

**100TH GENERAL ASSEMBLY****State of Illinois****2017 and 2018****SB0008**

Introduced 1/11/2017, by Sen. Don Harmon - Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Officials and Employees Ethics Act. Provides that the Executive Ethics Commission may (rather than shall) appoint procurement compliance monitors. Amends the Illinois Procurement Code. Exempts certain contracts from the Code. Requires certain contracts concerning trade shows to be published in the Illinois Procurement Bulletin. Exempts certain processes used by the Illinois Student Assistance Commission. Re-enacts and makes changes to provisions concerning higher education and artistic and musical services procurement. Requires all State agencies to respond promptly in writing to the Procurement Policy Board. Provides that State purchasing officers owe a fiduciary duty to the State. Removes various duties of the procurement compliance monitors. Makes changes to provisions concerning multiple awards and bidding processes. Allows for the use of a pool of competitively-selected vendors. Creates certain provisions concerning best value procurement. Allows departments and institutions to purchase and equip off-road construction equipment utilizing the best value procurement process. Increases the limit of small purchases from \$10,000 to \$100,000. Allows a chief procurement officer to provide a bidder or offeror 5 days to comply with certain provisions of the Code concerning certification and registration with the State Board of Elections. Makes changes to provisions concerning prohibited bidders and reporting. Repeals provisions of the Code concerning exceptions to the Code and procurement communications reporting requirements. Makes other changes. Amends the Small Business Contracts Act, Governmental Joint Purchases Act, and Illinois Human Rights Act to make other changes. Effective July 1, 2017, but this Act does not take effect at all unless Senate Bills 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13 of the 100th General Assembly become law.

LRB100 06368 MLM 16407 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 State Officials and Employees Ethics Act is
5 amended by changing Section 20-5 as follows:

6 (5 ILCS 430/20-5)

7 Sec. 20-5. Executive Ethics Commission.

8 (a) The Executive Ethics Commission is created.

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

1 office at the same session of the Senate or be appointed to
2 that office during a recess of that Senate. No more than 5
3 commissioners may be of the same political party.

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

13 After the initial terms, commissioners shall serve for
14 4-year terms commencing on July 1 of the year of appointment
15 and running through June 30 of the fourth following year.
16 Commissioners may be reappointed to one or more subsequent
17 terms.

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

21 Terms shall run regardless of whether the position is
22 filled.

23 (c) The appointing authorities shall appoint commissioners
24 who have experience holding governmental office or employment
25 and shall appoint commissioners from the general public. A
26 person is not eligible to serve as a commissioner if that

1 person (i) has been convicted of a felony or a crime of
2 dishonesty or moral turpitude, (ii) is, or was within the
3 preceding 12 months, engaged in activities that require
4 registration under the Lobbyist Registration Act, (iii) is
5 related to the appointing authority, or (iv) is a State officer
6 or employee.

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

19 A member or legislative branch State employee serving on an
20 executive branch board or commission remains subject to the
21 jurisdiction of the Legislative Ethics Commission and is not
22 subject to the jurisdiction of the Executive Ethics Commission.

23 (d-5) The Executive Ethics Commission shall have
24 jurisdiction over all chief procurement officers and
25 procurement compliance monitors and their respective staffs.
26 The Executive Ethics Commission shall have jurisdiction over

1 any matters arising under the Illinois Procurement Code if the
2 Commission is given explicit authority in that Code.

3 (d-6) (1) The Executive Ethics Commission shall have
4 jurisdiction over the Illinois Power Agency and its staff. The
5 Director of the Agency shall be appointed by a majority of the
6 commissioners of the Executive Ethics Commission, subject to
7 Senate confirmation, for a term of 2 years. The Director is
8 removable for cause by a majority of the Commission upon a
9 finding of neglect, malfeasance, absence, or incompetence.

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

22 (3) Prior to June 1, 2012, the Executive Ethics Commission
23 may, until the Director of the Illinois Power Agency is
24 appointed and qualified or a temporary appointment is made
25 pursuant to paragraph (2) of this subsection, designate some
26 person as an acting Director to execute the powers and

1 discharge the duties vested by law in that Director. An acting
2 Director shall serve no later than 60 calendar days, or upon
3 the making of an appointment pursuant to paragraph (1) or (2)
4 of this subsection, whichever is earlier. Nothing in this
5 subsection shall prohibit the Executive Ethics Commission from
6 removing an acting Director or from appointing an acting
7 Director as the Director of the Illinois Power Agency.

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

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

1 incurred in the performance of their duties.

2 (f) No commissioner or employee of the Executive Ethics
3 Commission may during his or her term of appointment or
4 employment:

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

6 (2) hold any other elected or appointed public office
7 except for appointments on governmental advisory boards or
8 study commissions or as otherwise expressly authorized by
9 law;

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

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

15 (g) An appointing authority may remove a commissioner only
16 for cause.

17 (h) The Executive Ethics Commission shall appoint an
18 Executive Director. The compensation of the Executive Director
19 shall be as determined by the Commission. The Executive
20 Director of the Executive Ethics Commission may employ and
21 determine the compensation of staff, as appropriations permit.

22 (i) The Executive Ethics Commission shall appoint, by a
23 majority of the members appointed to the Commission, chief
24 procurement officers and may appoint procurement compliance
25 monitors in accordance with the provisions of the Illinois
26 Procurement Code. The compensation of a chief procurement

1 officer and procurement compliance monitor shall be determined
2 by the Commission.

3 (Source: P.A. 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11;
4 97-618, eff. 10-26-11; 97-677, eff. 2-6-12.)

5 Section 10. The Illinois Procurement Code is amended by
6 re-enacting and changing Sections 1-12 and 1-13, by changing
7 Sections 1-10, 1-15.20, 5-5, 5-30, 10-10, 10-15, 15-25, 20-10,
8 20-15, 20-20, 20-25, 20-30, 20-43, 20-155, 20-160, 20-170,
9 25-85, 45-30, 45-45, 45-57, 50-2, 50-10, 50-10.5, 50-40, and
10 50-45, and by adding Sections 1-12.1, 1-13.1, 1-15.47, 1-15.48,
11 20-170, and 25-85 as follows:

12 (30 ILCS 500/1-10)

13 Sec. 1-10. Application.

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

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

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

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

10 (3) Purchase of care.

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

15 (5) Collective bargaining contracts.

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

24 (7) Contracts necessary to prepare for anticipated
25 litigation, enforcement actions, or investigations,
26 provided that the chief legal counsel to the Governor shall

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

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

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

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

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

1 (12) Contracts for legal, financial, and other
2 professional and artistic services entered into on or
3 before December 31, 2018 by the Illinois Finance Authority
4 in which the State of Illinois is not obligated. Such
5 contracts shall be awarded through a competitive process
6 authorized by the Board of the Illinois Finance Authority
7 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
8 50-35, and 50-37 of this Code, as well as the final
9 approval by the Board of the Illinois Finance Authority of
10 the terms of the contract.

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

1 agreement concerning subcontracting shall be followed.

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

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

26 Notwithstanding any other provision of law, contracts

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

20 Notwithstanding any other provisions of law, contracts
21 entered into under paragraph (14) of this subsection (b) shall
22 be published in the Illinois Procurement Bulletin within 14
23 calendar days after execution. The chief procurement officer
24 shall prescribe the form and content of the notice. The
25 applicable State agency shall provide to the chief procurement
26 officer, on a monthly basis, in the form and content prescribed

1 by the chief procurement officer, a report of the contracts
2 that are related to the procurement of supplies and services
3 identified in paragraph (14) of this subsection (b). At a
4 minimum, this report shall include the name of the contractor,
5 a description of the supply or service provided, the total
6 amount of the contract, the term of the contract, and the
7 exception of the Code utilized. A copy of any or all of these
8 contracts shall be made available to the chief procurement
9 officer immediately upon request. The chief procurement
10 officer shall submit a report to the Governor and General
11 Assembly no later than November 1 of each year that shall
12 include, at a minimum, an annual summary of the monthly
13 information reported to the chief procurement officer.

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

18 (d) Except for Section 20-160 and Article 50 of this Code,
19 and as expressly required by Section 9.1 of the Illinois
20 Lottery Law, the provisions of this Code do not apply to the
21 procurement process provided for under Section 9.1 of the
22 Illinois Lottery Law.

23 (e) This Code does not apply to the process used by the
24 Capital Development Board to retain a person or entity to
25 assist the Capital Development Board with its duties related to
26 the determination of costs of a clean coal SNG brownfield

1 facility, as defined by Section 1-10 of the Illinois Power
2 Agency Act, as required in subsection (h-3) of Section 9-220 of
3 the Public Utilities Act, including calculating the range of
4 capital costs, the range of operating and maintenance costs, or
5 the sequestration costs or monitoring the construction of clean
6 coal SNG brownfield facility for the full duration of
7 construction.

8 (f) This Code does not apply to the process used by the
9 Illinois Power Agency to retain a mediator to mediate sourcing
10 agreement disputes between gas utilities and the clean coal SNG
11 brownfield facility, as defined in Section 1-10 of the Illinois
12 Power Agency Act, as required under subsection (h-1) of Section
13 9-220 of the Public Utilities Act.

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

25 (h) This Code does not apply to the process to procure or
26 contracts entered into in accordance with Sections 11-5.2 and

1 11-5.3 of the Illinois Public Aid Code.

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

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

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

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

21 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
22 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
23 1-1-15; 99-801, eff. 1-1-17.)

24 (30 ILCS 500/1-12)

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

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

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

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

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

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

2 (30 ILCS 500/1-12.1 new)

3 Sec. 1-12.1. Continuation of Section 1-12 of this Code;
4 validation.

5 (a) The General Assembly finds and declares that:

6 (1) This amendatory Act of the 100th General Assembly
7 manifests the intention of the General Assembly to remove
8 the repeal of Section 1-12 of this Code.

9 (2) Section 1-12 of this Code was originally enacted to
10 protect, promote, and preserve the general welfare. Any
11 construction of Section 1-12 of this Code that results in
12 the repeal of that Section on December 31, 2016 would be
13 inconsistent with the manifest intent of the General
14 Assembly and repugnant to the context of this Code.

15 (b) It is hereby declared to have been the intent of the
16 General Assembly that Section 1-12 of this Code not be subject
17 to repeal on December 31, 2016.

18 (c) Section 1-12 of this Code shall be deemed to have been
19 in continuous effect since August 3, 2012 (the effective date
20 of Public Act 97-895), and it shall continue to be in effect
21 henceforward until it is otherwise lawfully repealed. All
22 previously enacted amendments to Section 1-12 of this Code
23 taking effect on or after December 31, 2016, are hereby
24 validated.

25 (d) All actions taken in reliance on or pursuant to Section

1 1-12 of this Code in the procurement of artistic or musical
2 services are hereby validated.

3 (e) In order to ensure the continuing effectiveness of
4 Section 1-12 of this Code, it is set forth in full and
5 re-enacted by this amendatory Act of the 100th General
6 Assembly. This re-enactment is intended as a continuation of
7 that Section. It is not intended to supersede any amendment to
8 that Section that is enacted by the 100th General Assembly.

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

13 (g) Section 1-12 of this Code applies to all procurements
14 made on or before the effective date of this amendatory Act of
15 the 100th General Assembly.

16 (30 ILCS 500/1-13)

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

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

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

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

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

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

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

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

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

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

1 medical residencies and rotations.

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

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

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

13 (10) Procurement of food items for commercial resale on
14 the campus of or at a facility controlled by an institution
15 of higher education.

16 Notice of each contract entered into by a public institution of
17 higher education that is related to the procurement of goods
18 and services identified in items (1) through (10) ~~(7)~~ of this
19 subsection shall be published in the Procurement Bulletin
20 within 14 calendar days after contract execution. The Chief
21 Procurement Officer shall prescribe the form and content of the
22 notice. Each public institution of higher education shall
23 provide the Chief Procurement Officer, on a monthly basis, in
24 the form and content prescribed by the Chief Procurement
25 Officer, a report of contracts that are related to the
26 procurement of goods and services identified in this

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

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

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

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

10 (2) (Blank).

11 (3) (Blank).

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

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

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

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

14 (e) Notwithstanding subsection (e) of Section 50-10.5 of
15 this Code, the Chief Procurement Officer, with the approval of
16 the Executive Ethics Commission, may permit a public
17 institution of higher education to accept a bid or enter into a
18 contract with a business that assisted the public institution
19 of higher education in determining whether there is a need for
20 a contract or assisted in reviewing, drafting, or preparing
21 documents related to a bid or contract, provided that the bid
22 or contract is essential to research administered by the public
23 institution of higher education and it is in the best interest
24 of the public institution of higher education to accept the bid
25 or contract. For purposes of this subsection, "business"
26 includes all individuals with whom a business is affiliated,

1 including, but not limited to, any officer, agent, employee,
2 consultant, independent contractor, director, partner,
3 manager, or shareholder of a business. The Executive Ethics
4 Commission may promulgate rules and regulations for the
5 implementation and administration of the provisions of this
6 subsection (e).

7 (f) As used in this Section:

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

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

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

21 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;
22 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/1-13.1 new)

24 Sec. 1-13.1. Continuation of Section 1-13 of this Code;
25 validation.

1 (a) The General Assembly finds and declares that:

2 (1) Public Act 98-1076, which took effect on January 1,
3 2015, changed the repeal date set for Section 1-13 of this
4 Code from December 31, 2014 to December 31, 2016.

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

11 (3) This amendatory Act of the 100th General Assembly
12 manifests the intention of the General Assembly to remove
13 the repeal of Section 1-13 of this Code.

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

20 (b) It is hereby declared to have been the intent of the
21 General Assembly that Section 1-13 of this Code not be subject
22 to repeal on December 31, 2014.

23 (c) Section 1-13 of this Code shall be deemed to have been
24 in continuous effect since December 20, 2011 (the effective
25 date of Public Act 97-643), and it shall continue to be in
26 effect henceforward until it is otherwise lawfully repealed.

1 All previously enacted amendments to Section 1-13 of this Code
2 taking effect on or after December 31, 2014, are hereby
3 validated.

4 (d) All actions taken in reliance on or pursuant to Section
5 1-13 of this Code by any public institution of higher
6 education, person, or entity are hereby validated.

7 (e) In order to ensure the continuing effectiveness of
8 Section 1-13 of this Code, it is set forth in full and
9 re-enacted by this amendatory Act of the 100th General
10 Assembly. This re-enactment is intended as a continuation of
11 that Section. It is not intended to supersede any amendment to
12 that Section that is enacted by the 100th General Assembly.

13 (f) In this amendatory Act of the 100th General Assembly,
14 the base text of the reenacted Section is set forth as amended
15 by Public Act 98-1076. Striking and underscoring is used only
16 to show changes being made to the base text. In this instance,
17 no underscoring or striking is shown in the base text because
18 no additional changes are being made.

19 (g) Section 1-13 of this Code applies to all procurements
20 made on or before the effective date of this amendatory Act of
21 the 100th General Assembly.

22 (30 ILCS 500/1-15.20)

23 Sec. 1-15.20. Construction, ~~and~~ construction-related, and
24 construction support services. "Construction" means building,
25 altering, repairing, improving, or demolishing any public

1 structure or building, or making improvements of any kind to
2 public real property. Construction does not include the routine
3 operation, routine repair, or routine maintenance of existing
4 structures, buildings, or real property.

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

11 "Construction support" means all equipment, supplies, and
12 services that are necessary to the operation of a construction
13 agency's construction program. "Construction support" does not
14 include construction-related services.

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

16 (30 ILCS 500/1-15.47 new)

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

1 (30 ILCS 500/1-15.48 new)

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

5 (30 ILCS 500/5-5)

6 Sec. 5-5. Procurement Policy Board.

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

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

21 Upon a three-fifths vote of its members, the Board may
22 review a contract. Upon a three-fifths vote of its members, the
23 Board may propose procurement rules for consideration by chief
24 procurement officers. These proposals shall be published in
25 each volume of the Procurement Bulletin. Except as otherwise

1 provided by law, the Board shall act upon the vote of a
2 majority of its members who have been appointed and are
3 serving.

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

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

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

26 (e) Reimbursement. Members shall receive no compensation

1 but shall be reimbursed for any expenses reasonably incurred in
2 the performance of their duties.

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

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

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

1 the bid, offer, or proposal is identified and filed with the
2 Board, the Board shall provide written notice of the alleged
3 conflict of interest or violation to the bidder, offeror,
4 potential contractor, contractor, or subcontractor on that
5 contract. If the alleged conflict of interest or violation is
6 by the subcontractor, written notice shall also be provided to
7 the bidder, offeror, potential contractor, or contractor. The
8 bidder, offeror, potential contractor, contractor, or
9 subcontractor shall have 15 calendar days to provide a written
10 response to the notice, and a hearing before the Board on the
11 alleged conflict of interest or violation shall be held upon
12 request by the bidder, offeror, potential contractor,
13 contractor, or subcontractor. The requested hearing date and
14 time shall be determined by the Board, but in no event shall
15 the hearing occur later than 15 calendar days after the date of
16 the request.

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

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

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

24 (30 ILCS 500/5-30)

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

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

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

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

1 documentation in the possession of the contracting agency
2 concerning the contract.

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

4 (30 ILCS 500/10-10)

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

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

25 (a-5) A State purchasing officer owes a fiduciary duty to

1 the State.

2 (a-10) A State purchasing officer may: (i) attend any
3 procurement meetings; (ii) access any records or files related
4 to procurement; (iii) issue reports to the chief procurement
5 officer on procurement issues that present issues; (iv) ensure
6 the State agency is maintaining appropriate records; and (v)
7 ensure transparency of the procurement process.

8 (a-15) If a State purchasing officer is aware of
9 misconduct, waste, or inefficiency with respect to State
10 procurement, the State purchasing officer shall advise the
11 State agency of the issue in writing. If the State agency does
12 not correct the issue, the State purchasing officer shall
13 report the problem, in writing, to the chief procurement
14 officer and Inspector General.

15 (b) In addition to any other requirement or qualification
16 required by State law, within 30 months after appointment, a
17 State purchasing officer must be a Certified Professional
18 Public Buyer or a Certified Public Purchasing Officer, pursuant
19 to certification by the Universal Public Purchasing
20 Certification Council. A State purchasing officer shall serve a
21 term of 5 years beginning on the date of the officer's
22 appointment. A State purchasing officer shall have an office
23 located in the State agency that the officer serves but shall
24 report to the chief procurement officer. A State purchasing
25 officer may be removed by a chief procurement officer for cause
26 after a hearing by the Executive Ethics Commission. The chief

1 procurement officer or executive officer of the State agency
2 housing the State purchasing officer may institute a complaint
3 against the State purchasing officer by filing such a complaint
4 with the Commission and the Commission shall have a public
5 hearing based on the complaint. The State purchasing officer,
6 chief procurement officer, and executive officer of the State
7 agency shall receive notice of the hearing and shall be
8 permitted to present their respective arguments on the
9 complaint. After the hearing, the Commission shall make a
10 non-binding recommendation on whether the State purchasing
11 officer shall be removed. The salary of a State purchasing
12 officer shall be established by the chief procurement officer
13 and may not be diminished during the officer's term. In the
14 absence of an appointed State purchasing officer, the
15 applicable chief procurement officer shall exercise the
16 procurement authority created by this Code and may appoint a
17 temporary acting State purchasing officer.

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); 97-895,
20 eff. 8-3-12.)

21 (30 ILCS 500/10-15)

22 Sec. 10-15. Procurement compliance monitors.

23 (a) The Executive Ethics Commission may ~~shall~~ appoint
24 procurement compliance monitors to oversee and review the
25 procurement processes. Each procurement compliance monitor

1 shall serve a term of 5 years beginning on the date of the
2 officer's appointment. Each procurement compliance monitor
3 appointed pursuant to this Section and serving a 5-year term on
4 the effective date of this Amendatory Act of the 100th General
5 Assembly, shall ~~have an office located in the State agency that~~
6 ~~the monitor serves but shall~~ report to and serve at the
7 direction of a ~~the appropriate~~ chief procurement officer in the
8 performance of procurement-related duties until the expiration
9 of the monitor's term. The compliance monitor shall have direct
10 communications with the executive officer of a State agency in
11 exercising duties. A procurement compliance monitor may be
12 removed only for cause after a hearing by the Executive Ethics
13 Commission. The appropriate chief procurement officer or
14 executive officer of the State agency housing the procurement
15 compliance monitor may institute a complaint against the
16 procurement compliance monitor with the Commission and the
17 Commission shall hold a public hearing based on the complaint.
18 The procurement compliance monitor, State purchasing officer,
19 appropriate chief procurement officer, and executive officer
20 of the State agency shall receive notice of the hearing and
21 shall be permitted to present their respective arguments on the
22 complaint. After the hearing, the Commission shall determine
23 whether the procurement compliance monitor shall be removed.
24 The salary of a procurement compliance monitor shall be
25 established by the Executive Ethics Commission and may not be
26 diminished during the officer's term.

1 (b) The procurement compliance monitor shall: (i) review
2 any procurement, contract, or contract amendment as directed by
3 the Executive Ethics Commission or a chief procurement officer;
4 and (ii) report any findings of the review, in writing, to the
5 Commission, the affected agency, the chief procurement officer
6 responsible for the affected agency, and any entity requesting
7 the review. The procurement compliance monitor may: (i) review
8 each contract or contract amendment prior to execution to
9 ensure that applicable procurement and contracting standards
10 were followed; (ii) attend any procurement meetings; (iii)
11 access any records or files related to procurement; (iv) issue
12 reports to the chief procurement officer on procurement issues
13 that present issues or that have not been corrected after
14 consultation with appropriate State officials; (v) ensure the
15 State agency is maintaining appropriate records; and (vi)
16 ensure transparency of the procurement process.

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

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

1 (30 ILCS 500/15-25)

2 Sec. 15-25. Bulletin content.

3 (a) Invitations for bids. Notice of each and every contract
4 that is offered, including renegotiated contracts and change
5 orders, shall be published in the applicable volume of the
6 Illinois Procurement Bulletin. ~~All businesses listed on the~~
7 ~~Department of Transportation Disadvantaged Business Enterprise~~
8 ~~Directory, the Department of Central Management Services~~
9 ~~Business Enterprise Program, and the Chief Procurement~~
10 ~~Office's Small Business Vendors Directory shall be furnished~~
11 ~~written instructions and information on how to register on each~~
12 ~~Procurement Bulletin maintained by the State. Such information~~
13 ~~shall be provided to each business within 30 calendar days~~
14 ~~after the business' notice of certification.~~ The applicable
15 chief procurement officer or applicable designated procurement
16 officer may provide ~~by rule~~ an organized format for the
17 publication of this information, but in any case it must
18 include at least the date first offered, the date submission of
19 offers is due, the location that offers are to be submitted to,
20 the purchasing ~~State~~ agency, the e-mail address and telephone
21 number of the responsible State procurement contact ~~purchasing~~
22 ~~officer~~, a brief purchase description, the method of source
23 selection, information of how to obtain a comprehensive
24 purchase description and any disclosure and contract forms, and
25 may include encouragement to potential contractors to hire

1 qualified veterans, as defined by Section 45-67 of this Code,
2 and qualified Illinois minorities, women, persons with
3 disabilities, and residents discharged from any Illinois adult
4 correctional center.

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

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 submitting
18 responses to the solicitations, inclusive of the unsuccessful
19 bidders, immediately upon contract let. Failure of any chief
20 procurement officer to give such notice shall result in tolling
21 the time for filing a bid protest up to 7 calendar days.

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

25 (b-5) Contracts awarded. Notice of each and every contract
26 that is awarded, including renegotiated contracts and change

1 orders, shall be issued electronically to the successful
2 responsible bidder, offeror, or contractor and published in the
3 next available subsequent Bulletin. The applicable chief
4 procurement officer may provide by rule an organized format for
5 the publication of this information, but in any case it must
6 include at least all of the information specified in subsection
7 (a) as well as the name of the successful responsible bidder,
8 offeror, the contract price, the number of unsuccessful bidders
9 or offerors and any other disclosure specified in any Section
10 of this Code. This notice must be posted in the online
11 electronic Bulletin prior to execution of the contract.

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

19 (c) Emergency purchase disclosure. Any chief procurement
20 officer or State purchasing officer exercising emergency
21 purchase authority under this Code shall publish a written
22 description and reasons and the total cost, if known, or an
23 estimate if unknown and the name of the responsible chief
24 procurement officer and State purchasing officer, and the
25 business or person contracted with for all emergency purchases
26 in the next timely, practicable Bulletin. This notice must be

1 posted in the online electronic Bulletin no later than 5
2 calendar days after the contract is awarded. Notice of a
3 hearing to extend an emergency contract must be posted in the
4 online electronic Procurement Bulletin no later than 14
5 calendar days prior to the hearing.

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

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

21 (c-15) Sole source procurements. Before entering into a
22 sole source contract, a chief procurement officer exercising
23 sole source procurement authority under this Code shall publish
24 a written description of intent to enter into a sole source
25 contract along with a description of the item to be procured
26 and the intended sole source contractor. This notice must be

1 posted in the online electronic Procurement Bulletin before a
2 sole source contract is awarded and at least 14 calendar days
3 before the hearing required by Section 20-25.

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

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

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

17 (Source: P.A. 97-895, eff. 8-3-12; 98-1038, eff. 8-25-14;
18 98-1076, eff. 1-1-15.)

19 (30 ILCS 500/20-10)

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

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

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

24 (a) Conditions for use. All contracts shall be awarded by
25 competitive sealed bidding except as otherwise provided in

1 Section 20-5.

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

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

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

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

1 for bids shall set forth the evaluation criteria to be used.

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

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

- 21 (1) a description of the agency's needs;
- 22 (2) a determination that the anticipated cost will be
23 fair and reasonable;
- 24 (3) a listing of all responsible and responsive
25 bidders; and
- 26 (4) the name of the bidder selected, the total contract

1 price, and the reasons for selecting that bidder.

2 When a multiple award is contemplated, the solicitation
3 shall identify the award criteria and a detailed method of
4 selecting from among the multiple awardees.

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

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

11 (h) Multi-step sealed bidding. When it is considered
12 impracticable to initially prepare a purchase description to
13 support an award based on price, an invitation for bids may be
14 issued requesting the submission of unpriced offers to be
15 followed by written requests for sealed quotes with pricing to
16 meet the need and ~~an invitation for bids~~ limited to the pool of
17 ~~those~~ bidders whose offers have been qualified under the
18 criteria set forth in the first solicitation. An award shall be
19 made to the responsible vendor with the lowest priced quote
20 meeting the needs of the State agency as needs are determined
21 by the State agency. The chief procurement officer may re-open
22 the pool following the procedures in this subsection (h)
23 periodically as needed to ensure reasonable competition.

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

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

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

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

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

26 Bids shall be accepted electronically at the time and in

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

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

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

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

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

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

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

25 (a) Conditions for use. All contracts shall be awarded by

1 competitive sealed bidding except as otherwise provided in
2 Section 20-5.

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

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

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

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

1 cycle costs, shall be objectively measurable. The invitation
2 for bids shall set forth the evaluation criteria to be used.

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

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

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

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

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

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

3 When a multiple award is contemplated, the solicitation
4 shall identify the award criteria and a detailed method of
5 selecting from among the multiple awardees.

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

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

12 (h) Multi-step sealed bidding. When it is considered
13 impracticable to initially prepare a purchase description to
14 support an award based on price, an invitation for bids may be
15 issued requesting the submission of unpriced offers to be
16 followed by written requests for sealed quotes with pricing to
17 meet the need and ~~an invitation for bids~~ limited to the pool of
18 ~~those~~ bidders whose offers have been qualified under the
19 criteria set forth in the first solicitation. An award shall be
20 made to the responsible vendor with the lowest priced quote
21 meeting the needs of the State agency as needs are determined
22 by the State agency. The chief procurement officer may re-open
23 the pool following the procedures in this subsection (h)
24 periodically as needed to ensure reasonable competition.

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. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;
22 98-1076, eff. 1-1-15.)

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

24 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
25 98-1076, and 99-906)

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

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

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

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

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

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

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

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

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

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

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

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

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

5 When a multiple award is contemplated, the solicitation
6 shall identify the award criteria and a detailed method of
7 selecting from among the multiple awardees.

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

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

14 (h) Multi-step sealed bidding. When it is considered
15 impracticable to initially prepare a purchase description to
16 support an award based on price, an invitation for bids may be
17 issued requesting the submission of unpriced offers to be
18 followed by written requests for sealed quotes with pricing to
19 meet the need and ~~an invitation for bids~~ limited to the pool of
20 ~~those~~ bidders whose offers have been qualified under the
21 criteria set forth in the first solicitation. An award shall be
22 made to the responsible vendor with the lowest priced quote
23 meeting the needs of the State agency as needs are determined
24 by the State agency. The chief procurement officer may re-open
25 the pool following the procedures in this subsection (h)
26 periodically as needed to ensure reasonable competition.

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

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

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

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

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

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

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

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

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

24 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
25 98-1076, and 99-906)

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

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

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

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

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

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

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

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

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

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

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

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

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

5 When a multiple award is contemplated, the solicitation
6 shall identify the award criteria and a detailed method of
7 selecting from among the multiple awardees.

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

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

14 (h) Multi-step sealed bidding. When it is considered
15 impracticable to initially prepare a purchase description to
16 support an award based on price, an invitation for bids may be
17 issued requesting the submission of unpriced offers to be
18 followed by written requests for sealed quotes with pricing to
19 meet the need and ~~an invitation for bids~~ limited to the pool of
20 ~~those~~ bidders whose offers have been qualified under the
21 criteria set forth in the first solicitation. An award shall be
22 made to the responsible vendor with the lowest priced quote
23 meeting the needs of the State agency as needs are determined
24 by the State agency. The chief procurement officer may re-open
25 the pool following the procedures in this subsection (h)
26 periodically as needed to ensure reasonable competition.

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

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

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

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

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

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

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

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

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

24 (30 ILCS 500/20-15)

25 Sec. 20-15. Competitive sealed proposals.

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

6 (b) Request for proposals. Proposals shall be solicited
7 through a request for proposals.

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

12 (d) Receipt of proposals. Proposals shall be opened
13 publicly in the presence of one or more witnesses at the time
14 and place designated in the request for proposals, but
15 proposals shall be opened in a manner to avoid disclosure of
16 contents to competing offerors during the process of
17 negotiation. A record of proposals shall be prepared and shall
18 be open for public inspection after contract award.

19 (e) Evaluation factors. The requests for proposals shall
20 state the relative importance of price and other evaluation
21 factors. Proposals shall be submitted in 2 parts: the first,
22 covering items except price; and the second, covering price.
23 The first part of all proposals shall be evaluated and ranked
24 independently of the second part of all proposals.

25 (f) Discussion with responsible offerors and revisions of
26 offers or proposals. As provided in the request for proposals

1 and under rules, discussions may be conducted with responsible
2 offerors who submit offers or proposals determined to be
3 reasonably susceptible of being selected for award for the
4 purpose of clarifying and assuring full understanding of and
5 responsiveness to the solicitation requirements. Those
6 offerors shall be accorded fair and equal treatment with
7 respect to any opportunity for discussion and revision of
8 proposals. Revisions may be permitted after submission and
9 before award for the purpose of obtaining best and final
10 offers. In conducting discussions there shall be no disclosure
11 of any information derived from proposals submitted by
12 competing offerors. If information is disclosed to any offeror,
13 it shall be provided to all competing offerors.

14 (g) Award. Awards shall be made to the responsible offeror
15 whose proposal is determined in writing to be the most
16 advantageous to the State, taking into consideration price and
17 the evaluation factors set forth in the request for proposals.
18 When a multiple award is contemplated, the solicitation shall
19 identify the award criteria and the detailed method of
20 selecting from among the multiple awardees. The contract file
21 shall contain the basis on which any ~~the~~ award is made.

22 (h) Multi-step sealed proposals. A request for proposals
23 may be issued requesting the submission of offers to establish
24 a pool of competitively-selected vendors to be followed by
25 written requests for specific proposals with pricing to meet
26 the need and limited to those in the pool of qualified vendors.

1 Clarification, discussions, and best and finals shall be
2 allowed as in a standard request for proposals in each step of
3 the process. Award shall be made to the responsible vendors
4 with the most advantageous proposal, price, and other factors
5 being considered. The chief procurement officer may re-open the
6 pool following the procedures in this subsection (h)
7 periodically as needed to ensure reasonable competition.

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

9 (30 ILCS 500/20-20)

10 Sec. 20-20. Small purchases.

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

1 Act.

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

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

11 (30 ILCS 500/20-25)

12 Sec. 20-25. Sole source procurements.

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

24 (b) This Section may not be used as a basis for amending a
25 contract for professional or artistic services if the amendment

1 would result in an increase in the amount paid under the
2 contract of more than 5% of the initial award, or would extend
3 the contract term beyond the time reasonably needed for a
4 competitive procurement, not to exceed 2 months.

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

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

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

22 (30 ILCS 500/20-30)

23 Sec. 20-30. Emergency purchases.

24 (a) Conditions for use. In accordance with standards set by
25 rule, a purchasing agency may make emergency procurements

1 without competitive sealed bidding or prior notice when there
2 exists a threat to public health or public safety, or when
3 immediate expenditure is necessary for repairs to State
4 property in order to protect against further loss of or damage
5 to State property, to prevent or minimize serious disruption in
6 critical State services that affect health, safety, or
7 collection of substantial State revenues, or to ensure the
8 integrity of State records; provided, however, that the term of
9 the emergency purchase shall be limited to the time reasonably
10 needed for a competitive procurement, not to exceed 90 calendar
11 days. A contract, other than a construction emergency contract,
12 may be extended beyond 90 calendar days if the chief
13 procurement officer determines additional time is necessary
14 and that the contract scope and duration are limited to the
15 emergency. Prior to execution of the extension, the chief
16 procurement officer must hold a public hearing and provide
17 written justification for all emergency contracts. Members of
18 the public may present testimony. Emergency procurements shall
19 be made with as much competition as is practicable under the
20 circumstances. A written description of the basis for the
21 emergency and reasons for the selection of the particular
22 contractor shall be included in the contract file. For
23 construction, construction-related, and construction support
24 procurements, the 90-calendar-day term and provisions for
25 contracts are not applicable.

26 (b) Notice. Notice of all emergency procurements shall be

1 provided to the Procurement Policy Board and published in the
2 online electronic Bulletin no later than 5 calendar days after
3 the contract is awarded. Notice of intent to extend an
4 emergency contract shall be provided to the Procurement Policy
5 Board and published in the online electronic Bulletin at least
6 14 calendar days before the public hearing. Notice shall
7 include at least a description of the need for the emergency
8 purchase, the contractor, and if applicable, the date, time,
9 and location of the public hearing. A copy of this notice and
10 all documents provided at the hearing shall be included in the
11 subsequent Procurement Bulletin. Before the next appropriate
12 volume of the Illinois Procurement Bulletin, the purchasing
13 agency shall publish in the Illinois Procurement Bulletin a
14 copy of each written description and reasons and the total cost
15 of each emergency procurement made during the previous month.
16 When only an estimate of the total cost is known at the time of
17 publication, the estimate shall be identified as an estimate
18 and published. When the actual total cost is determined, it
19 shall also be published in like manner before the 10th day of
20 the next succeeding month.

21 (c) Affidavits. A chief procurement officer making a
22 procurement under this Section shall file affidavits with the
23 Procurement Policy Board and the Auditor General within 10
24 calendar days after the procurement setting forth the amount
25 expended, the name of the contractor involved, and the
26 conditions and circumstances requiring the emergency

1 procurement. When only an estimate of the cost is available
2 within 10 calendar days after the procurement, the actual cost
3 shall be reported immediately after it is determined. At the
4 end of each fiscal quarter, the Auditor General shall file with
5 the Legislative Audit Commission and the Governor a complete
6 listing of all emergency procurements reported during that
7 fiscal quarter. The Legislative Audit Commission shall review
8 the emergency procurements so reported and, in its annual
9 reports, advise the General Assembly of procurements that
10 appear to constitute an abuse of this Section.

11 (d) Quick purchases. The chief procurement officer may
12 promulgate rules extending the circumstances by which a
13 purchasing agency may make purchases under this Section,
14 including but not limited to the procurement of items available
15 at a discount for a limited period of time.

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

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

20 (30 ILCS 500/20-43)

21 Sec. 20-43. Bidder or offeror authorized to transact
22 business or conduct affairs ~~do business~~ in Illinois. In
23 addition to meeting any other requirement of law or rule, a
24 person (other than an individual acting as a sole proprietor)
25 may qualify as a bidder or offeror under this Code only if the

1 person is a legal entity prior to submitting the bid, offer, or
2 proposal. The legal entity must be authorized to transact
3 business or conduct affairs in Illinois prior to execution of
4 the contract ~~submitting the bid, offer, or proposal.~~ This
5 Section shall not apply to construction contracts that are
6 subject to the requirements of Sections 30-20 and 33-10 of this
7 Code. The pre-qualification requirements of Sections 30-20 and
8 33-10 of this Code shall include the requirement that the
9 bidder be registered with the Secretary of State.

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

11 (30 ILCS 500/20-155)

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

13 (a) Each chief procurement officer appointed pursuant to
14 Section 10-20 shall have the sole authority in their respective
15 jurisdiction to develop and distribute uniform documents for
16 the solicitation, review, and acceptance of all bids, offers,
17 and responses and the award of contracts pursuant to this Code.
18 If a chief procurement officer appointed pursuant to Section
19 10-20 exercises the authority to develop and distribute uniform
20 documents for the solicitation, review and acceptance of all
21 bids, offers and responses and the award of contracts, then the
22 State agency shall use the uniform documents.

23 (b) After award of a contract and subject to provisions of
24 the Freedom of Information Act, the procuring agency shall make
25 available for public inspection and copying all pre-award,

1 post-award, administration, and close-out documents relating
2 to that particular contract. Publication of a notice of award
3 to the respective chief procurement officer's volume of the
4 Illinois Procurement Bulletin shall constitute the award or
5 final selection for purposes of paragraph (h) of subsection (1)
6 of Section 7 of the Freedom of Information Act.

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

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

23 (30 ILCS 500/20-160)

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

1 (a) For purposes of this Section, the terms "business
2 entity", "contract", "State contract", "contract with a State
3 agency", "State agency", "affiliated entity", and "affiliated
4 person" have the meanings ascribed to those terms in Section
5 50-37.

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

19 (c) Each business entity (i) whose aggregate bids and
20 proposals on State contracts annually total more than \$50,000,
21 (ii) whose aggregate bids and proposals on State contracts
22 combined with the business entity's aggregate annual total
23 value of State contracts exceed \$50,000, or (iii) whose
24 contracts with State agencies, in the aggregate, annually total
25 more than \$50,000 shall register with the State Board of
26 Elections in accordance with Section 9-35 of the Election Code.

1 A business entity required to register under this subsection
2 due to item (i) or (ii) has a continuing duty to ensure that
3 the registration is accurate during the period beginning on the
4 date of registration and ending on the day after the date the
5 contract is awarded; any change in information must be reported
6 to the State Board of Elections 5 business days following such
7 change or no later than a day before the contract is awarded,
8 whichever date is earlier. A business entity required to
9 register under this subsection due to item (iii) has a
10 continuing duty to ensure that the registration is accurate in
11 accordance with subsection (e).

12 (d) Any business entity, not required under subsection (c)
13 to register, whose aggregate bids and proposals on State
14 contracts annually total more than \$50,000, or whose aggregate
15 bids and proposals on State contracts combined with the
16 business entity's aggregate annual total value of State
17 contracts exceed \$50,000, shall register with the State Board
18 of Elections in accordance with Section 9-35 of the Election
19 Code prior to submitting to a State agency the bid or proposal
20 whose value causes the business entity to fall within the
21 monetary description of this subsection. A business entity
22 required to register under this subsection has a continuing
23 duty to ensure that the registration is accurate during the
24 period beginning on the date of registration and ending on the
25 day after the date the contract is awarded. Any change in
26 information must be reported to the State Board of Elections

1 within 5 business days following such change or no later than a
2 day before the contract is awarded, whichever date is earlier.

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

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

24 (f) A business entity's continuing duty under this Section
25 to ensure the accuracy of its registration includes the
26 requirement that the business entity notify the State Board of

1 Elections of any change in information, including but not
2 limited to changes of affiliated entities or affiliated
3 persons.

4 (g) For any bid or offer for a contract with a State agency
5 by a business entity required to register under this Section,
6 the chief procurement officer shall verify that the business
7 entity is required to register under this Section and is in
8 compliance with the registration requirements on the date the
9 bid or offer is due. A chief procurement officer shall not
10 accept a bid or offer if the business entity is not in
11 compliance with the registration requirements as of the date
12 bids or offers are due. Upon discovery of noncompliance with
13 this Section, if the bidder or offeror made a good faith effort
14 to comply with registration efforts prior to the date the bid
15 or offer is due, a chief procurement officer may provide the
16 bidder or offeror 5 business days to achieve compliance. A
17 chief procurement officer may extend the time to prove
18 compliance by as long as necessary in the event that there is a
19 failure within the State Board of Elections's registration
20 system.

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

25 In addition to any penalty under Section 9-35 of the
26 Election Code, intentional, willful, or material failure to

1 disclose information required for registration shall render
2 the contract, bid, offer, or other procurement relationship
3 voidable by the chief procurement officer if he or she deems it
4 to be in the best interest of the State of Illinois.

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

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

9 (30 ILCS 500/20-170 new)

10 Sec. 20-170. Special Committee on Procurement Efficiency,
11 Minority, Female, and Veterans Contracting, and Illinois
12 Preference in Purchasing.

13 (a) The Special Committee on Procurement Efficiency,
14 Minority, Female, and Veterans Contracting, and Illinois
15 Preference in Purchasing is hereby created under the Executive
16 Ethics Commission. The Special Committee shall consist of the
17 following members:

18 (1) three members appointed by the President of the
19 Senate, only one of whom may be a current member of the
20 Senate;

21 (2) three members appointed by the Minority Leader of
22 the Senate, only one of whom may be a current member of the
23 Senate;

24 (3) three members appointed by the Speaker of the House
25 of Representatives, only one of whom may be a current

1 member of the House;

2 (4) three members appointed by the Minority Leader of
3 the House, only one of whom may be a current member of the
4 House;

5 (5) the Director of Central Management Services or his
6 or her designee;

7 (6) the Chief Procurement Officer for the Department of
8 Transportation;

9 (7) the Chief Procurement Officer with jurisdiction
10 over institutions of higher education; and

11 (8) the Executive Director of the Capital Development
12 Board or his or her designee.

13 (b) Members of the Special Committee must be appointed no
14 later than 30 days after the effective date of this amendatory
15 Act of the 100th General Assembly.

16 (c) If a vacancy occurs on the Special Committee, it shall
17 be filled according to the guidelines of the initial
18 appointment.

19 (d) The Special Committee shall elect a chairperson and
20 vice-chairperson at the first meeting of the Special Committee.
21 At the discretion of the chairperson, additional individuals
22 may participate as non-voting members in the meetings of the
23 Special Committee.

24 (e) Members of the Special Committee shall serve without
25 compensation. The Executive Ethics Commission shall provide
26 staff and administrative services to the Special Committee.

1 (f) The Special Committee shall conduct at least 3 hearings
2 with at least one in Springfield and one in Chicago. Each
3 hearing shall be open to the public and notice of such hearings
4 shall be posted on the websites of the Procurement Policy
5 Board, the Department of Central Management Services, and the
6 General Assembly at least 6 days prior to the hearing.

7 (g) The Special Committee on Procurement Efficiency and
8 Illinois Preference in Purchasing shall:

9 (1) review the current procurement process in Illinois
10 to determine what inefficiencies currently exist in the State
11 procurement process and propose legislation to reduce
12 inefficiencies while protecting State funds, ethics, and
13 transparency;

14 (2) review Illinois' procurement laws regarding
15 contracting with minority-owned businesses, female-owned
16 businesses, businesses owned by persons with disabilities,
17 and veteran-owned businesses to determine what changes
18 should be made to increase participation of these
19 businesses in State procurements; and

20 (3) review Illinois' resident bidder preference laws
21 and propose legislation aimed at strengthening Illinois'
22 resident bidder preference laws while not harming resident
23 bidders who do business in other states.

24 (h) The Special Committee shall make its findings and
25 recommendations to the General Assembly and to the Governor,
26 including legislative proposals, no later than December 31,

1 2016.

2 (i) This Section is repealed on January 31, 2017.

3 (30 ILCS 500/25-85 new)

4 Sec. 25-85. Best value procurement.

5 (a) this Section shall apply only to purchases of heavy
6 mobile fleet vehicles and off-road construction equipment
7 procured by or on behalf of:

8 (1) institutions of higher education;

9 (2) the Department of Agriculture;

10 (3) the Department of Transportation; and

11 (4) the Department of Natural Resources.

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

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

20 (2) product performance, productivity, and safety
21 standards;

22 (3) the supplier's ability to perform to the contract
23 requirements; and

24 (4) environmental benefits, including reduction of
25 greenhouse gas emissions, reduction of air pollutant

1 emissions, or reduction of toxic or hazardous materials.

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

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

16 (d) In addition to disclosure of the minimum requirements
17 for qualification, the solicitation document shall specify
18 which business performance measures, in addition to price,
19 shall be given a weighted value. The solicitation shall include
20 a scoring method based on those factors and price in
21 determining the successful offeror. Any evaluation and scoring
22 method shall ensure substantial weight is given to the contract
23 price.

24 (e) Upon written request of any person who has submitted an
25 offer, notice of the award shall be posted in a public place in
26 the offices of the department or institution at least 24 hours

1 before executing the contract or purchase order. If, before
2 making an award, any offeror who has submitted a bid files a
3 protest with the department or institution against the awarding
4 of the contract or purchase order on the ground that his or her
5 offer should have been selected in accordance with the
6 selection criteria in the solicitation document, the contract
7 or purchase order shall not be awarded until either the protest
8 has been withdrawn or the appropriate Chief Procurement Officer
9 has made a final decision as to the action to be taken relative
10 to the protest. Within 10 days after filing a protest, the
11 protesting offeror shall file with the Chief Procurement
12 Officer a full and complete written statement specifying in
13 detail the ground of the protest and the facts in support
14 thereof.

15 (f) The total annual value of vehicles and equipment
16 purchased through best value procurement pursuant to this
17 Section shall be limited to \$20,000,000 per each department or
18 institution.

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

21 (h) On or before January 1, 2021, the Chief Procurement
22 Officer of each designated department or institution shall
23 prepare an evaluation of the best value procurement pilot
24 program authorized by this Section, including a recommendation
25 on whether or not the process should be continued. The
26 evaluation shall be posted in the applicable volume or volumes

1 of the Illinois Procurement Bulletin on or before January 1,
2 2021.

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

4 (30 ILCS 500/45-30)

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

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

1 (30 ILCS 500/45-45)

2 Sec. 45-45. Small businesses.

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

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

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

1 (2) No retail business or business selling services is
2 a small business if its annual sales and receipts exceed
3 \$8,000,000.

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

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

8 (c) Fair proportion. For the purpose of subsection (a), for
9 State agencies of the executive branch, a fair proportion of
10 construction contracts shall be no less than 25% nor more than
11 40% of the annual total contracts for construction.

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

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

26 (1) Compiling and maintaining a comprehensive list of

1 potential small contractors. In this duty, he or she shall
2 cooperate with the Federal Small Business Administration
3 in locating potential sources for various products and
4 services.

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

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

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

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

18 (f) Small business annual report. Each small business
19 specialist ~~The State purchasing officer~~ designated under
20 subsection (e) shall annually before December 1 report in
21 writing to the General Assembly concerning the awarding of
22 contracts to small businesses. The report shall include the
23 total value of awards made in the preceding fiscal year under
24 the designation of small business set-aside. The report shall
25 also include the total value of awards made to businesses owned
26 by minorities, females, and persons with disabilities, as

1 defined in the Business Enterprise for Minorities, Females, and
2 Persons with Disabilities Act, in the preceding fiscal year
3 under the designation of small business set-aside.

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

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

8 (30 ILCS 500/45-57)

9 Sec. 45-57. Veterans.

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

25 (b) Fiscal year reports. By each ~~September~~ November 1, each

1 chief procurement officer shall report to the Department of
2 Central Management Services on all of the following for the
3 immediately preceding fiscal year, and by each March 1 the
4 Department of Central Management Services shall compile and
5 report that information to the General Assembly:

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

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

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

24 (d) Governor's recommendations. To assist the State in
25 reaching the goal described in subsection (a), the Governor
26 shall recommend to the General Assembly changes in programs to

1 assist businesses owned by qualified veterans.

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

3 "Armed forces of the United States" means the United States
4 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in
5 active duty as defined under 38 U.S.C. Section 101. Service in
6 the Merchant Marine that constitutes active duty under Section
7 401 of federal Public Act 95-202 shall also be considered
8 service in the armed forces for purposes of this Section.

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

23 "Control" means the exclusive, ultimate, majority, or sole
24 control of the business, including but not limited to capital
25 investment and all other financial matters, property,
26 acquisitions, contract negotiations, legal matters,

1 officer-director-employee selection and comprehensive hiring,
2 operation responsibilities, cost-control matters, income and
3 dividend matters, financial transactions, and rights of other
4 shareholders or joint partners. Control shall be real,
5 substantial, and continuing, not pro forma. Control shall
6 include the power to direct or cause the direction of the
7 management and policies of the business and to make the
8 day-to-day as well as major decisions in matters of policy,
9 management, and operations. Control shall be exemplified by
10 possessing the requisite knowledge and expertise to run the
11 particular business, and control shall not include simple
12 majority or absentee ownership.

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

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

26 "Qualified veteran-owned small business" or "VOSB" means a

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

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

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

20 "State agency" has the meaning provided in Section 1-15.100
21 of this Code. ~~same meaning as in Section 2 of the Business~~
22 ~~Enterprise for Minorities, Females, and Persons with~~
23 ~~Disabilities Act.~~

24 "Time of hostilities with a foreign country" means any
25 period of time in the past, present, or future during which a
26 declaration of war by the United States Congress has been or is

1 in effect or during which an emergency condition has been or is
2 in effect that is recognized by the issuance of a Presidential
3 proclamation or a Presidential executive order and in which the
4 armed forces expeditionary medal or other campaign service
5 medals are awarded according to Presidential executive order.

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

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

24 (g) Penalties.

25 (1) Administrative penalties. The chief procurement
26 officers appointed pursuant to Section 10-20 shall suspend

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

16 (2) Reports of violations. Each State agency shall
17 report any alleged violation of Section 17-10.3 or
18 subsection (d) of Section 33E-6 of the Criminal Code of
19 2012 relating to this Section to the chief procurement
20 officers appointed pursuant to Section 10-20. The chief
21 procurement officers appointed pursuant to Section 10-20
22 shall subsequently report all such alleged violations to
23 the Attorney General, who shall determine whether to bring
24 a civil action against any person for the violation.

25 (3) List of suspended persons. The chief procurement
26 officers appointed pursuant to Section 10-20 shall monitor

1 the status of all reported violations of Section 17-10.3 or
2 subsection (d) of Section 33E-6 of the Criminal Code of
3 1961 or the Criminal Code of 2012 relating to this Section
4 and shall maintain and make available to all State agencies
5 a central listing of all persons that committed violations
6 resulting in suspension.

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

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

20 (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;
21 98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

22 (30 ILCS 500/50-2)

23 Sec. 50-2. Continuing disclosure; false certification.
24 Every person that has entered into a multi-year contract and
25 every subcontractor with a multi-year subcontract shall

1 certify, by January ~~July~~ 1 of each fiscal year covered by the
2 contract after the initial fiscal year, to the responsible
3 chief procurement officer whether it continues to satisfy the
4 requirements of this Article pertaining to eligibility for a
5 contract award. If a contractor or subcontractor is not able to
6 truthfully certify that it continues to meet all requirements,
7 it shall provide with its certification a detailed explanation
8 of the circumstances leading to the change in certification
9 status. A contractor or subcontractor that makes a false
10 statement material to any given certification required under
11 this Article is, in addition to any other penalties or
12 consequences prescribed by law, subject to liability under the
13 Illinois False Claims Act for submission of a false claim.

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

16 (30 ILCS 500/50-10)

17 Sec. 50-10. Felons.

18 (a) Unless otherwise provided, no person or business
19 convicted of a felony shall do business with the State of
20 Illinois or any State agency, or enter into a subcontract, from
21 the date of conviction until 5 years after the date of
22 completion of the sentence for that felony, unless no person
23 held responsible by a prosecutorial office for the facts upon
24 which the conviction was based continues to have any
25 involvement with the business. For purposes of this subsection

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

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

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

23 (30 ILCS 500/50-10.5)

24 Sec. 50-10.5. Prohibited bidders, offerors, potential
25 contractors, and contractors.

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

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

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

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

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

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

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

19 This subsection does not prohibit a person or business from
20 submitting a bid or offer or entering into a contract if the
21 person or business: (i) initiates a communication with an
22 employee to provide general information about products,
23 services, or industry best practices, ~~and, if applicable, that~~
24 ~~communication is documented in accordance with Section 50-39 or~~
25 (ii) responds to a communication initiated by an employee of
26 the State for the purposes of providing information to evaluate

1 new products, trends, services, or technologies, or (iii) asks
2 for clarification regarding a contract solicitation so long as
3 there is no competitive advantage to the person or business and
4 the question and answer, if material, are posted to the
5 Illinois Procurement Bulletin as an addendum to the contract
6 solicitation.

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

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

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

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

1 submit a bid or proposal or receive a contract for that
2 procurement need.

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

4 (30 ILCS 500/50-40)

5 Sec. 50-40. Reporting and anticompetitive practices. When,
6 for any reason, any vendor, bidder, offeror, potential
7 contractor, contractor, chief procurement officer, State
8 purchasing officer, designee, elected official, or State
9 employee suspects collusion or other anticompetitive practice
10 among any bidders, offerors, potential contractors,
11 contractors, or employees of the State, a notice of the
12 relevant facts shall be transmitted to the appropriate
13 Inspector General, the Attorney General and the chief
14 procurement officer. The reporting requirements shall be
15 conveyed through ethics training under the State Officials and
16 Employees Ethics Act. An employee who knowingly and
17 intentionally violates this Section shall be subject to
18 suspension or discharge.

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

20 (30 ILCS 500/50-45)

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

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

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

8 (30 ILCS 500/50-39 rep.)

9 Section 15. The Illinois Procurement Code is amended by
10 repealing Section 50-39.

11 Section 20. The Small Business Contracts Act is amended by
12 changing Sections 10 and 20 as follows:

13 (30 ILCS 503/10)

14 Sec. 10. Award of State contracts.

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

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

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

1 (30 ILCS 503/20)

2 Sec. 20. Annual report. Each chief procurement officer
3 shall file no later than November ~~March~~ 1 of each year, an
4 annual report that shall detail the level of achievement toward
5 the goals specified in this Act over the 3 most recent fiscal
6 years. The annual report shall include, but need not be limited
7 to, the following:

8 (1) a summary detailing State appropriations subject
9 to the goals, the actual goals specified, and the goals
10 attained by each State official or agency;

11 (2) a summary of the number of contracts awarded and
12 the average contract amount by each State official or
13 agency; and

14 (3) an analysis of the level of overall goal
15 achievement concerning purchases from small businesses.

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

17 Section 25. The Governmental Joint Purchasing Act is
18 amended by changing Section 2 as follows:

19 (30 ILCS 525/2) (from Ch. 85, par. 1602)

20 Sec. 2. Joint purchasing authority.

21 (a) Any governmental unit may purchase personal property,
22 supplies and services jointly with one or more other
23 governmental units. All such joint purchases shall be by
24 competitive solicitation as provided in Section 4 of this Act.

1 The provisions of any other acts under which a governmental
2 unit operates which refer to purchases and procedures in
3 connection therewith shall be superseded by the provisions of
4 this Act when the governmental units are exercising the joint
5 powers created by this Act.

6 (a-5) A chief procurement officer established in Section
7 10-20 of the Illinois Procurement Code may authorize the
8 purchase of personal property, supplies, and services jointly
9 with a governmental entity of this or another state or with a
10 consortium of governmental entities of one or more other
11 states. Subject to provisions of the joint purchasing
12 solicitation, the appropriate chief procurement officer may
13 designate the resulting contract as available to governmental
14 units in Illinois. The chief procurement officers shall submit
15 to the General Assembly by November 1 of each year a report of
16 procurements made under this subsection (a-5).

17 (a-10) Each chief procurement officer appointed pursuant
18 to Section 10-20 of the Illinois Procurement Code may authorize
19 the purchase or lease of personal property, supplies, and
20 services which have been procured through a competitive process
21 by a federal agency, a consortium of governmental, educational,
22 medical, research, or similar entities, or group purchasing
23 organizations of which the chief procurement officer or State
24 agency is a member or affiliate, including, without limitation,
25 any purchasing entity operating under the federal General
26 Service Administration, the federal Higher Education

1 Cooperative Act, and the Midwestern Higher Education
2 Cooperation Act. A chief procurement officer may authorize
3 purchases and contracts established by other means if the chief
4 procurement officer determines it is in the best interests of
5 the State. Each chief procurement officer may establish
6 detailed rules and policies and procedures for use of these
7 cooperative solicitations and contracts, including, without
8 limitation, that the State agency make a determination that the
9 award or contract is in the best interest of the State and that
10 the contract include provisions required by Illinois law.
11 Notice of awards or contracts shall be published by the chief
12 procurement officer in the Illinois Procurement Bulletin at
13 least 14 days prior to use of the award or contract. Each chief
14 procurement officer shall submit to the General Assembly by
15 November 1 of each year a report of procurements made under
16 this subsection (a-10).

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

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

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

1 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)
2 Sec. 2-101. Definitions. The following definitions are
3 applicable strictly in the context of this Article.

4 (A) Employee.

5 (1) "Employee" includes:

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

8 (b) An apprentice;

9 (c) An applicant for any apprenticeship.

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

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

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

20 (iii) the work performed:

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

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

1 (III) does not displace regular employees;
2 (IV) is performed under the close supervision
3 of existing staff; and
4 (V) provides no immediate advantage to the
5 employer providing the training and may
6 occasionally impede the operations of the
7 employer.

8 (2) "Employee" does not include:

9 (a) (Blank);

10 (b) Individuals employed by persons who are not
11 "employers" as defined by this Act;

12 (c) Elected public officials or the members of
13 their immediate personal staffs;

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

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

21 (B) Employer.

22 (1) "Employer" includes:

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

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

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

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

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

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

23 (C) Employment Agency. "Employment Agency" includes both
24 public and private employment agencies and any person, labor
25 organization, or labor union having a hiring hall or hiring
26 office regularly undertaking, with or without compensation, to

1 procure opportunities to work, or to procure, recruit, refer or
2 place employees.

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

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

23 (F) Religion. "Religion" with respect to employers
24 includes all aspects of religious observance and practice, as
25 well as belief, unless an employer demonstrates that he is
26 unable to reasonably accommodate an employee's or prospective

1 employee's religious observance or practice without undue
2 hardship on the conduct of the employer's business.

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

6 (H) Public Employee. "Public employee" means an employee of
7 the State, agency or department thereof, unit of local
8 government, school district, instrumentality or political
9 subdivision. "Public employee" does not include public
10 officers or employees of the General Assembly or agencies
11 thereof.

12 (I) Public Officer. "Public officer" means a person who is
13 elected to office pursuant to the Constitution or a statute or
14 ordinance, or who is appointed to an office which is
15 established, and the qualifications and duties of which are
16 prescribed, by the Constitution or a statute or ordinance, to
17 discharge a public duty for the State, agency or department
18 thereof, unit of local government, school district,
19 instrumentality or political subdivision.

20 (J) Eligible Bidder. "Eligible bidder" means a person who,
21 prior to contract award or prior to bid opening for State
22 contracts for construction or construction-related services ~~a~~
23 ~~bid opening~~, has filed with the Department a properly
24 completed, sworn and currently valid employer report form,
25 pursuant to the Department's regulations. The provisions of
26 this Article relating to eligible bidders apply only to bids on

1 contracts with the State and its departments, agencies, boards,
2 and commissions, and the provisions do not apply to bids on
3 contracts with units of local government or school districts.

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

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

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

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

9 (4) a person born outside the United States and not a
10 U.S. citizen who is not an unauthorized alien and who is
11 protected from discrimination under the provisions of
12 Section 1324b of Title 8 of the United States Code, as now
13 or hereafter amended.

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

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 July 1,
24 2017, but this Act does not take effect at all unless Senate
25 Bills 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 13 of the 100th

1 General Assembly become law.

1 INDEX

2 Statutes amended in order of appearance

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- 4 30 ILCS 500/1-10
- 5 30 ILCS 500/1-12
- 6 30 ILCS 500/1-12.1 new
- 7 30 ILCS 500/1-13
- 8 30 ILCS 500/1-13.1 new
- 9 30 ILCS 500/1-15.20
- 10 30 ILCS 500/1-15.47 new
- 11 30 ILCS 500/1-15.48 new
- 12 30 ILCS 500/5-5
- 13 30 ILCS 500/5-30
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- 1 30 ILCS 500/25-85 new
- 2 30 ILCS 500/45-30
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- 4 30 ILCS 500/45-57
- 5 30 ILCS 500/50-2
- 6 30 ILCS 500/50-10
- 7 30 ILCS 500/50-10.5
- 8 30 ILCS 500/50-40
- 9 30 ILCS 500/50-45
- 10 30 ILCS 500/50-39 rep.
- 11 30 ILCS 503/10
- 12 30 ILCS 503/20
- 13 30 ILCS 525/2 from Ch. 85, par. 1602
- 14 775 ILCS 5/2-101 from Ch. 68, par. 2-101