more than \$200,000,000 with respect
18 to construction projects described in this paragraph.

19 Until a date 11 years after November 29, 2005 (the
20 effective date of Public Act 94-699), the requirements of this
21 Section do not apply to the Capitol Building HVAC upgrade
22 project if (i) the bid of the successful bidder identifies the
23 name of the subcontractor, if any, and the bid proposal costs
24 for each of the 5 subdivisions of work set forth in this
25 Section, and (ii) the contract entered into with the successful
26 bidder provides that no identified subcontractor may be

1 terminated without the written consent of the Capital
2 Development Board.

3 (Source: P.A. 97-182, eff. 7-22-11; 98-431, eff. 8-16-13.)

4 (30 ILCS 500/35-30)

5 Sec. 35-30. Awards.

6 (a) All State contracts for professional and artistic
7 services, except as provided in this Section, shall be awarded
8 using the competitive request for proposal process outlined in
9 this Section.

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

16 (c) Prepared forms shall be submitted to the chief
17 procurement officer for matters other than construction or the
18 higher education chief procurement officer, whichever is
19 appropriate, for publication in its Illinois Procurement
20 Bulletin and circulation to the chief procurement officer for
21 matters other than construction or the higher education chief
22 procurement officer's list of prequalified vendors. Notice of
23 the offer or request for proposal shall appear at least 14
24 calendar days before the response to the offer is due.

25 (d) All interested respondents shall return their

1 responses to the chief procurement officer for matters other
2 than construction or the higher education chief procurement
3 officer, whichever is appropriate, which shall open and record
4 them. The chief procurement officer for matters other than
5 construction or higher education chief procurement officer
6 then shall forward the responses, together with any information
7 it has available about the qualifications and other State work
8 of the respondents.

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

24 (f) For all professional and artistic contracts with
25 annualized value that exceeds \$25,000, evaluation and ranking
26 by price are required. Any chief procurement officer or State

1 purchasing officer, but not their designees, may select a
2 respondent ~~an offeror~~ other than the lowest respondent bidder
3 by price. In any case, when the contract exceeds the \$25,000
4 threshold and the lowest respondent bidder is not selected, the
5 chief procurement officer or the State purchasing officer shall
6 forward together with the contract notice of who the low
7 respondent by price bidder was and a written decision as to why
8 another was selected to the chief procurement officer for
9 matters other than construction or the higher education chief
10 procurement officer, whichever is appropriate. The chief
11 procurement officer for matters other than construction or
12 higher education chief procurement officer shall publish as
13 provided in subsection (e) of Section 35-30, but shall include
14 notice of the chief procurement officer's or State purchasing
15 officer's written decision.

16 (g) The chief procurement officer for matters other than
17 construction and higher education chief procurement officer
18 may each refine, but not contradict, this Section by
19 promulgating rules for submission to the Procurement Policy
20 Board and then to the Joint Committee on Administrative Rules.
21 Any refinement shall be based on the principles and procedures
22 of the federal Architect-Engineer Selection Law, Public Law
23 92-582 Brooks Act, and the Architectural, Engineering, and Land
24 Surveying Qualifications Based Selection Act; except that
25 pricing shall be an integral part of the selection process.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;

1 96-920, eff. 7-1-10.)

2 (30 ILCS 500/40-5)

3 Sec. 40-5. Applicability. All leases for real property or
4 capital improvements, including office and storage space,
5 buildings, and other facilities for State agencies where the
6 State is the lessee, shall be procured in accordance with the
7 provisions of this Article.

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

9 (30 ILCS 500/40-15)

10 Sec. 40-15. Method of source selection.

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

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

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

19 (2) (Blank).

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

22 (4) Specialized space available at only one location.

23 (5) Renewal or extension of a lease; provided that: (i)
24 the chief procurement officer determines in writing that

1 the renewal or extension is in the best interest of the
2 State; (ii) the chief procurement officer submits his or
3 her written determination and the renewal or extension to
4 the Board; (iii) the Board does not object in writing to
5 the renewal or extension within 30 calendar days after its
6 submission; and (iv) the chief procurement officer
7 publishes the renewal or extension in the appropriate
8 volume of the Procurement Bulletin.

9 (c) Leases with governmental units. Leases with other
10 governmental units may be negotiated without using the request
11 for information process when deemed by the chief procurement
12 officer to be in the best interest of the State.

13 (Source: P.A. 95-647, eff. 10-11-07; 96-920, eff. 7-1-10.)

14 (30 ILCS 500/40-20)

15 Sec. 40-20. Request for information.

16 (a) Conditions for use. Leases shall be procured by request
17 for information except as otherwise provided in Section 40-15.

18 (b) Form. A request for information shall be issued and
19 shall include:

20 (1) the type of property to be leased;

21 (2) the proposed uses of the property;

22 (3) the duration of the lease;

23 (4) the preferred location of the property; and

24 (5) a general description of the configuration
25 desired.

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

9 (d) Response. The request for information response shall
10 consist of written information sufficient to show that the
11 respondent can meet minimum criteria set forth in the request.
12 State purchasing officers may enter into discussions with
13 respondents for the purpose of clarifying State needs and the
14 information supplied by the respondents. On the basis of the
15 information supplied and discussions, if any, a State
16 purchasing officer shall make a written determination
17 identifying the responses that meet the minimum criteria set
18 forth in the request for information. Negotiations shall be
19 entered into with all qualified respondents for the purpose of
20 securing a lease that is in the best interest of the State. A
21 written report of the negotiations shall be retained in the
22 lease files and shall include the reasons for the final
23 selection. All leases shall be reduced to writing; one copy
24 shall be filed with the Comptroller in accordance with the
25 provisions of Section 20-80, and one copy shall be filed with
26 the Board.

1 When the lowest response by price is not selected, the
2 State purchasing officer shall forward to the chief procurement
3 officer, along with the lease, notice of the identity of the
4 lowest respondent by price and written reasons for the
5 selection of a different response. The chief procurement
6 officer shall publish the written reasons in the next volume of
7 the Illinois Procurement Bulletin.

8 (e) Board review. Upon receipt of (1) any proposed lease of
9 real property of 10,000 or more square feet or (2) any proposed
10 lease of real property with annual rent payments of \$100,000 or
11 more, the Procurement Policy Board shall have 30 calendar days
12 to review the proposed lease. If the Board does not object in
13 writing within 30 calendar days, then the proposed lease shall
14 become effective according to its terms as submitted. The
15 leasing agency shall make any and all materials available to
16 the Board to assist in the review process.

17 (Source: P.A. 96-1521, eff. 2-14-11.)

18 (30 ILCS 500/40-25)

19 Sec. 40-25. Length of leases.

20 (a) Maximum term. Leases shall be for a term not to exceed
21 10 years inclusive, beginning January, 1, 2010, of proposed
22 contract renewals and shall include a termination option in
23 favor of the State after 5 years.

24 (b) Renewal. Leases may include a renewal option. An option
25 to renew may be exercised only when a State purchasing officer

1 determines in writing that renewal is in the best interest of
2 the State and notice of the exercise of the option is published
3 in the appropriate volume of the Procurement Bulletin at least
4 60 calendar days prior to the exercise of the option.

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

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

14 (Source: P.A. 96-15, eff. 6-22-09; 96-795, eff. 7-1-10 (see
15 Section 5 of P.A. 96-793 for the effective date of changes made
16 by P.A. 96-795).)

17 (30 ILCS 500/40-55)

18 Sec. 40-55. Lessor's failure to make improvements. Each
19 lease must provide for actual or liquidated damages ~~a penalty~~
20 upon the lessor's failure to make improvements agreed upon in
21 the lease. The penalty shall consist of a reduction in lease
22 payments equal to the corresponding percentage of the
23 improvement value to the lease value. The penalty shall
24 continue until the lessor complies with the lease and the
25 improvements are certified by the chief procurement officer and

1 the leasing State agency.

2 (Source: P.A. 93-839, eff. 7-30-04.)

3 (30 ILCS 500/45-10)

4 Sec. 45-10. Resident bidders, offerors, and respondents.

5 (a) Amount of preference. When a contract is to be awarded
6 to the lowest responsible bidder, offeror, or respondent a
7 resident bidder, offeror, or respondent shall be allowed a
8 preference as against a non-resident bidder, offeror, or
9 respondent from any state that gives or requires a preference
10 to bidders, offerors, or respondents from that state. The
11 preference shall be equal to the preference given or required
12 by the state of the non-resident bidder, offeror, or
13 respondent. Further, if only non-resident bidders, offerors,
14 or respondents are bidding, the purchasing agency is within its
15 right to specify that Illinois labor and manufacturing
16 locations be used as a part of the manufacturing process, if
17 applicable. This specification may be negotiated as part of the
18 solicitation process.

19 (b) Residency. A resident bidder, offeror, or respondent is
20 a person authorized to transact business in this State and
21 having a bona fide establishment for transacting business
22 within this State where it was actually transacting business on
23 the date when any bid for a public contract is first advertised
24 or announced. A resident bidder, offeror, or respondent
25 includes a foreign corporation duly authorized to transact

1 business in this State that has a bona fide establishment for
2 transacting business within this State where it was actually
3 transacting business on the date when any bid for a public
4 contract is first advertised or announced.

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

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

10 (30 ILCS 500/45-20)

11 Sec. 45-20. Recycled supplies. When a public contract is to
12 be awarded to the lowest responsible bidder, offeror, or
13 respondent an otherwise qualified bidder, offeror, or
14 respondent who will fulfill the contract through the use of
15 products made of recycled supplies may be given preference over
16 other bidders, offerors, or respondents unable to do so,
17 provided that the cost included in the bid of supplies made of
18 recycled materials does not constitute an undue economic or
19 practical hardship.

20 (Source: P.A. 96-197, eff. 1-1-10.)

21 (30 ILCS 500/45-30)

22 Sec. 45-30. Illinois Correctional industries.
23 Notwithstanding anything to the contrary in other law, the
24 chief procurement officer appointed pursuant to paragraph (4)

1 of subsection (a) of Section 10-20 of the Department of Central
2 Management Services shall, in consultation with Illinois
3 Correctional Industries, a division of the Illinois Department
4 of Corrections (referred to as the "Illinois Correctional
5 Industries" or "ICI") determine for all State agencies which
6 articles, materials, industry related services, food stuffs,
7 and finished goods that are produced or manufactured by persons
8 confined in institutions and facilities of the Department of
9 Corrections who are participating in Illinois Correctional
10 Industries programs shall be purchased from Illinois
11 Correctional Industries. The chief procurement officer
12 appointed pursuant to paragraph (4) of subsection (a) of
13 Section 10-20 of Central Management Services shall develop and
14 distribute to the various purchasing and using agencies a
15 listing of all Illinois Correctional Industries products and
16 procedures for implementing this Section.

17 (Source: P.A. 96-877, eff. 7-1-10; 96-943, eff. 7-1-10.)

18 (30 ILCS 500/45-35)

19 Sec. 45-35. Facilities for persons with severe
20 disabilities.

21 (a) Qualification. Supplies and services may be procured
22 without advertising or calling for bids from any qualified
23 not-for-profit agency for persons with severe disabilities
24 that:

25 (1) complies with Illinois laws governing private

1 not-for-profit organizations;

2 (2) is certified as a sheltered workshop by the Wage
3 and Hour Division of the United States Department of Labor
4 or is an accredited vocational program that provides
5 transition services to youth between the ages of 14 1/2 and
6 22 in accordance with individualized education plans under
7 Section 14-8.03 of the School Code and that provides
8 residential services at a child care institution, as
9 defined under Section 2.06 of the Child Care Act of 1969,
10 or at a group home, as defined under Section 2.16 of the
11 Child Care Act of 1969; and

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

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

18 (c) Committee. There is created within the Department of
19 Central Management Services a committee to facilitate the
20 purchase of products and services of persons so severely
21 disabled by a physical, developmental, or mental disability or
22 a combination of any of those disabilities that they cannot
23 engage in normal competitive employment. This committee is
24 called the State Use Committee. The committee shall consist of
25 the Director of the Department of Central Management Services
26 or his or her designee, the Director of the Department of Human

1 Services or his or her designee, one public member representing
2 private business who is knowledgeable of the employment needs
3 and concerns of persons with developmental disabilities, one
4 public member representing private business who is
5 knowledgeable of the needs and concerns of rehabilitation
6 facilities, one public member who is knowledgeable of the
7 employment needs and concerns of persons with developmental
8 disabilities, one public member who is knowledgeable of the
9 needs and concerns of rehabilitation facilities, and 2 public
10 members from a statewide association that represents
11 community-based rehabilitation facilities, all appointed by
12 the Governor. The public members shall serve 2 year terms,
13 commencing upon appointment and every 2 years thereafter. A
14 public member may be reappointed, and vacancies shall be filled
15 by appointment for the completion of the term. In the event
16 there is a vacancy on the Committee, the Governor must make an
17 appointment to fill that vacancy within 30 calendar days after
18 the notice of vacancy. The members shall serve without
19 compensation but shall be reimbursed for expenses at a rate
20 equal to that of State employees on a per diem basis by the
21 Department of Central Management Services. All members shall be
22 entitled to vote on issues before the committee.

23 The committee shall have the following powers and duties:

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

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

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

7 (4) To prepare a report for the Governor and General
8 Assembly no later than December 31 of each year ~~annually~~.

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

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

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

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

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

9 (c-5) Conditions for Use. Each chief procurement officer
10 shall, in consultation with the State Use Committee, determine
11 which articles, materials, services, food stuffs, and supplies
12 that are produced, manufactured, or provided by persons with
13 severe disabilities in qualified not-for-profit agencies shall
14 be given preference by purchasing agencies procuring those
15 items.

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

21 (Source: P.A. 96-634, eff. 8-24-09; 97-895, eff. 8-3-12.)

22 (30 ILCS 500/45-45)

23 Sec. 45-45. Small businesses.

24 (a) Set-asides. Each ~~The~~ chief procurement officer has
25 authority to designate as small business set-asides a fair

1 proportion of construction, supply, and service contracts for
2 award to small businesses in Illinois. Advertisements for bids
3 or offers for those contracts shall specify designation as
4 small business set-asides. In awarding the contracts, only bids
5 or offers from qualified small businesses shall be considered.

6 (b) Small business. "Small business" means a business that
7 is independently owned and operated and that is not dominant in
8 its field of operation. The chief procurement officer shall
9 establish a detailed definition by rule, using in addition to
10 the foregoing criteria other criteria, including the number of
11 employees and the dollar volume of business. When computing the
12 size status of a vendor bidder, annual sales and receipts of
13 the vendor bidder and all of its affiliates shall be included.
14 The maximum number of employees and the maximum dollar volume
15 that a small business may have under the rules promulgated by
16 the chief procurement officer may vary from industry to
17 industry to the extent necessary to reflect differing
18 characteristics of those industries, subject to the following
19 limitations:

20 (1) No wholesale business is a small business if its
21 annual sales for its most recently completed fiscal year
22 exceed \$13,000,000 ~~\$10,000,000~~.

23 (2) No retail business or business selling services is
24 a small business if its annual sales and receipts exceed
25 \$8,000,000 ~~\$6,000,000~~.

26 (3) No manufacturing business is a small business if it

1 employs more than 250 persons.

2 (4) No construction business is a small business if its
3 annual sales and receipts exceed \$14,000,000 ~~\$10,000,000~~.

4 (c) Fair proportion. For the purpose of subsection (a), for
5 State agencies of the executive branch, a fair proportion of
6 construction contracts shall be no less than 25% nor more than
7 40% of the annual total contracts for construction.

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

15 (e) Small business specialist. The chief procurement
16 officer shall designate a State purchasing officer who will be
17 responsible for engaging an experienced contract negotiator to
18 serve as its small business specialist, whose duties shall
19 include:

20 (1) Compiling and maintaining a comprehensive ~~bidders~~
21 list of small business vendors ~~businesses~~. In this duty, he
22 or she shall cooperate with the Federal Small Business
23 Administration in locating potential sources for various
24 products and services.

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

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

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

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

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

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

1 (Source: P.A. 92-60, eff. 7-12-01; 93-769, eff. 1-1-05.)

2 (30 ILCS 500/45-50)

3 Sec. 45-50. Illinois agricultural products. In awarding
4 contracts requiring the procurement of agricultural products,
5 preference may be given to an otherwise qualified bidder, ~~or~~
6 offeror, or respondent who will fulfill the contract through
7 the use of agricultural products grown in Illinois.

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

9 (30 ILCS 500/45-55)

10 Sec. 45-55. Corn-based plastics. In awarding contracts
11 requiring the procurement of plastic products, preference may
12 be given to an otherwise qualified bidder, ~~or~~ offeror, or
13 respondent who will fulfill the contract through the use of
14 plastic products made from Illinois corn by-products.

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

16 (30 ILCS 500/45-57)

17 Sec. 45-57. Veterans.

18 (a) Set-aside goal. It is the goal of the State to promote
19 and encourage the continued economic development of small
20 businesses owned and controlled by qualified veterans and that
21 qualified service-disabled veteran-owned small businesses
22 (referred to as SDVOSB) and veteran-owned small businesses
23 (referred to as VOSB) participate in the State's procurement

1 process as both prime contractors and subcontractors. Not less
2 than 3% of the total dollar amount of State contracts, as
3 defined by the Director of Central Management Services, shall
4 be established as a goal to be awarded to SDVOSB and VOSB. That
5 portion of a contract under which the contractor subcontracts
6 with a SDVOSB or VOSB may be counted toward the goal of this
7 subsection. The Department of Central Management Services
8 shall adopt rules to implement compliance with this subsection
9 by all State agencies.

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

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

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

21 (c) Yearly review and recommendations. Each year, each
22 chief procurement officer shall review the progress of all
23 State agencies under its jurisdiction in meeting the goal
24 described in subsection (a), with input from statewide
25 veterans' service organizations and from the business
26 community, including businesses owned by qualified veterans,

1 and shall make recommendations to be included in the Department
2 of Central Management Services' report to the General Assembly
3 regarding continuation, increases, or decreases of the
4 percentage goal. The recommendations shall be based upon the
5 number of businesses that are owned by qualified veterans and
6 on the continued need to encourage and promote businesses owned
7 by qualified veterans.

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

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

13 "Armed forces of the United States" means the United States
14 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in
15 active duty as defined under 38 U.S.C. Section 101. Service in
16 the Merchant Marine that constitutes active duty under Section
17 401 of federal Public Act 95-202 shall also be considered
18 service in the armed forces for purposes of this Section.

19 "Certification" means a determination made by the Illinois
20 Department of Veterans' Affairs and the Department of Central
21 Management Services that a business entity is a qualified
22 service-disabled veteran-owned small business or a qualified
23 veteran-owned small business for whatever purpose. A SDVOSB or
24 VOSB owned and controlled by females, minorities, or persons
25 with disabilities, as those terms are defined in Section 2 of
26 the Business Enterprise for Minorities, Females, and Persons

1 with Disabilities Act, may also select and designate whether
2 that business is to be certified as a "female-owned business",
3 "minority-owned business", or "business owned by a person with
4 a disability", as defined in Section 2 of the Business
5 Enterprise for Minorities, Females, and Persons with
6 Disabilities Act.

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

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

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

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

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

21 "Small business" means a business that has annual gross
22 sales of less than \$75,000,000 as evidenced by the federal
23 income tax return of the business. A firm with gross sales in
24 excess of this cap may apply to the Department of Central
25 Management Services for certification for a particular
26 contract if the firm can demonstrate that the contract would

1 have significant impact on SDVOSB or VOSB as suppliers or
2 subcontractors or in employment of veterans or
3 service-disabled veterans.

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

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

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

26 (f) Certification program. The Illinois Department of

1 Veterans' Affairs and the Department of Central Management
2 Services, in consultation with the chief procurement officers
3 appointed pursuant to Section 10-20, shall work together to
4 devise a certification procedure to assure that businesses
5 taking advantage of this Section are legitimately classified as
6 qualified service-disabled veteran-owned small businesses or
7 qualified veteran-owned small businesses.

8 (g) Penalties.

9 (1) Administrative penalties. The chief procurement
10 officers appointed pursuant to Section 10-20 ~~Department of~~
11 ~~Central Management Services~~ shall suspend any person who
12 commits a violation of Section 17-10.3 or subsection (d) of
13 Section 33E-6 of ~~the Criminal Code of 1961~~ or the Criminal
14 Code of 2012 relating to this Section from bidding on, or
15 participating as a contractor, subcontractor, or supplier
16 in, any State contract or project for a period of not less
17 than 3 years, and, if the person is certified as a
18 service-disabled veteran-owned small business or a
19 veteran-owned small business, then the Department shall
20 revoke the business's certification for a period of not
21 less than 3 years. An additional or subsequent violation
22 shall extend the periods of suspension and revocation for a
23 period of not less than 5 years. The suspension and
24 revocation shall apply to the principals of the business
25 and any subsequent business formed or financed by, or
26 affiliated with, those principals.

1 (2) Reports of violations. Each State agency shall
2 report any alleged violation of Section 17-10.3 or
3 subsection (d) of Section 33E-6 of the Criminal Code of
4 1961 or the Criminal Code of 2012 relating to this Section
5 to the Department of Central Management Services. The
6 Department of Central Management Services shall
7 subsequently report all such alleged violations to the
8 Attorney General, who shall determine whether to bring a
9 civil action against any person for the violation.

10 (3) List of suspended persons. The chief procurement
11 officers appointed pursuant to Section 10-20 ~~Department of~~
12 ~~Central Management Services~~ shall monitor the status of all
13 reported violations of Section 17-10.3 or subsection (d) of
14 Section 33E-6 of ~~the Criminal Code of 1961 or~~ the Criminal
15 Code of 2012 relating to this Section and shall maintain
16 and make available to all State agencies a central listing
17 of all persons that committed violations resulting in
18 suspension.

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

24 (5) Duty to check list. Each State agency shall check
25 the central listing provided by the chief procurement
26 officers appointed pursuant to Section 10-20 ~~Department of~~

1 ~~Central Management Services~~ under paragraph (3) of this
2 subsection to verify that a person being awarded a contract
3 by that State agency, or to be used as a subcontractor or
4 supplier on a contract being awarded by that State agency,
5 is not under suspension pursuant to paragraph (1) of this
6 subsection.

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

9 (30 ILCS 500/45-67)

10 Sec. 45-67. Encouragement to hire qualified veterans. A
11 chief procurement officer may, as part of any solicitation,
12 encourage ~~prospective~~ vendors to consider hiring qualified
13 veterans and to notify them of any available financial
14 incentives or other advantages associated with hiring such
15 persons. In establishing internal guidelines in furtherance of
16 this Section, the Department of Central Management Services may
17 work with an interagency advisory committee consisting of
18 representatives from the Department of Veterans Affairs, the
19 Department of Employment Security, the Department of Commerce
20 and Economic Opportunity, and the Department of Revenue and
21 consisting of 8 members of the General Assembly, 2 of whom are
22 appointed by the Speaker of the House of Representatives, 2 of
23 whom are appointed by the President of the Senate, 2 of whom
24 are appointed by the Minority Leader of the House of
25 Representatives, and 2 of whom are appointed by the Minority

1 Leader of the Senate.

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

9 The Department of Central Management Services must report
10 to the Governor and to the General Assembly by December 31 of
11 each year on the activities undertaken by chief procurement
12 officers and the Department of Central Management Services to
13 encourage ~~prospective~~ vendors to consider hiring qualified
14 veterans. The report must include the number of vendors who
15 have hired qualified veterans.

16 (Source: P.A. 94-1067, eff. 8-1-06.)

17 (30 ILCS 500/45-70)

18 Sec. 45-70. Encouragement to hire ex-offenders. A chief
19 procurement officer may, as part of any solicitation, encourage
20 ~~prospective~~ vendors to consider hiring Illinois residents
21 discharged from any Illinois adult correctional center, in
22 appropriate circumstances, and to notify them of any available
23 financial incentives or other advantages associated with
24 hiring such persons. In establishing internal guidelines in
25 furtherance of this Section, the Department of Central

1 Management Services may work with an interagency advisory
2 committee consisting of representatives from the Department of
3 Corrections, the Department of Employment Security, the
4 Department of Juvenile Justice, the Department of Commerce and
5 Economic Opportunity, and the Department of Revenue and
6 consisting of 8 members of the General Assembly, 2 of whom are
7 appointed by the Speaker of the House of Representatives, 2 of
8 whom are appointed by the President of the Senate, 2 of whom
9 are appointed by the Minority Leader of the House of
10 Representatives, and 2 of whom are appointed by the Minority
11 Leader of the Senate.

12 The Department of Central Management Services must report
13 to the Governor and to the General Assembly by December 31 of
14 each year on the activities undertaken by chief procurement
15 officers and the Department of Central Management Services to
16 encourage ~~prospective~~ vendors to consider hiring Illinois
17 residents who have been discharged from an Illinois adult
18 correctional center. The report must include the number of
19 vendors who have hired Illinois residents who have been
20 discharged from any Illinois adult correctional center.

21 (Source: P.A. 94-1067, eff. 8-1-06.)

22 (30 ILCS 500/50-5)

23 Sec. 50-5. Bribery.

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

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

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

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

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

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

24 (c) Conduct on behalf of business. For purposes of this
25 Section, when an official, agent, or employee of a business
26 committed the bribery or attempted bribery on behalf of the

1 business and in accordance with the direction or authorization
2 of a responsible official of the business, the business shall
3 be chargeable with the conduct.

4 (d) Certification. Every bid, offeror, or response
5 submitted to, every ~~and~~ contract executed by the State, and
6 every subcontract subject to Section 20-120 of this Code, and
7 every vendor's submission to vendor portal shall contain a
8 certification by the bidder, offeror, respondent, vendor,
9 contractor or the subcontractor, respectively, that the
10 bidder, offeror, respondent, vendor, contractor, or
11 subcontractor is not barred from being awarded a contract or
12 subcontract under this Section and acknowledges that the chief
13 procurement officer may declare the related contract void if
14 any certifications required by this Section are false. If the
15 false certification is made by a subcontractor, then the
16 contractor's submitted bid, offer, or response and the executed
17 contract may not be declared void, unless the contractor
18 refuses to terminate the subcontract upon the State's request
19 after a finding that the subcontract's certification was false.
20 A bidder, offeror, respondent, vendor, contractor, or
21 subcontractor who makes a false statement, material to the
22 certification, commits a Class 3 felony.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
24 for the effective date of changes made by P.A. 96-795); 97-895,
25 eff. 8-3-12; 97-1150, eff. 1-25-13.)

1 (30 ILCS 500/50-10)

2 Sec. 50-10. Felons.

3 (a) Unless otherwise provided, no person ~~or business~~
4 convicted of a felony shall do business with the State of
5 Illinois or any State agency, or enter into a subcontract, from
6 the date of conviction until 5 years after the date of
7 completion of the sentence for that felony, unless no person
8 held responsible by a prosecutorial office for the facts upon
9 which the conviction was based continues to have any
10 involvement with the business.

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

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

4 (30 ILCS 500/50-10.5)

5 Sec. 50-10.5. Prohibited bidders, offerors, respondents,
6 vendors, and contractors.

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

15 (b) Every bid, offer, and response submitted to the State,
16 every ~~and~~ contract executed by the State, every vendor's
17 submission to the vendor portal, and every subcontract subject
18 to Section 20-120 of this Code shall contain a certification by
19 the bidder, offeror, respondent, vendor, contractor, or
20 subcontractor, respectively, that the bidder, offeror,
21 respondent, vendor, contractor, or subcontractor is not barred
22 from being awarded a contract or subcontract under this Section
23 and acknowledges that the chief procurement officer shall
24 declare the related contract void if any of the certifications
25 completed pursuant to this subsection (b) are false. If the

1 false certification is made by a subcontractor, then the
2 contractor's submitted bid, offer, or response and the executed
3 contract may not be declared void, unless the contractor
4 refuses to terminate the subcontract upon the State's request
5 after a finding that the subcontract's certification was false.

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

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

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

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

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

26 This subsection does not prohibit a person ~~or business~~ from

1 submitting a bid, offer or response ~~or proposal~~ or entering
2 into a contract if the person or business: (i) initiates a
3 communication with an employee to provide general information
4 about products, services, or industry best practices and, if
5 applicable, that communication is documented in accordance
6 with Section 50-39 or (ii) responds to a communication
7 initiated by an employee of the State for the purposes of
8 providing information to evaluate new products, trends,
9 services, or technologies.

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

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

21 No person ~~or business~~ shall submit specifications to a
22 State agency unless requested to do so by an employee of the
23 State. No person or business who contracts with a State agency
24 to write specifications for a particular procurement need shall
25 submit a bid or proposal or receive a contract for that
26 procurement need.

1 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
2 for the effective date of changes made by P.A. 96-795); 96-920,
3 eff. 7-1-10; 97-895, eff. 8-3-12.)

4 (30 ILCS 500/50-11)

5 Sec. 50-11. Debt delinquency.

6 (a) No person shall submit a bid, offer, or response, ~~for~~
7 or enter into a contract or subcontract under this Code, or
8 make a submission to the vendor portal if that person knows or
9 should know that he or she or any affiliate is delinquent in
10 the payment of any debt to the State, unless the person or
11 affiliate has entered into a deferred payment plan to pay off
12 the debt. For purposes of this Section, the phrase "delinquent
13 in the payment of any debt" shall be determined by the Debt
14 Collection Bureau. For purposes of this Section, the term
15 "affiliate" means any entity that (1) directly, indirectly, or
16 constructively controls another entity, (2) is directly,
17 indirectly, or constructively controlled by another entity, or
18 (3) is subject to the control of a common entity. For purposes
19 of this subsection (a), a person controls an entity if the
20 person owns, directly or individually, more than 10% of the
21 voting securities of that entity. As used in this subsection
22 (a), the term "voting security" means a security that (1)
23 confers upon the holder the right to vote for the election of
24 members of the board of directors or similar governing body of
25 the business or (2) is convertible into, or entitles the holder

1 to receive upon its exercise, a security that confers such a
2 right to vote. A general partnership interest is a voting
3 security.

4 (b) Every bid, offer, and response submitted to the State,
5 every vendor's submission to vendor portal, every ~~and~~ contract
6 executed by the State, and every subcontract subject to Section
7 20-120 of this Code shall contain a certification by the
8 bidder, offeror, respondent, vendor, contractor, or
9 subcontractor, respectively, that the bidder, offeror,
10 respondent, vendor, contractor or the subcontractor and its
11 affiliate is not barred from being awarded a contract or
12 subcontract under this Section and acknowledges that the chief
13 procurement officer may declare the related contract void if
14 any of the certifications completed pursuant to this subsection
15 (b) are false. If the false certification is made by a
16 subcontractor, then the contractor's submitted bid, offer, or
17 response and the executed contract may not be declared void,
18 unless the contractor refuses to terminate the subcontract upon
19 the State's request after a finding that the subcontract's
20 certification was false.

21 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see
22 Section 5 of P.A. 96-793 for effective date of changes made by
23 P.A. 96-795); 96-1000, eff. 7-2-10; 97-895, eff. 8-3-12.)

24 (30 ILCS 500/50-12)

25 Sec. 50-12. Collection and remittance of Illinois Use Tax.

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

23 (b) Every bid, offer, and response, submitted to the State,
24 every submission to vendor portal, every ~~and~~ contract executed
25 by the State, and every subcontract subject to Section 20-120
26 of this Code shall contain a certification by the bidder,

1 offeror, respondent, vendor, contractor, or subcontractor,
2 respectively, that the bidder, offeror, respondent, vendor,
3 contractor, or subcontractor is not barred from bidding for or
4 entering into a contract under subsection (a) of this Section
5 and acknowledges that the chief procurement officer may declare
6 the related contract void if any of the certifications
7 completed pursuant to this subsection (b) are false. If the
8 false certification is made by a subcontractor, then the
9 contractor's submitted bid, offer, or response and the executed
10 contract may not be declared void, unless the contractor
11 refuses to terminate the subcontract upon the State's request
12 after a finding that the subcontract's certification was false.
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 500/50-13)

17 Sec. 50-13. Conflicts of interest.

18 (a) Prohibition. It is unlawful for any person holding an
19 elective office in this State, holding a seat in the General
20 Assembly, or appointed to or employed in any of the offices or
21 agencies of State government and who receives compensation for
22 such employment in excess of 60% of the salary of the Governor
23 of the State of Illinois, or who is an officer or employee of
24 the Capital Development Board or the Illinois Toll Highway
25 Authority, or who is the spouse or minor child of any such

1 person to have or acquire any contract, or any direct pecuniary
2 interest in any contract therein, whether for stationery,
3 printing, paper, or any services, materials, or supplies, that
4 will be wholly or partially satisfied by the payment of funds
5 appropriated by the General Assembly of the State of Illinois
6 or in any contract of the Capital Development Board or the
7 Illinois Toll Highway Authority.

8 (b) Interests. It is unlawful for any firm, partnership,
9 association, or corporation, in which any person listed in
10 subsection (a) is entitled to receive (i) more than 7 1/2% of
11 the total distributable income or (ii) an amount in excess of
12 the salary of the Governor, to have or acquire any such
13 contract or direct pecuniary interest therein.

14 (c) Combined interests. It is unlawful for any firm,
15 partnership, association, or corporation, in which any person
16 listed in subsection (a) together with his or her spouse or
17 minor children is entitled to receive (i) more than 15%, in the
18 aggregate, of the total distributable income or (ii) an amount
19 in excess of 2 times the salary of the Governor, to have or
20 acquire any such contract or direct pecuniary interest therein.

21 (c-5) Appointees and firms. In addition to any provisions
22 of this Code, the interests of certain appointees and their
23 firms are subject to Section 3A-35 of the Illinois Governmental
24 Ethics Act.

25 (d) Securities. Nothing in this Section invalidates the
26 provisions of any bond or other security previously offered or

1 to be offered for sale or sold by or for the State of Illinois.

2 (e) Prior interests. This Section does not affect the
3 validity of any contract made between the State and an officer
4 or employee of the State or member of the General Assembly, his
5 or her spouse, minor child, or other immediate family member
6 living in his or her residence or any combination of those
7 persons if that contract was in existence before his or her
8 election or employment as an officer, member, or employee. The
9 contract is voidable, however, if it cannot be completed within
10 365 calendar days after the officer, member, or employee takes
11 office or is employed.

12 (f) Exceptions.

13 (1) Public aid payments. This Section does not apply to
14 payments made for a public aid recipient.

15 (2) Teaching. This Section does not apply to a contract
16 for personal services as a teacher or school administrator
17 between a member of the General Assembly or his or her
18 spouse, or a State officer or employee or his or her
19 spouse, and any school district, public community college
20 district, the University of Illinois, Southern Illinois
21 University, Illinois State University, Eastern Illinois
22 University, Northern Illinois University, Western Illinois
23 University, Chicago State University, Governor State
24 University, or Northeastern Illinois University.

25 (3) Ministerial duties. This Section does not apply to
26 a contract for personal services of a wholly ministerial

1 character, including but not limited to services as a
2 laborer, clerk, typist, stenographer, page, bookkeeper,
3 receptionist, or telephone switchboard operator, made by a
4 spouse or minor child of an elective or appointive State
5 officer or employee or of a member of the General Assembly.

6 (4) Child and family services. This Section does not
7 apply to payments made to a member of the General Assembly,
8 a State officer or employee, his or her spouse or minor
9 child acting as a foster parent, homemaker, advocate, or
10 volunteer for or in behalf of a child or family served by
11 the Department of Children and Family Services.

12 (5) Licensed professionals. Contracts with licensed
13 professionals, provided they are competitively bid or part
14 of a reimbursement program for specific, customary goods
15 and services through the Department of Children and Family
16 Services, the Department of Human Services, the Department
17 of Healthcare and Family Services, the Department of Public
18 Health, or the Department on Aging.

19 (g) Penalty. A person convicted of a violation of this
20 Section is guilty of a business offense and shall be fined not
21 less than \$1,000 nor more than \$5,000.

22 (Source: P.A. 95-331, eff. 8-21-07.)

23 (30 ILCS 500/50-14)

24 Sec. 50-14. Environmental Protection Act violations.

25 (a) Unless otherwise provided, no person ~~or business~~ found

1 by a court or the Pollution Control Board to have committed a
2 willful or knowing violation of the Environmental Protection
3 Act shall do business with the State of Illinois or any State
4 agency or enter into a subcontract that is subject to this Code
5 from the date of the order containing the finding of violation
6 until 5 years after that date, unless the person or business
7 can show that no person involved in the violation continues to
8 have any involvement with the business.

9 (b) A person ~~or business~~ otherwise barred from doing
10 business with the State of Illinois or any State agency or
11 subcontracting under this Code by subsection (a) may be allowed
12 to do business with the State of Illinois or any State agency
13 if it is shown that there is no practicable alternative to the
14 State to contracting with that person ~~or business~~.

15 (c) Every bid, offer, or response submitted to the State,
16 every and contract executed by the State, every submission to
17 vendor portal, and every subcontract subject to Section 20-120
18 of this Code shall contain a certification by the bidder,
19 offeror, respondent, vendor, contractor, or subcontractor,
20 respectively, that the bidder, contractor, or subcontractor is
21 not barred from being awarded a contract or subcontract under
22 this Section and acknowledges that the contracting State agency
23 may declare the related contract void if any of the
24 certifications completed pursuant to this subsection (c) are
25 false. If the false certification is made by a subcontractor,
26 then the contractor's submitted bid, offer, or response and the

1 executed contract may not be declared void, unless the
2 contractor refuses to terminate the subcontract upon the
3 State's request after a finding that the subcontract's
4 certification was false.

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 500/50-20)

9 Sec. 50-20. Exemptions. The appropriate chief procurement
10 officer may file a request with the Executive Ethics Commission
11 to exempt named individuals from the prohibitions of Section
12 50-13 when, in his or her judgment, the public interest in
13 having the individual in the service of the State outweighs the
14 public policy evidenced in that Section. The Executive Ethics
15 Commission may grant an exemption after a public hearing at
16 which any person may present testimony. The chief procurement
17 officer shall publish notice of the date, time, and location of
18 the hearing in the online electronic Bulletin at least 14
19 calendar days prior to the hearing and provide notice to the
20 individual subject to the waiver and the Procurement Policy
21 Board. The Executive Ethics Commission shall also provide
22 public notice of the date, time, and location of the hearing on
23 its website. If the Commission grants an exemption, the
24 exemption is effective only if it is filed with the Secretary
25 of State and the Comptroller prior to the execution of any

1 contract and includes a statement setting forth the name of the
2 individual and all the pertinent facts that would make that
3 Section applicable, setting forth the reason for the exemption,
4 and declaring the individual exempted from that Section. Notice
5 of each exemption shall be published in the Illinois
6 Procurement Bulletin. A contract for which a waiver has been
7 issued but has not been filed in accordance with this Section
8 is voidable by the State. The changes to this Section made by
9 this amendatory Act of the 96th General Assembly shall apply to
10 exemptions granted on or after its effective date.

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

13 (30 ILCS 500/50-25)

14 Sec. 50-25. Inducement. Any person who offers or pays any
15 money or other valuable thing to any person to induce him or
16 her not to provide a submission to vendor portal, bid, or
17 submit an offer or response for a State contract or as
18 recompense for not having bid on or submitted an offer or
19 response for a State contract or provided a submission to the
20 vendor portal is guilty of a Class 4 felony. Any person who
21 accepts any money or other valuable thing for not bidding or
22 submitting an offer or response for a State contract, not
23 making a submission to vendor portal, or who withholds a bid,
24 offer, response, or submission to the vendor portal in
25 consideration of the promise for the payment of money or other

1 valuable thing is guilty of a Class 4 felony.

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

3 (30 ILCS 500/50-35)

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

6 (a) All bids, offers, and responses from responsive
7 bidders, offerors, vendors, or contractors ~~or offerors~~ with an
8 annual value of more than \$25,000 and all submissions to vendor
9 portal shall be accompanied by disclosure of the financial
10 interests of the ~~contractor,~~ bidder, offeror, vendor,
11 respondent, contractor, ~~or proposer~~ and each subcontractor to
12 be used. In addition, all subcontracts identified as provided
13 by Section 20-120 of this Code with an annual value of more
14 than \$50,000 shall be accompanied by disclosure of the
15 financial interests of each subcontractor. The financial
16 disclosure of each successful bidder, ~~or offeror,~~ respondent,
17 vendor, or contractor and its subcontractors shall be
18 incorporated as a material term of the contract and shall
19 become part of the publicly available contract or procurement
20 file maintained by the appropriate chief procurement officer.
21 Each disclosure under this Section shall be signed and made
22 under penalty of perjury by an authorized officer or employee
23 on behalf of the bidder ~~or offeror,~~ respondent, vendor or
24 contractor and must be filed with the Procurement Policy Board.

25 (b) Disclosure shall include any ownership or distributive

1 income share that is in excess of 5%, or an amount greater than
2 60% of the annual salary of the Governor, of the disclosing
3 entity or its parent entity, whichever is less, unless the
4 ~~contractor~~, bidder, offeror, respondent, vendor, contractor,
5 or subcontractor (i) is a publicly traded entity subject to
6 Federal 10K reporting, in which case it may submit its 10K
7 disclosure in place of the prescribed disclosure, or (ii) is a
8 privately held entity that is exempt from Federal 10k reporting
9 but has more than 200 shareholders, in which case it may submit
10 the information that Federal 10k reporting companies are
11 required to report under 17 CFR 229.401 and list the names of
12 any person or entity holding any ownership share that is in
13 excess of 5% in place of the prescribed disclosure. The form of
14 disclosure shall be prescribed by the applicable chief
15 procurement officer and must include at least the names,
16 addresses, and dollar or proportionate share of ownership of
17 each person identified in this Section, their instrument of
18 ownership or beneficial relationship, and notice of any
19 potential conflict of interest resulting from the current
20 ownership or beneficial relationship of each individual person
21 identified in this Section having in addition any of the
22 following relationships:

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

25 (2) State employment of spouse, father, mother, son, or
26 daughter, including contractual employment for services in

1 the previous 2 years.

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

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

10 (5) Appointive office; the holding of any appointive
11 government office of the State of Illinois, the United
12 States of America, or any unit of local government
13 authorized by the Constitution of the State of Illinois or
14 the statutes of the State of Illinois, which office
15 entitles the holder to compensation in excess of expenses
16 incurred in the discharge of that office currently or in
17 the previous 3 years.

18 (6) Relationship to anyone holding appointive office
19 currently or in the previous 2 years; spouse, father,
20 mother, son, or daughter.

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

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

26 (9) Compensated employment, currently or in the

1 previous 3 years, by any registered election or re-election
2 committee registered with the Secretary of State or any
3 county clerk in the State of Illinois, or any political
4 action committee registered with either the Secretary of
5 State or the Federal Board of Elections.

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

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

24 (b-2) The disclosure required under this Section must also
25 include, for each of the persons identified in subsection (b)
26 or (b-1), each of the following that occurred within the

1 previous 10 years: suspension or debarment from contracting
2 with any governmental entity; professional licensure
3 discipline; bankruptcies; adverse civil judgments and
4 administrative findings; and criminal felony convictions. The
5 disclosure under this subsection is a continuing obligation and
6 must be promptly supplemented for accuracy throughout the
7 process and throughout the term of the contract if the bid or
8 offer is successful.

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

15 (d) When a potential for a conflict of interest is
16 identified, discovered, or reasonably suspected, the chief
17 procurement officer or State procurement officer shall send the
18 contract to the Procurement Policy Board. In accordance with
19 the objectives of subsection (c), if the Procurement Policy
20 Board finds evidence of a potential conflict of interest not
21 originally disclosed by the bidder, offerer, respondent,
22 vendor, contractor, or subcontractor, the Board shall provide
23 written notice to the bidder, offerer, respondent, contractor
24 or subcontractor that is identified, discovered, or reasonably
25 suspected of having a potential conflict of interest. The
26 bidder, offerer, respondent, contractor, or subcontractor

1 shall have 15 calendar days to respond in writing to the Board,
2 and a hearing before the Board will be granted upon the bidder,
3 offeror, contractor's, or subcontractor's request, at a date
4 and time to be determined by the Board, but which in no event
5 shall occur later than 15 calendar days after the date of the
6 request. Upon consideration, the Board shall recommend, in
7 writing, whether to allow or void the contract, bid, offer, or
8 subcontract weighing the best interest of the State of
9 Illinois. All recommendations shall be submitted to the
10 Executive Ethics Commission. The Executive Ethics Commission
11 must hold a public hearing within 30 calendar days after
12 receiving the Board's recommendation if the Procurement Policy
13 Board makes a recommendation to (i) void a contract or (ii)
14 void a bid, ~~or~~ offer, or response and the chief procurement
15 officer selected or intends to award the contract to the bidder
16 ~~or~~ offeror, or respondent. A chief procurement officer is
17 prohibited from awarding a contract before a hearing if the
18 Board recommendation does not support a bid or offer. The
19 recommendation and proceedings of any hearing, if applicable,
20 shall be available to the public.

21 (e) These thresholds and disclosure do not relieve the
22 chief procurement officer, the State purchasing officer, or
23 their designees from reasonable care and diligence for any
24 contract, bid, offer, response, or submission to vendor portal
25 ~~or proposal~~. The chief procurement officer, the State
26 purchasing officer, or their designees shall be responsible for

1 using any reasonably known and publicly available information
2 to discover any undisclosed potential conflict of interest and
3 act to protect the best interest of the State of Illinois.

4 (f) Inadvertent or accidental failure to fully disclose
5 shall render the contract, bid, offer, response ~~proposal~~,
6 subcontract, or relationship voidable by the chief procurement
7 officer if he or she deems it in the best interest of the State
8 of Illinois and, at his or her discretion, may be cause for
9 barring from future contracts, bids, offers, responses
10 ~~proposals~~, subcontracts, or relationships with the State for a
11 period of up to 2 years.

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

25 (h) In addition, all disclosures shall note any other
26 current or pending contracts, bids, offers, responses,

1 proposals, subcontracts, leases, or other ongoing procurement
2 relationships the bidding, ~~proposing,~~ offering, responding, or
3 subcontracting entity has with any other unit of State
4 government and shall clearly identify the unit and the
5 contract, offer, response, ~~proposal,~~ lease, or other
6 relationship.

7 (i) The ~~contractor or bidder,~~ offeror, respondent, vendor,
8 or contractor has a continuing obligation to supplement the
9 disclosure required by this Section throughout the bidding
10 process or during the term of any contract, and during the
11 vendor portal registration process.

12 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
13 for the effective date of changes made by P.A. 96-795); 96-920,
14 eff. 7-1-10; 97-490, eff. 8-22-11; 97-895, eff. 8-3-12.)

15 (30 ILCS 500/50-36)

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

17 (a) As used in this Section:

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

24 "Company" means any sole proprietorship, organization,
25 association, corporation, partnership, joint venture, limited

1 partnership, limited liability partnership, limited liability
2 company, or other entity or business association, including all
3 wholly owned subsidiaries, majority-owned subsidiaries, parent
4 companies, or affiliates of those entities or business
5 associations, that exists for the purpose of making profit.

6 "Mineral-extraction activities" include exploring,
7 extracting, processing, transporting, or wholesale selling or
8 trading of elemental minerals or associated metal alloys or
9 oxides (ore), including gold, copper, chromium, chromite,
10 diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

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

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

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

24 (b) Each bid, offer, or proposal submitted for a State
25 contract, other than a small purchase defined in Section 20-20,
26 shall include a disclosure of whether or not the bidder,

1 offeror, or proposing entity, or any of its corporate parents
2 or subsidiaries, within the 24 months before submission of the
3 bid, offer, or proposal had business operations that involved
4 contracts with or provision of supplies or services to the
5 Government of Iran, companies in which the Government of Iran
6 has any direct or indirect equity share, consortiums or
7 projects commissioned by the Government of Iran, or companies
8 involved in consortiums or projects commissioned by the
9 Government of Iran and:

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

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

26 (c) A bid, offer, or proposal that does not include the

1 disclosure required by subsection (b) may be given a period
2 after the bid, offer, or response is submitted to cure
3 non-disclosure ~~shall not be considered responsive~~. A chief
4 procurement officer may consider the disclosure when
5 evaluating the bid, offer, or response, ~~proposal~~ or awarding
6 the contract.

7 (d) Each chief procurement officer shall provide the State
8 Comptroller with the name of each entity disclosed under
9 subsection (b) as doing business or having done business in
10 Iran. The State Comptroller shall post that information on his
11 or her official website.

12 (Source: P.A. 95-616, eff. 1-1-08.)

13 (30 ILCS 500/50-37)

14 Sec. 50-37. Prohibition of political contributions.

15 (a) As used in this Section:

16 The terms "contract", "State contract", and "contract
17 with a State agency" each mean any contract, as defined in
18 this Code, between a business entity and a State agency let
19 or awarded pursuant to this Code. The terms "contract",
20 "State contract", and "contract with a State agency" do not
21 include cost reimbursement contracts; purchase of care
22 agreements as defined in Section 1-15.68 of this Code;
23 contracts for projects eligible for full or partial
24 federal-aid funding reimbursements authorized by the
25 Federal Highway Administration; grants, including but are

1 not limited to grants for job training or transportation;
2 and grants, loans, or tax credit agreements for economic
3 development purposes.

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

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

10 "State agency" means and includes all boards,
11 commissions, agencies, institutions, authorities, and
12 bodies politic and corporate of the State, created by or in
13 accordance with the Illinois Constitution or State
14 statute, of the executive branch of State government and
15 does include colleges, universities, public employee
16 retirement systems, and institutions under the
17 jurisdiction of the governing boards of the University of
18 Illinois, Southern Illinois University, Illinois State
19 University, Eastern Illinois University, Northern Illinois
20 University, Western Illinois University, Chicago State
21 University, Governors State University, Northeastern
22 Illinois University, and the Illinois Board of Higher
23 Education.

24 "Officeholder" means the Governor, Lieutenant
25 Governor, Attorney General, Secretary of State,
26 Comptroller, or Treasurer. The Governor shall be

1 considered the officeholder responsible for awarding all
2 contracts by all officers and employees of, and vendors,
3 contractors, and others doing business with, executive
4 branch State agencies under the jurisdiction of the
5 Executive Ethics Commission and not within the
6 jurisdiction of the Attorney General, the Secretary of
7 State, the Comptroller, or the Treasurer.

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

10 "Affiliated person" means (i) any person with any
11 ownership interest or distributive share of the bidding or
12 contracting business entity in excess of 7.5%, (ii)
13 executive employees of the bidding or contracting business
14 entity, and (iii) the spouse of any such persons.

15 "Affiliated person" does not include a person prohibited by
16 federal law from making contributions or expenditures in
17 connection with a federal, state, or local election.

18 "Affiliated entity" means (i) any corporate parent and
19 each operating subsidiary of the bidding or contracting
20 business entity, (ii) each operating subsidiary of the
21 corporate parent of the bidding or contracting business
22 entity, (iii) any organization recognized by the United
23 States Internal Revenue Service as a tax-exempt
24 organization described in Section 501(c) of the Internal
25 Revenue Code of 1986 (or any successor provision of federal
26 tax law) established by the bidding or contracting business

1 entity, any affiliated entity of that business entity, or
2 any affiliated person of that business entity, or (iv) any
3 political committee for which the bidding or contracting
4 business entity, or any 501(c) organization described in
5 item (iii) related to that business entity, is the
6 sponsoring entity. "Affiliated entity" does not include an
7 entity prohibited by federal law from making contributions
8 or expenditures in connection with a federal, state, or
9 local election.

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

14 "Executive employee" means (i) the President,
15 Chairman, or Chief Executive Officer of a business entity
16 and any other individual that fulfills equivalent duties as
17 the President, Chairman of the Board, or Chief Executive
18 Officer of a business entity; and (ii) any employee of a
19 business entity whose compensation is determined directly,
20 in whole or in part, by the award or payment of contracts
21 by a State agency to the entity employing the employee. A
22 regular salary that is paid irrespective of the award or
23 payment of a contract with a State agency shall not
24 constitute "compensation" under item (ii) of this
25 definition. "Executive employee" does not include any
26 person prohibited by federal law from making contributions

1 or expenditures in connection with a federal, state, or
2 local election.

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

14 (c) Any business entity whose aggregate pending bids,
15 offers, and responses ~~proposals~~ on State contracts total more
16 than \$50,000, or whose aggregate pending bids, offers and
17 responses ~~and proposals~~ on State contracts combined with the
18 business entity's aggregate annual total value of State
19 contracts exceed \$50,000, and any affiliated entities or
20 affiliated persons of such business entity, are prohibited from
21 making any contributions to any political committee
22 established to promote the candidacy of the officeholder
23 responsible for awarding the contract on which the business
24 entity has submitted a bid, offer, or response ~~proposal~~ during
25 the period beginning on the date the invitation for bids, ~~or~~
26 request for proposals, or any other procurement opportunity is

1 issued and ending on the day after the date the contract is
2 awarded.

3 (c-5) For the purposes of the prohibitions under
4 subsections (b) and (c) of this Section, (i) any contribution
5 made to a political committee established to promote the
6 candidacy of the Governor or a declared candidate for the
7 office of Governor shall also be considered as having been made
8 to a political committee established to promote the candidacy
9 of the Lieutenant Governor, in the case of the Governor, or the
10 declared candidate for Lieutenant Governor having filed a joint
11 petition, or write-in declaration of intent, with the declared
12 candidate for Governor, as applicable, and (ii) any
13 contribution made to a political committee established to
14 promote the candidacy of the Lieutenant Governor or a declared
15 candidate for the office of Lieutenant Governor shall also be
16 considered as having been made to a political committee
17 established to promote the candidacy of the Governor, in the
18 case of the Lieutenant Governor, or the declared candidate for
19 Governor having filed a joint petition, or write-in declaration
20 of intent, with the declared candidate for Lieutenant Governor,
21 as applicable.

22 (d) All contracts between State agencies and a business
23 entity that violate subsection (b) or (c) shall be voidable
24 under Section 50-60. If a business entity violates subsection
25 (b) 3 or more times within a 36-month period, then all
26 contracts between State agencies and that business entity shall

1 be void, and that business entity shall not bid or respond to
2 any invitation to bid or request for proposals from any State
3 agency or otherwise enter into any contract with any State
4 agency for 3 years from the date of the last violation. A
5 notice of each violation and the penalty imposed shall be
6 published in both the Procurement Bulletin and the Illinois
7 Register.

8 (e) Any political committee that has received a
9 contribution in violation of subsection (b) or (c) shall pay an
10 amount equal to the value of the contribution to the State no
11 more than 30 calendar days after notice of the violation
12 concerning the contribution appears in the Illinois Register.
13 Payments received by the State pursuant to this subsection
14 shall be deposited into the general revenue fund.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
16 for the effective date of changes made by P.A. 96-795); 96-848,
17 eff. 1-1-10; 97-411, eff. 8-16-11.)

18 (30 ILCS 500/50-38)

19 Sec. 50-38. Lobbying restrictions.

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

1 partner, manager, or shareholder.

2 (b) Any bidder ~~or~~ offeror, respondent, vendor, or
3 contractor on a State contract that hires a person required to
4 register under the Lobbyist Registration Act to assist in
5 obtaining a contract shall (i) disclose all costs, fees,
6 compensation, reimbursements, and other remunerations paid or
7 to be paid to the lobbyist related to the contract, (ii) not
8 bill or otherwise cause the State of Illinois to pay for any of
9 the lobbyist's costs, fees, compensation, reimbursements, or
10 other remuneration, and (iii) sign a verification certifying
11 that none of the lobbyist's costs, fees, compensation,
12 reimbursements, or other remuneration were billed to the State.
13 This information, along with all supporting documents, shall be
14 filed with the agency awarding the contract and with the
15 Secretary of State. The chief procurement officer shall post
16 this information, together with the contract award notice, in
17 the online Procurement Bulletin.

18 (c) Ban on contingency fee. No person ~~or entity~~ shall
19 retain a person ~~or entity~~ required to register under the
20 Lobbyist Registration Act to attempt to influence the outcome
21 of a procurement decision made under this Code for compensation
22 contingent in whole or in part upon the decision or
23 procurement. Any person who violates this subsection is guilty
24 of a business offense and shall be fined not more than \$10,000.
25 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
26 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

1 (30 ILCS 500/50-39)

2 Sec. 50-39. Procurement communications reporting
3 requirement.

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

15 Any person communicating orally, in writing,
16 electronically, or otherwise with the Director or any person
17 employed by, or associated with, the Illinois Power Agency to
18 impart, solicit, or transfer any information related to the
19 content of any power procurement plan, the manner of conducting
20 any power procurement process, the procurement of any power
21 supply, or the method or structure of contracting with power
22 suppliers must disclose to the Procurement Policy Board the
23 full nature, content, and extent of any such communication in
24 writing by submitting a report with the following information:

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

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

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

3 (4) The duration of the communication.

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

6 (6) A summary of the substantive content of the
7 communication.

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

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

24 (b) The report required by subsection (a) shall be
25 submitted monthly and include at least the following: (i) the
26 date and time of each communication; (ii) the identity of each

1 person from whom the written or oral communication was
2 received, the individual or entity represented by that person,
3 and any action the person requested or recommended; (iii) the
4 identity and job title of the person to whom each communication
5 was made; (iv) if a response is made, the identity and job
6 title of the person making each response; (v) a detailed
7 summary of the points made by each person involved in the
8 communication; (vi) the duration of the communication; (vii)
9 the location or locations of all persons involved in the
10 communication and, if the communication occurred by telephone,
11 the telephone numbers for the callers and recipients of the
12 communication; and (viii) any other pertinent information. No
13 trade secrets or other proprietary or confidential information
14 shall be included in any communication reported to the
15 Procurement Policy Board.

16 (c) Additionally, when an oral communication made by a
17 person required to register under the Lobbyist Registration Act
18 is received by a State employee that is covered under this
19 Section, all individuals who initiate or participate in the
20 oral communication shall submit a written report to that State
21 employee that memorializes the communication and includes, but
22 is not limited to, the items listed in subsection (b).

23 (d) The Procurement Policy Board shall make each report
24 submitted pursuant to this Section available on its website
25 within 7 calendar days after its receipt of the report. The
26 Procurement Policy Board may promulgate rules to ensure

1 compliance with this Section.

2 (e) The reporting requirements shall also be conveyed
3 through ethics training under the State Officials and Employees
4 Ethics Act. An employee who knowingly and intentionally
5 violates this Section shall be subject to suspension or
6 discharge. The Executive Ethics Commission shall promulgate
7 rules, including emergency rules, to implement this Section.

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

9 (g) For purposes of this Section:

10 "Active procurement matter" means a procurement process
11 beginning with requisition or determination of need by an
12 agency and continuing through the publication of an award
13 notice or other completion of a final procurement action, the
14 resolution of any protests, and the expiration of any protest
15 or Procurement Policy Board review period, if applicable.
16 "Active procurement matter" also includes communications
17 relating to change orders, renewals, or extensions.

18 "Material information" means information that a reasonable
19 person would deem important in determining his or her course of
20 action and pertains to significant issues, including, but not
21 limited to, price, quantity, and terms of payment or
22 performance.

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

26 "Material argument" does not include general information about

1 products, services, or industry best practices or a response to
2 a communication initiated by an employee of the State for the
3 purposes of providing information to evaluate new products,
4 trends, services, or technologies.

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); 96-920,
7 eff. 7-1-10; 97-333, eff. 8-12-11; 97-618, eff. 10-26-11;
8 97-895, eff. 8-3-12.)

9 (30 ILCS 500/50-40)

10 Sec. 50-40. Reporting anticompetitive practices. When, for
11 any reason, any vendor, bidder, offeror, respondent,
12 contractor, chief procurement officer, State purchasing
13 officer, designee, elected official, or State employee
14 suspects collusion or other anticompetitive practice among any
15 bidders, offerors, respondents, vendors, contractors,
16 ~~proposers,~~ or employees of the State, a notice of the relevant
17 facts shall be transmitted to the Attorney General and the
18 chief procurement officer.

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

20 (30 ILCS 500/50-45)

21 Sec. 50-45. Confidentiality. Any chief procurement
22 officer, State purchasing officer, designee, or executive
23 officer who willfully uses or allows the use of specifications,
24 competitive solicitation ~~bid~~ documents, proprietary

1 competitive information, ~~proposals,~~ contracts, or selection
2 information to compromise the fairness or integrity of the
3 procurement, ~~bidding,~~ or contract process shall be subject to
4 immediate dismissal, regardless of the Personnel Code, any
5 contract, or any collective bargaining agreement, and may in
6 addition be subject to criminal prosecution.

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

8 (30 ILCS 500/50-70)

9 Sec. 50-70. Additional provisions. This Code is subject to
10 applicable provisions of the following Acts:

- 11 (1) Article 33E of the Criminal Code of 2012;
- 12 (2) the Illinois Human Rights Act;
- 13 (3) the Discriminatory Club Act;
- 14 (4) the Illinois Governmental Ethics Act;
- 15 (5) the State Prompt Payment Act;
- 16 (6) the Public Officer Prohibited Activities Act;
- 17 (7) the Drug Free Workplace Act;
- 18 (8) the Illinois Power Agency Act;
- 19 (9) the Employee Classification Act; and
- 20 (10) the State Officials and Employees Ethics Act.
- 21 (11) the Department of Employment Security Law.

22 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
23 for the effective date of changes made by P.A. 96-795);
24 97-1150, eff. 1-25-13.)

1 (30 ILCS 500/55-10)

2 Sec. 55-10. Exclusive exercise of powers. On and after 120
3 calendar days following the effective date of this Act, the
4 powers granted under this Code shall be exercised exclusively
5 as granted under this Code, and no State agency may
6 concurrently exercise any such power, unless specifically
7 authorized otherwise by a later enacted law. This Code is not
8 intended to impair any contract entered into before the
9 effective date of this Act.

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

11 Section 10. The Small Business Contracts Act is amended by
12 changing Sections 5 and 10 and by adding Sections 12 and 25 as
13 follows:

14 (30 ILCS 503/5)

15 Sec. 5. Definitions. For the purposes of this Act, the
16 following terms shall have the following definitions:

17 "Small business" means a small business as defined in the
18 Illinois Procurement Code.

19 "State contract" means a State contract, as defined in the
20 Illinois Procurement Code, funded with State or federal funds,
21 whether competitively bid or negotiated.

22 "State official or agency" means a department, officer,
23 board, commission, institution, or body politic or corporate of
24 the State.

1 "Subcontract" means a subcontract, as defined in the
2 Illinois Procurement Code, fund with State or federal funds,
3 whether competitively bid or negotiated.

4 (Source: P.A. 97-307, eff. 8-11-11.)

5 (30 ILCS 503/10)

6 Sec. 10. Award of State contracts.

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

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

14 (Source: P.A. 97-307, eff. 8-11-11.)

15 (30 ILCS 503/12 new)

16 Sec. 12. Chief Procurement Officers. During each fiscal
17 year, the chief procurement officers appointed pursuant to
18 Section 10-20 of the Illinois Procurement Code, individually or
19 as a group, may provide presentations at which small businesses
20 may learn about the contracting process and how to apply for
21 contracts.

22 (30 ILCS 503/25 new)

23 Sec. 25. Rulemaking. Subject to the rule making provision

1 of the Illinois Administrative Procedure Act, each chief
2 procurement officer may promulgate rules to implement and
3 administer this Act.

4 Section 15. The Governmental Joint Purchasing Act is
5 amended by changing Sections 1, 3, and 4 as follows:

6 (30 ILCS 525/1) (from Ch. 85, par. 1601)

7 Sec. 1. For the purposes of this Act, "governmental unit"
8 means State of Illinois, any State agency as defined in Section
9 1-15.100 of the Illinois Procurement Code, officers of the
10 State of Illinois, any public authority which has the power to
11 tax, or any other public entity created by statute.

12 (Source: P.A. 86-769.)

13 (30 ILCS 525/3) (from Ch. 85, par. 1603)

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

1 property, supplies or services each unit purchases.

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

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

26 The personal property, supplies or services involved shall

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

6 The credit or liability of each governmental unit shall
7 remain separate and distinct. Disputes between bidders and
8 governmental units shall be resolved between the immediate
9 parties.

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

11 (30 ILCS 525/4) (from Ch. 85, par. 1604)

12 Sec. 4. Bids, offers, and responses ~~proposals~~. The
13 purchases of all personal property, supplies and services under
14 this Act except for small purchases, shall be based on
15 competitive solicitations. For purchases pursuant to
16 subsection (a) of Section 2, bids, offers, and responses
17 ~~proposals~~ shall be solicited by public notice inserted at least
18 once in a newspaper of general circulation in one of the
19 counties where the materials are to be used and at least 5
20 calendar days before the final date of submitting bids, offers,
21 or responses ~~proposals~~. Where the State of Illinois is a party
22 to the joint purchase agreement, public notice soliciting the
23 bids offers, or responses shall be published in the appropriate
24 volume of the Illinois Procurement Bulletin. Such notice shall
25 include a general description of the personal property,

1 supplies or services to be purchased and shall state where all
2 blanks and specifications may be obtained and the time and
3 place for the opening of bids, offers, and responses ~~proposals~~.
4 The governmental unit conducting the competitive procurement
5 ~~selection~~ process may also solicit sealed bids, offers, or
6 proposals by sending requests by mail to vendors ~~prospective~~
7 ~~suppliers~~ and by posting notices on a public bulletin board in
8 its office. Small purchases pursuant to this section shall
9 follow the same procedure used for small purchases in Section
10 20-20 of the Illinois Procurement Code.

11 All purchases, orders or contracts shall be awarded to the
12 lowest responsible bidder or highest-ranked offeror or
13 respondent ~~proposer~~, taking into consideration the qualities
14 of the articles or services supplied, their conformity with the
15 specifications, their suitability to the requirements of the
16 participating governmental units and the delivery terms.

17 Where the State of Illinois is not a party, all bids, offers,
18 offers, or responses ~~proposals~~ may be rejected and new bids, offers,
19 offers, or responses ~~proposals~~ solicited if one or more of the
20 participating governmental units believes the public interest
21 may be served thereby. Each bid, offer, or response ~~proposal~~,
22 with the name of the bidder, offeror, or respondent ~~proposer~~,
23 shall be entered on a record, which record with the successful
24 bid, offer, or response ~~proposal~~ indicated thereon shall, after
25 the award of the purchase or order or contract, be open to
26 public inspection. A copy of all contracts shall be filed with

1 the purchasing office or clerk or secretary of each
2 participating governmental unit.

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

4 Section 20. The Discriminatory Club Act is amended by
5 changing Section 2 as follows:

6 (775 ILCS 25/2) (from Ch. 68, par. 102)

7 Sec. 2. No private organization which sells goods or
8 services to the State pursuant to The Illinois Procurement Code
9 ~~Purchasing Act~~, nor any private organization which receives any
10 award or grant from the State, nor any public body may pay any
11 dues or fees on behalf of its employees or agents or may
12 subsidize or otherwise reimburse them for payments of their
13 dues or fees to any discriminating club. The Illinois
14 Department of Human Rights shall enforce this Section.

15 (Source: P.A. 85-909.)

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

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.

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