**Section 1620.1250 Potential Conflict of Interest Submittal from the Procurement Policy Board**

*If the Procurement Policy Board makes a recommendation to void a contract or void a bid or offer and the Chief Procurement Officer selected or intends to award the contract to the bidder or offeror, the Executive Ethics Commission shall hold a public hearing within 30 days after receiving the Board's recommendation.* [30 ILCS 500/50-35(d)]

a) The Procurement Policy Board shall forward its recommendations to void a contract, bid or offer pursuant to Section 50-35(d) of the Illinois Procurement Code, to the Executive Director of the Commission and the appropriate Chief Procurement Officer within five days after making the recommendation. The recommendation shall contain the following information:

1) The name and contact information of the bidder, offeror, contractor and/or subcontractor.

2) A statement of all relevant facts the Board considered in reaching its recommendation, including the names of all individuals that provided information or testified.

3) A statement of all relevant legal conclusions the Board made in reaching its recommendation.

4) A written or recorded record of the Board's hearing, if one took place.

5) A copy of all documents relied upon by the Board in making its recommendation.

b) Within five business days after receipt of the Board's recommendation, the appropriate Chief Procurement Officer shall inform the Commission, in writing, whether the Chief Procurement Officer intends to accept the Board's recommendation.

c) If the Procurement Policy Board makes a recommendation to void a contract or void a bid or offer and the Chief Procurement Officer selected or intends to award the contract to the bidder or offerer, the Commission shall set a date, time and location for a public hearing to take place within 30 days after receiving the Board's recommendation.

d) The appropriate Chief Procurement Officer shall publish notice of the date, time and location of the hearing in the online Illinois Procurement Bulletin at least 14 days prior to the hearing. The Commission shall provide notice via the United States Postal Service to the bidder, offeror or contractor and to the Procurement Policy Board and post notice on its website.

e) The Commission shall appoint a hearing officer to conduct the public hearing. At the public hearing any person may present written or oral testimony, including relevant facts and legal conclusions, in support of or in opposition to the Procurement Policy Board's recommendation. The hearing shall be recorded by a court reporter with transcripts available upon payment of any costs. The hearing officer shall provide the official record of the public hearing, including the transcript and any exhibits, to the Chief Procurement Officer for the purpose of the Chief Procurement Officer determining action in regard to the award or selection of a bid or offer or the voiding of a contract.

f) *A Chief Procurement Officer is prohibited from awarding a contract before a hearing if the Board recommendation does not support a bid or offer*. [30 ILCS 500/50-35(d)]

g) Within 30 days after the public hearing, or as established by the Hearing Officer, the Chief Procurement Officer shall publish in the online Illinois Procurement Bulletin a notice of action taken by the Chief Procurement Officer in regard to the award or selection of a bid or offer or the voiding of a contract that was the subject of a public hearing conducted by the Commission pursuant to this Section.

(Source: Added at 37 Ill. Reg. 19561, effective November 22, 2013)