**Section 1.4535 Qualified Not-for-Profit Agencies for Persons with Significant Disabilities**

a) Purpose

Contracts with qualified not-for-profit agencies for persons with significant disabilities (work centers; see Section 45-35 of the Code) under this Section should promote employment opportunities for persons with significant disabilities while meeting the needs of the State agency. In making a determination to purchase from a qualified work center, State agencies should review the number of jobs performed by persons with significant disabilities and the total amount of the contract. A reasonable amount of subcontracting is allowed under this Part to the extent it does not deter from promoting employment for persons with significant disabilities.

b) Usage

The CPO-GS shall distribute to each SPO and State agency a list of supplies and services available from qualified work centers. Purchases may be made from qualified work centers without prior notice or competition.

c) Preference

The CPO-GS shall identify to each SPO and State agency the supplies or services for which preference must be given to qualified work centers. Prior to conducting a competitive procurement or otherwise contracting for supplies or services on the preference list, the State agency shall contact one or more of the qualified work centers that provide the needed supply or service and attempt to negotiate a fair and reasonable contract at a price not substantially more than had it been competitively bid. If negotiations fail or if circumstances suggest using a qualified work center is not reasonable, the SPO may authorize use of an alternative procurement method.

d) Pricing Approval

Prior to contracting with a qualified work center, the State Use Committee (see Section 45-35(c) of the Code) must determine in an open meeting that the price is fair and reasonable. The State Use Committee shall inform the State agency, in writing, of its determination.

e) Procurement Code Requirements

Qualified work centers that contract with the State must comply with all applicable provisions of the Code.

f) Governmental Joint Purchasing Act [30 ILCS 525] Requirements

Pursuant to Section 4.05 of the Governmental Joint Purchasing Act, when a State agency procures a joint purchase master contract from a qualified not-for-profit agency for persons with significant disabilities, the State agency shall use the sole source method of procurement. The CPO-GS determines that a qualified not-for-profit agency for persons with significant disabilities is a sole economically feasible source due to the organization's employment and empowerment of persons with significant disabilities.

g) Publication to Bulletin

Upon receipt of the State Use Committee written determination, the SPO shall publish notice of purchases in excess of the small purchase threshold to the Bulletin. An agency's decision to purchase from a qualified work center rather than issuing a competitive solicitation is not protestable.

h) Contract Execution

Once a State agency receives the written determination from the State Use Committee that the price of the proposed contract is fair and reasonable and the State agency has posted the notice of purchase to the Bulletin, the SPO may authorize a State agency to enter into a contract with the qualified work center.

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