**Section 1.15 Definition of Terms Used in This Part**

As used throughout this Part, terms defined in the Illinois Procurement Code shall have the same meaning as in the Code and as further defined in this Section, and each term listed in this Section shall have the meaning set forth unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

"Amendment" − A written modification to a contract. For example, an amendment may memorialize an action authorized by specific language in the contract (e.g., exercise of an option or showing price decrease or increase based on CPI), or may memorialize non-material changes (e.g., change in names of notice contacts or number of periodic status meetings). A "change order" is an amendment, but an amendment is not always a "change order".

"BEP Act" means Business Enterprise for Minorities, Women and Persons with Disabilities Act [30 ILCS 575]

"BEP Council" *means the Business Enterprise Council for Minorities, Women and Persons with Disabilities created under Section 5 of the* BEP *Act*. [30 ILCS 575/2]

"Bid" – The response to an Invitation for Bids.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet State requirements, and that allows the submission of equivalent products.

"Brand Name Specification" – A specification limited to one or more items by manufacturers' names or catalogue numbers.

"Building Services" – Repairs to or maintenance of the structure, but does not include janitorial or window washing services.

"Bulletin" or "BidBuy" − The volume of the Illinois Procurement Bulletin under the authority of the CPO-GS, unless the context clearly means the volume of another CPO or the Illinois Procurement Bulletin generally.

*"Business Enterprise Program" means the Business Enterprise Program of the Commission on Equity and Inclusion.* [30 ILCS 575/2]

"Change Order" − *A change in a contract term, other than as specifically provided for in the contract, that authorizes or necessitates any increase or decrease in the cost of the contract or the time to completion.* [720 ILCS 5/33E-2(c)] As used in this Part, "a change in a contract term" includes increases or decreases to estimated contracts, even if the change does not require modification to the contract.

"Chief Procurement Officer" or "CPO-GS" – The Chief Procurement Officer for General Services, as created by Section 10-20(4) of the Code or a designee.

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Concession" – The right granted by a license, lease or other agreement to use State property, and sell directly or indirectly to the public, whether tangible or intangible. Also includes the right to engage in a certain activity on the lessor's property (e.g., a refreshment or parking concession).

"Construction Agency" − *The Capital Development Board for construction or remodeling of State-owned facilities; the Illinois Department of Transportation for construction or maintenance of roads, highways, bridges, and airports; the Illinois Toll Highway Authority for construction or maintenance of toll highways; the Illinois Power Agency for construction, maintenance, and expansion of Agency-owned facilities, as defined in Section 1-10 of the Illinois Power Agency Act; and any other State agency entering into construction contracts as authorized by law or by delegation from the* appropriate *Chief Procurement Officer.* [30 ILCS 500/1-15.25]

"Construction Support" − Equipment, supplies and services necessary to the operation of a construction agency's construction program, but does not include construction-related services.

"Contract" – *All types of State agreements, including change orders and renewals, regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases of real property, whether the State is lessor or lessee, or capital improvements, and including master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders.* [30 ILCS 500/1-15.30] The term "contract" includes, but is not limited to, any extension, purchase, installment purchase, lease, rental, no-cost, and concession contracts. The term contract, as used in the Code and this Part, does not include: supplies or services the terms governing which are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission and for which there is no authorized competition, bond or contracts related to bonds issued by or on behalf of a State agency when the contractor or vendor is neither selected nor paid by the State agency.

"Contract Award" − Except as otherwise defined in this Part for specific categories of procurements, the determination that a particular vendor has been selected from among other potential vendors to receive a contract, subject to the successful completion of final negotiations. Contract award is evidenced by the posting of a Notice to Award or a Notice of Intent to Award to the respective Bulletin after all State agency-required and SPO approvals have been obtained.

"Contractor" or "Vendor" – Any person having a contract with a State agency to furnish supplies, services or construction for an agreed upon price. The terms contractor and vendor are used interchangeably for purposes of the Code and this Part. The term shall also include subcontractors.

"Designee" − A person or category of persons identified by the CPO-GS or an SPO, in writing, to exercise procurement authority or to assist with the procurement process. A designee acts under procurement authority of the CPO-GS or SPO and has the responsibility for taking procurement actions in accordance with applicable laws, rules and policies, as limited by the terms of the delegation.

"Domestic Product" – A product that meets the requirements of the Procurement of Domestic Products Act [30 ILCS 5/7].

"Electronic Procurement" or "eProcurement" – Conducting all or some of the procurement function through a uniform, interactive, and secure electronic system.

"Emergency Contract Award" – For purposes of an emergency contract, an emergency contract is awarded on the earlier of the date a State agency communicates to a vendor to start work, publication on the Bulletin identifying the vendor of the required supplies or services, or the date the contract is signed by both parties.

"Emergency Statement" – The statement filed with the Procurement Policy Board and the Auditor General setting forth the actual or estimated amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement.

"Estimated Cost" − The amount expected to be paid by the State for a procurement transaction. It is representative of all known work and may include potential and expected unscheduled work arising out of the requirements, i.e., the total estimated contract value, but is not considered the maximum cost.

"Evaluation Criteria" − The requirements for the selection process, which may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors.

"Germane" − Closely or significantly related to, arising out of, or directly incidental to the original contract. Additional work or materials that are a substantial departure from the nature, scope or scale of the original contract are not germane.

"Grant" − *The furnishing by the State of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the State agency making the grant, whether in the form of goods, services, or construction. A contract that results from such an award is not a grant and is subject to* the *Code.* [30 ILCS 500/1-15.42] When a grantor provides a grant to a State agency with a stipulation that the State agency issue subgrants to named persons, the subgrant or subcontract award is also a grant and the subgrantee or subcontractor is made an agent of the grantor.

"Grounds Services" – Lawn care, landscaping and snow and ice removal services.

"Invitation for Bids" or "IFB" – *The process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.* [30 ILCS 500/1-15.45] Also referred to as Competitive Sealed Bidding.

"Items" – Anything that may be procured under the Code and this Part.

"Master Contract" – *A definite quantity or indefinite quantity contract awarded pursuant to* the *Act against which subsequent orders may be placed to meet the needs of a governmental unit or qualified not-for-profit agency.* [30 ILCS 525/1] *A master contract may be for use by a single State purchasing entity or for multiple State purchasing entities and other entities as authorized under the Governmental Joint Purchasing Act.* [30 ILCS 500/1-15.47].

"Multiple Award" – *An award that is made* by a State agency *to 2 or more bidders or offerors for similar supplies,* *services, or construction-related services* for the State agency. [30 ILCS 500/1-15.48]

"Natural Resources Services" – These are services provided to the Department of Natural Resources or the Historic Preservation Agency. Services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, assisting in the operation of tree nurseries, fish hatcheries, game farms and sanctuaries; cleaning and maintenance of specialized facilities; repairing fences and building cages; mowing; and trail and ancillary facility repair.

"Offer" or "Proposal" − The response to a Request for Proposal or Request for Information for real estate or capital improvement leases.

"Protest Review Office" – The office designated in the solicitation document to which protests must be directed. This office will respond to or coordinate the response to the protest.

"Purchase of Care" – *A contract with a person for the furnishing of medical, educational, psychiatric, vocational, rehabilitative, social, or human services directly to a recipient of a State aid program.* [30 ILCS 500/1-15.68] Purchase of care includes the furnishing of services directly to recipients of State aid programs or applicants for a State aid program. Purchase of care contracts may include some services that are administrative in nature, as long as the contract primarily provides direct care to recipients of State aid programs. Examples of purchase of care contracts include, but are not limited to, contracts related to care coordination programs under Title XIX of the Social Security Act, including contracts with managed care organizations; primary care case management services; prepaid ambulatory health plans; prepaid inpatient health plans and direct care services provided under the Children and Family Services Act [20 ILCS 505]. Contracts that do not pertain to direct services to State aid recipients or that are primarily administrative in nature exceed the scope of the definition of a purchase of care contract and are not exempt from the requirements of the Code.

"Purchasing Agency" − *A State agency that enters into a contract at the direction of a State purchasing officer authorized by a Chief Procurement Officer or* the direction of *a Chief Procurement Officer.* [30 ILCS 500/1‑15.70]

"Qualified Products List" – An approved list of supplies described by model or catalog numbers that, prior to competitive solicitation, the State has determined will meet the applicable specification requirements.

"Quotation" or "Quote" – An informal purchasing process that solicits pricing information.

"Renewal" − Except for real property and capital improvement leases, an agreement between the parties to a contract to authorize an additional contract period under the terms and conditions of the renewal provision in the original contract.

"Request for Information" or "RFI" − The process of requesting information from interested parties to aid the State in decision making. This type of RFI is not a procurement method and will not result in a participant receiving a contract.

"Request for Information for Real Property or Capital Improvement Leases" or "RFI-Real Property Leases" − The process of seeking proposals for leases of real property or capital improvements as outlined under Article 40 of the Code.

"Request for Proposals" or "RFP" – *The process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.* [30 ILCS 500/1-15.75]

"Request for Qualifications" − The process of seeking statements of qualifications from vendors for a pre-qualified pool from which subsequent written submissions to the pre-qualified pool describe the specific supplies or services the CPO-GS or State agency require.

"Requesting Agency" – The agency that requests that the CPO or SPO conduct a procurement for its use.

"Responsible Bidder" or "Offeror" − *A person who has the capability in all respects to perform fully the contract requirements and* who has *the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid or proposal is submitted for a State contract.* [30 ILCS 500/1-15.80]

"Responsive Bidder" – *A person who has submitted a bid that conforms in all material respects to the* Invitation for Bids. [30 ILCS 500/1-15.85]

"Responsive Offeror" – A person who has submitted an offer that conforms in all material respects to the Request for Proposals.

"Responsive Respondent" – A person who has submitted a response that conforms in all material respects to the Request for Information for real property and capital improvement leases.

"Scoring Tool" – The document used to record the method used by the individuals evaluating the responses to a solicitation to judge qualifications or otherwise show whether or how well the responses met requirements set forth in the solicitation.

"Services" – *The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance* and financing. [30 ILCS 500/1-15.90]

"Site Technician Services" – These are services provided to the Department of Natural Resources or the Historic Preservation Agency. These services consist of non-supervisory activities of a routine, repetitive, non-discretionary nature not needing special expertise, training or education. These services include, but are not limited to, the maintenance of the site, including operating small farm-type equipment and trucks that do not require a Class C or D driver's license.

"Solicitation" – The document (e.g., IFB, RFP or RFI-real property lease) posted to the Bulletin requesting interested parties to submit a bid, offer or response for evaluation by the State. A small purchase request for quotation and a request for information to determine if there is any interest on the part of a State agency in the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or services, are not considered a solicitation.

"Specification for a Common or General Use Item" – A specification that has been developed and approved for repeated use in procurements.

"Specifications" − *Any description, provision, or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service, or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, construction, or other item for delivery.* [30 ILCS 500/1-15.95]

"State" − The State of Illinois, a State agency as defined in this Section, and all officers and employees of the foregoing, as appropriate, collectively or individually.

"State Agency" – Generally the term "State agency" *includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code* [40 ILCS 5] *or to the University of Illinois Foundation. "State agency" does not include units of local government, school districts, community colleges under the Public Community College Act* [110 ILCS 805]*, and the Illinois Comprehensive Health Insurance Board.* [30 ILCS 500/1-15.100] For purposes of this Part, however, only those State agencies that are under the jurisdiction of the CPO-GS are encompassed by the term State agency.

"State Purchasing Officer" or "SPO" – A person appointed by the CPO-GS pursuant to Section 10-10 of the Code and assigned to exercise procurement authority at the direction of the CPO-GS.

"State Witness" – An employee of the procuring agency, who observes the opening of sealed bids, proposals, responses or submissions. In the eProcurement system, the system may serve as the State witness.

"Subcontract" – *A contract between a person and another person who has a contract subject to the Code, pursuant to which the subcontractor provides to the contractor, or another subcontractor, some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency.* [30 ILCS 500/1-15.107]

"Subcontractor" – *A person or entity who enters into a contractual agreement with a total value of $50,000 or more with a person or entity who has a contract subject to the Code pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract.* [30 ILCS 500/1-15.108]

"Subfactor" – A subset of a main evaluation factor. Main evaluation factors are identified in the solicitation. Subfactors that are separately evaluated within a factor are also identified in the solicitation.

"Supplies" – *All personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.* [30 ILCS 500/1-15.110]

"Suspension" – Prohibiting a vendor from submitting bids, offers, responses, submissions or quotes and from entering into a contract for a definite period of time and prohibiting a subcontractor from performing work on a State contract.

"Unsolicited Bid" or "Unsolicited Offer" or "Unsolicited Proposal" – Any bid, offer or proposal other than one submitted in response to a solicitation.

"Value" – The price the State agency will pay the vendor.

"Written Determination" – Approval or disapproval in the eProcurement system.

(Source: Amended at 46 Ill. Reg. 10208, effective June 2, 2022)