



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4217

by Rep. David Harris

SYNOPSIS AS INTRODUCED:

30 ILCS 500/15-25
30 ILCS 500/15-30

Amends the Illinois Procurement Code. Provides that any board, commission, authority, or other entity authorized or created by State law with the power to award contracts under the Code shall, as a part of the notice required for the awarding of contracts, disclose specified information regarding conflicts of interest. Requires that disclosure must be posted in the online electronic Bulletin along with and conforming to the notice posted for the awarding of contracts. Requires disclosed conflict of interest information to be made available on the electronic Bulletin clearinghouse. Defines "conflict of interest".

LRB100 15939 RJF 31055 b

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 15-25 and 15-30 as follows:

6 (30 ILCS 500/15-25)

7 Sec. 15-25. Bulletin content.

8 (a) Invitations for bids. Notice of each and every contract
9 that is offered, including renegotiated contracts and change
10 orders, shall be published in the Bulletin. The applicable
11 chief procurement officer may provide by rule an organized
12 format for the publication of this information, but in any case
13 it must include at least the date first offered, the date
14 submission of offers is due, the location that offers are to be
15 submitted to, the purchasing State agency, the responsible
16 State purchasing officer, a brief purchase description, the
17 method of source selection, information of how to obtain a
18 comprehensive purchase description and any disclosure and
19 contract forms, and encouragement to potential contractors to
20 hire qualified veterans, as defined by Section 45-67 of this
21 Code, and qualified Illinois minorities, women, persons with
22 disabilities, and residents discharged from any Illinois adult
23 correctional center.

1 (a-5) All businesses listed on the Illinois Unified
2 Certification Program Disadvantaged Business Enterprise
3 Directory, the Business Enterprise Program of the Department of
4 Central Management Services, and any small business database
5 created pursuant to Section 45-45 of this Code shall be
6 furnished written instructions and information on how to
7 register for the Illinois Procurement Bulletin. This
8 information shall be provided to each business within 30
9 calendar days after the business's notice of certification or
10 qualification.

11 (b) Contracts let. Notice of each and every contract that
12 is let, including renegotiated contracts and change orders,
13 shall be issued electronically to those bidders submitting
14 responses to the solicitations, inclusive of the unsuccessful
15 bidders, immediately upon contract let. Failure of any chief
16 procurement officer to give such notice shall result in tolling
17 the time for filing a bid protest up to 7 calendar days.

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

21 (b-5) Contracts awarded. Notice of each and every contract
22 that is awarded, including renegotiated contracts and change
23 orders, shall be issued electronically to the successful
24 responsible bidder, offeror, or contractor and published in the
25 Bulletin. The applicable chief procurement officer may provide
26 by rule an organized format for the publication of this

1 information, but in any case it must include at least all of
2 the information specified in subsection (a) as well as the name
3 of the successful responsible bidder, offeror, the contract
4 price, the number of unsuccessful bidders or offerors and any
5 other disclosure specified in any Section of this Code. This
6 notice must be posted in the online electronic Bulletin prior
7 to execution of the contract.

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

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

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

11 (c-10) Renewals. Notice of each contract renewal shall be
12 posted in the Bulletin within 14 calendar days of the
13 determination to execute a renewal of the contract. The notice
14 shall include at least all of the information required in
15 subsection (a) or (b), as applicable.

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

25 (d) Other required disclosure. The applicable chief
26 procurement officer shall provide by rule for the organized

1 publication of all other disclosure required in other Sections
2 of this Code in a timely manner.

3 (e) The changes to subsections (b), (c), (c-5), (c-10), and
4 (c-15) of this Section made by Public Act 96-795 ~~this~~
5 ~~amendatory Act of the 96th General Assembly~~ apply to reports
6 submitted, offers made, and notices on contracts executed on or
7 after July 1, 2010 (the ~~its~~ effective date of Public Act
8 96-795).

9 (f) Each chief procurement officer shall, in consultation
10 with the agencies under his or her jurisdiction, provide the
11 Procurement Policy Board with the information and resources
12 necessary, and in a manner, to effectuate the purpose of Public
13 Act 96-1444 ~~this amendatory Act of the 96th General Assembly~~.

14 (g) Any board, commission, authority, or other entity
15 authorized or created by State law with the power to award
16 contracts under this Code shall, as a part of the notice
17 required for the awarding of contracts under subsections (b-5)
18 and (c-15), disclose the following information:

19 (1) the party or parties with whom that board,
20 commission, authority, or authorized entity plans to
21 contract;

22 (2) the purpose of the contract;

23 (3) potential conflicts of interest between a member of
24 the contracting board, commission, authority, or
25 authorized entity, and the entity with whom the contract is
26 made, if any; and

1 (4) if a conflict of interest exists, a listing of the
2 member or members having that conflict, with an explanation
3 of the relationship creating the conflict and whether that
4 conflicting member recused him or herself from any decision
5 regarding the awarding of the contract in question.

6 This disclosure must be posted in the online electronic
7 Bulletin along with and conforming to notice posted in the
8 Bulletin under subsections (b-5) and (c-15).

9 For the purposes of this subsection (g), "conflict of
10 interest" means any conflict of interest prohibited under
11 Section 50-13, and includes any financial, charitable, or
12 personal relationship between any member of a contracting
13 board, commission, authority, or authorized entity, and any
14 person associated with the entity with whom a contract is made.

15 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
16 revised 10-2-17.)

17 (30 ILCS 500/15-30)

18 Sec. 15-30. Electronic Bulletin clearinghouse.

19 (a) The Procurement Policy Board shall maintain on its
20 official website a searchable database containing all
21 information required to be included in the Illinois Procurement
22 Bulletin under subsections (b), (b-5), (c), (c-10), ~~and~~ (c-15),
23 and (g) of Section 15-25 and all information required to be
24 disclosed under Section 50-41. The posting of procurement
25 information on the website is subject to the same posting

1 requirements as the online electronic Bulletin.

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

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

12 (Source: P.A. 100-43, eff. 8-9-17.)