



Sen. Pat McGuire

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LRB100 10700 MLM 26138 a

1 AMENDMENT TO SENATE BILL 1401

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1401 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 re-enacting Sections 1-12 and 1-13, by changing Sections 1-10,  
6 1-15.93, 20-10, 20-15, 20-20, 30-30, 35-30, 35-35, 40-25,  
7 45-15, and 45-40 and by adding Sections 1-12.1, 1-13.1,  
8 1-15.48, 20-20.1, and 25-85 as follows:

9 (30 ILCS 500/1-10)

10 Sec. 1-10. Application.

11 (a) This Code applies only to procurements for which  
12 bidders, offerors, potential contractors, or contractors were  
13 first solicited on or after July 1, 1998. This Code shall not  
14 be construed to affect or impair any contract, or any provision  
15 of a contract, entered into based on a solicitation prior to  
16 the implementation date of this Code as described in Article

1 99, including but not limited to any covenant entered into with  
2 respect to any revenue bonds or similar instruments. All  
3 procurements for which contracts are solicited between the  
4 effective date of Articles 50 and 99 and July 1, 1998 shall be  
5 substantially in accordance with this Code and its intent.

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

9 (1) Contracts between the State and its political  
10 subdivisions or other governments, or between State  
11 governmental bodies except as specifically provided in  
12 this Code.

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

15 (3) Purchase of care.

16 (4) Hiring of an individual as employee and not as an  
17 independent contractor, whether pursuant to an employment  
18 code or policy or by contract directly with that  
19 individual.

20 (5) Collective bargaining contracts.

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

1 value of the contract, and the effective date of the  
2 contract.

3 (7) Contracts necessary to prepare for anticipated  
4 litigation, enforcement actions, or investigations,  
5 provided that the chief legal counsel to the Governor shall  
6 give his or her prior approval when the procuring agency is  
7 one subject to the jurisdiction of the Governor, and  
8 provided that the chief legal counsel of any other  
9 procuring entity subject to this Code shall give his or her  
10 prior approval when the procuring entity is not one subject  
11 to the jurisdiction of the Governor.

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

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

21 (10) Procurement expenditures by the Illinois Health  
22 Information Exchange Authority involving private funds  
23 from the Health Information Exchange Fund. "Private funds"  
24 means gifts, donations, and private grants.

25 (11) Public-private agreements entered into according  
26 to the procurement requirements of Section 20 of the

1 Public-Private Partnerships for Transportation Act and  
2 design-build agreements entered into according to the  
3 procurement requirements of Section 25 of the  
4 Public-Private Partnerships for Transportation Act.

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

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

1 waive any certification required under Article 50 of this  
2 Code. For any contracts for services which are currently  
3 provided by members of a collective bargaining agreement,  
4 the applicable terms of the collective bargaining  
5 agreement concerning subcontracting shall be followed.

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

26 (c) This Code does not apply to the electric power

1 procurement process provided for under Section 1-75 of the  
2 Illinois Power Agency Act and Section 16-111.5 of the Public  
3 Utilities Act.

4 (d) Except for Section 20-160 and Article 50 of this Code,  
5 and as expressly required by Section 9.1 of the Illinois  
6 Lottery Law, the provisions of this Code do not apply to the  
7 procurement process provided for under Section 9.1 of the  
8 Illinois Lottery Law.

9 (e) This Code does not apply to the process used by the  
10 Capital Development Board to retain a person or entity to  
11 assist the Capital Development Board with its duties related to  
12 the determination of costs of a clean coal SNG brownfield  
13 facility, as defined by Section 1-10 of the Illinois Power  
14 Agency Act, as required in subsection (h-3) of Section 9-220 of  
15 the Public Utilities Act, including calculating the range of  
16 capital costs, the range of operating and maintenance costs, or  
17 the sequestration costs or monitoring the construction of clean  
18 coal SNG brownfield facility for the full duration of  
19 construction.

20 (f) This Code does not apply to the process used by the  
21 Illinois Power Agency to retain a mediator to mediate sourcing  
22 agreement disputes between gas utilities and the clean coal SNG  
23 brownfield facility, as defined in Section 1-10 of the Illinois  
24 Power Agency Act, as required under subsection (h-1) of Section  
25 9-220 of the Public Utilities Act.

26 (g) This Code does not apply to the processes used by the

1 Illinois Power Agency to retain a mediator to mediate contract  
2 disputes between gas utilities and the clean coal SNG facility  
3 and to retain an expert to assist in the review of contracts  
4 under subsection (h) of Section 9-220 of the Public Utilities  
5 Act. This Code does not apply to the process used by the  
6 Illinois Commerce Commission to retain an expert to assist in  
7 determining the actual incurred costs of the clean coal SNG  
8 facility and the reasonableness of those costs as required  
9 under subsection (h) of Section 9-220 of the Public Utilities  
10 Act.

11 (h) This Code does not apply to the process to procure or  
12 contracts entered into in accordance with Sections 11-5.2 and  
13 11-5.3 of the Illinois Public Aid Code.

14 (i) Each chief procurement officer may access records  
15 necessary to review whether a contract, purchase, or other  
16 expenditure is or is not subject to the provisions of this  
17 Code, unless such records would be subject to attorney-client  
18 privilege.

19 (j) This Code does not apply to the process used by the  
20 Capital Development Board to retain an artist or work or works  
21 of art as required in Section 14 of the Capital Development  
22 Board Act.

23 (k) This Code does not apply to the process to procure  
24 contracts, or contracts entered into, by the State Board of  
25 Elections or the State Electoral Board for hearing officers  
26 appointed pursuant to the Election Code.

1       (l) This Code does not apply to leases of clinical space by  
2 public institutions of higher education for uses related  
3 scientific and medical research.

4       (m) This Code does not apply to services required by  
5 academic partners of public institutions of higher education  
6 where funds for services are required by the academic partners  
7 in order to fund collaborative clinical and academic programs  
8 in support of the public institution of higher education.

9       (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
10 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.  
11 1-1-15; 99-801, eff. 1-1-17.)

12       (30 ILCS 500/1-12)

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

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

15       (a) This Code shall not apply to procurement expenditures  
16 necessary to provide artistic or musical services,  
17 performances, or theatrical productions held at a venue  
18 operated or leased by a State agency.

19       (b) Notice of each contract entered into by a State agency  
20 that is related to the procurement of goods and services  
21 identified in this Section shall be published in the Illinois  
22 Procurement Bulletin within 14 calendar days after contract  
23 execution. The chief procurement officer shall prescribe the  
24 form and content of the notice. Each State agency shall provide  
25 the chief procurement officer, on a monthly basis, in the form



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

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

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

16 (30 ILCS 500/1-12.1 new)

17 Sec. 1-12.1. Continuation of Section 1-12 of this Code;  
18 validation.

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

20 (1) This amendatory Act of the 100th General Assembly  
21 manifests the intention of the General Assembly to remove  
22 the repeal of Section 1-12 of this Code.

23 (2) Section 1-12 of this Code was originally enacted to  
24 protect, promote, and preserve the general welfare. Any  
25 construction of Section 1-12 of this Code that results in

1       the repeal of that Section on December 31, 2016 would be  
2       inconsistent with the manifest intent of the General  
3       Assembly and repugnant to the context of this Code.

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

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

14       (d) All actions taken in reliance on or pursuant to Section  
15       1-12 of this Code in the procurement of artistic or musical  
16       services are hereby validated.

17       (e) In order to ensure the continuing effectiveness of  
18       Section 1-12 of this Code, it is set forth in full and  
19       re-enacted by this amendatory Act of the 100th General  
20       Assembly. This re-enactment is intended as a continuation of  
21       that Section. It is not intended to supersede any amendment to  
22       that Section that is enacted by the 100th General Assembly.

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

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

4       (30 ILCS 500/1-13)

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

6       Sec. 1-13. Applicability to public institutions of higher  
7 education.

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

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

14           (1) Memberships in professional, academic, research,  
15 or athletic organizations on behalf of a public institution  
16 of higher education, an employee of a public institution of  
17 higher education, or a student at a public institution of  
18 higher education.

19           (2) Procurement expenditures for events or activities  
20 paid for exclusively by revenues generated by the event or  
21 activity, gifts or donations for the event or activity,  
22 private grants, or any combination thereof.

23           (3) Procurement expenditures for events or activities  
24 for which the use of specific potential contractors is  
25 mandated or identified by the sponsor of the event or

1 activity, provided that the sponsor is providing a majority  
2 of the funding for the event or activity.

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

7 (5) Procurement expenditures for periodicals ~~and~~  
8 books, subscriptions, database licenses, and other  
9 publications procured for use by a university library or  
10 academic department, except for expenditures related to  
11 procuring textbooks for student use or materials for resale  
12 or rental.

13 (6) Procurement expenditures for placement of students  
14 in externships, practicums, field experiences, and for  
15 medical residencies and rotations.

16 (7) Contracts for programming and broadcast license  
17 rights for university-operated radio and television  
18 stations.

19 (8) Procurement expenditures necessary to perform  
20 sponsored research and other sponsored activities under  
21 grants and contracts funded by the sponsor or by sources  
22 other than State appropriations.

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

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

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

25           (b-5) Except as provided in this subsection, the provisions  
26 of this Code shall not apply to contracts for medical

1 ~~FDA-regulated~~ supplies, and to contracts for medical services  
2 necessary for the delivery of care and treatment at medical,  
3 dental, or veterinary teaching facilities utilized by Southern  
4 Illinois University or the University of Illinois and at any  
5 university-operated health care center or dispensary that  
6 provides care, treatment, and medications for students,  
7 faculty and staff. Other supplies and services needed for these  
8 teaching facilities shall be subject to the jurisdiction of the  
9 Chief Procurement Officer for Public Institutions of Higher  
10 Education who may establish expedited procurement procedures  
11 and may waive or modify certification, contract, hearing,  
12 process and registration requirements required by the Code. All  
13 procurements made under this subsection shall be documented and  
14 may require publication in the Illinois Procurement Bulletin.

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

19 (1) Contracts with a foreign entity necessary for  
20 research or educational activities, provided that the  
21 foreign entity either does not maintain an office in the  
22 United States or is the sole source of the service or  
23 product.

24 (2) (Blank).

25 (3) (Blank).

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

1           Upon the written request of a public institution of higher  
2 education, the Chief Procurement Officer may waive  
3 registration, certification, and hearing requirements of this  
4 Code if, based on the item to be procured or the terms of a  
5 grant, compliance is impractical. The public institution of  
6 higher education shall provide the Chief Procurement Officer  
7 with specific reasons for the waiver, including the necessity  
8 of contracting with a particular potential contractor, and  
9 shall certify that an effort was made in good faith to comply  
10 with the provisions of this Code. The Chief Procurement Officer  
11 shall provide written justification for any waivers. By  
12 November 1 of each year, the Chief Procurement Officer shall  
13 file a report with the General Assembly identifying each  
14 contract approved with waivers and providing the justification  
15 given for any waivers for each of those contracts. Notice of  
16 each waiver made under this subsection shall be published in  
17 the Procurement Bulletin within 14 calendar days after contract  
18 execution. The Chief Procurement Officer shall prescribe the  
19 form and content of the notice.

20           (d) Notwithstanding this Section, a waiver of the  
21 registration requirements of Section 20-160 does not permit a  
22 business entity and any affiliated entities or affiliated  
23 persons to make campaign contributions if otherwise prohibited  
24 by Section 50-37. The total amount of contracts awarded in  
25 accordance with this Section shall be included in determining  
26 the aggregate amount of contracts or pending bids of a business

1 entity and any affiliated entities or affiliated persons.

2 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
3 this Code, the Chief Procurement Officer, with the approval of  
4 the Executive Ethics Commission, may permit a public  
5 institution of higher education to accept a bid or enter into a  
6 contract with a business that assisted the public institution  
7 of higher education in determining whether there is a need for  
8 a contract or assisted in reviewing, drafting, or preparing  
9 documents related to a bid or contract, provided that the bid  
10 or contract is essential to research administered by the public  
11 institution of higher education and it is in the best interest  
12 of the public institution of higher education to accept the bid  
13 or contract. For purposes of this subsection, "business"  
14 includes all individuals with whom a business is affiliated,  
15 including, but not limited to, any officer, agent, employee,  
16 consultant, independent contractor, director, partner,  
17 manager, or shareholder of a business. The Executive Ethics  
18 Commission may promulgate rules and regulations for the  
19 implementation and administration of the provisions of this  
20 subsection (e).

21 (f) As used in this Section:

22 "Grant" means non-appropriated funding provided by a  
23 federal or private entity to support a project or program  
24 administered by a public institution of higher education and  
25 any non-appropriated funding provided to a sub-recipient of the  
26 grant.



1 "Public institution of higher education" means Chicago  
2 State University, Eastern Illinois University, Governors State  
3 University, Illinois State University, Northeastern Illinois  
4 University, Northern Illinois University, Southern Illinois  
5 University, University of Illinois, Western Illinois  
6 University, and, for purposes of this Code only, the Illinois  
7 Mathematics and Science Academy.

8 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~  
9 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;  
10 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/1-13.1 new)

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

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

15 (1) Public Act 98-1076, which took effect on January 1,  
16 2015, changed the repeal date set for Section 1-13 of this  
17 Code from December 31, 2014 to December 31, 2016.

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

24 (3) This amendatory Act of the 100th General Assembly  
25 manifests the intention of the General Assembly to remove

1 the repeal of Section 1-13 of this Code.

2 (4) Section 1-13 of this Code was originally enacted to  
3 protect, promote, and preserve the general welfare. Any  
4 construction of Section 1-13 of this Code that results in  
5 the repeal of that Section on December 31, 2014 would be  
6 inconsistent with the manifest intent of the General  
7 Assembly and repugnant to the context of this Code.

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

11 (c) Section 1-13 of this Code shall be deemed to have been  
12 in continuous effect since December 20, 2011 (the effective  
13 date of Public Act 97-643), and it shall continue to be in  
14 effect henceforward until it is otherwise lawfully repealed.  
15 All previously enacted amendments to Section 1-13 of this Code  
16 taking effect on or after December 31, 2014, are hereby  
17 validated.

18 (d) All actions taken in reliance on or pursuant to Section  
19 1-13 of this Code by any public institution of higher  
20 education, person, or entity are hereby validated.

21 (e) In order to ensure the continuing effectiveness of  
22 Section 1-13 of this Code, it is set forth in full and  
23 re-enacted by this amendatory Act of the 100th General  
24 Assembly. This re-enactment is intended as a continuation of  
25 that Section. It is not intended to supersede any amendment to  
26 that Section that is enacted by the 100th General Assembly.

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

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

10       (30 ILCS 500/1-15.48 new)

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

14       (30 ILCS 500/1-15.93)

15       (Section scheduled to be repealed on January 1, 2020)

16       Sec. 1-15.93. Single prime. "Single prime" means the  
17 design-bid-build procurement delivery method for a building  
18 construction project in which the Capital Development Board or  
19 a public institution of higher education is the construction  
20 agency procuring 2 or more subdivisions of work enumerated in  
21 paragraphs (1) through (5) of subsection (a) of Section 30-30  
22 of this Code under a single contract. This Section is repealed  
23 on January 1, 2020.

24       (Source: P.A. 99-257, eff. 8-4-15.)

1 (30 ILCS 500/20-10)

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

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

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

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

9 (b) Invitation for bids. An invitation for bids shall be  
10 issued and shall include a purchase description and the  
11 material contractual terms and conditions applicable to the  
12 procurement.

13 (c) Public notice. Public notice of the invitation for bids  
14 shall be published in the Illinois Procurement Bulletin at  
15 least 14 calendar days before the date set in the invitation  
16 for the opening of bids.

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

24 (e) Bid acceptance and bid evaluation. Bids shall be  
25 unconditionally accepted without alteration or correction,

1     except as authorized in this Code. Bids shall be evaluated  
2     based on the requirements set forth in the invitation for bids,  
3     which may include criteria to determine acceptability such as  
4     inspection, testing, quality, workmanship, delivery, and  
5     suitability for a particular purpose. Those criteria that will  
6     affect the bid price and be considered in evaluation for award,  
7     such as discounts, transportation costs, and total or life  
8     cycle costs, shall be objectively measurable. The invitation  
9     for bids shall set forth the evaluation criteria to be used.

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

20     (g) Award. The contract shall be awarded with reasonable  
21     promptness by written notice to the lowest responsible and  
22     responsive bidder whose bid meets the requirements and criteria  
23     set forth in the invitation for bids, except when a State  
24     purchasing officer determines it is not in the best interest of  
25     the State and by written explanation determines another bidder  
26     shall receive the award. The explanation shall appear in the

1 appropriate volume of the Illinois Procurement Bulletin. The  
2 written explanation must include:

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

4 (2) a determination that the anticipated cost will be  
5 fair and reasonable;

6 (3) a listing of all responsible and responsive  
7 bidders; and

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

10 When a multiple award is contemplated, the solicitation  
11 shall identify the award criteria and a detailed method of  
12 selecting from among the multiple awardees.

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

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

19 (h) Multi-step sealed bidding. When it is considered  
20 impracticable to initially prepare a purchase description to  
21 support an award based on price, an invitation for bids may be  
22 issued requesting the submission of unpriced offers to be  
23 followed by written requests for sealed quotes with pricing to  
24 meet the need and ~~an invitation for bids~~ limited to the pool of  
25 ~~those~~ bidders whose offers have been qualified under the  
26 criteria set forth in the first solicitation.

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 subsection (a) of Section 1-75 and subsection (d) of Section  
6 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)  
7 of the Public Utilities Act and to procure renewable energy  
8 resources under Section 1-56 of the Illinois Power Agency Act.  
9 These alternative procedures shall be set forth together with  
10 the other criteria contained in the invitation for bids, and  
11 shall appear in the appropriate volume of the Illinois  
12 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. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;  
24 98-1076, eff. 1-1-15.)

25          (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,



1 and 98-1076)

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

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

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

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

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

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

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

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

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

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

26 (2) a determination that the anticipated cost will be

1 fair and reasonable;

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

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

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

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

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

15 (h) Multi-step sealed bidding. When it is considered  
16 impracticable to initially prepare a purchase description to  
17 support an award based on price, an invitation for bids may be  
18 issued requesting the submission of unpriced offers to be  
19 followed by written requests for sealed quotes with pricing to  
20 meet the need and ~~an invitation for bids~~ limited to the pool of  
21 ~~those~~ bidders whose offers have been qualified under the  
22 criteria set forth in the first solicitation.

23 (i) Alternative procedures. Notwithstanding any other  
24 provision of this Act to the contrary, the Director of the  
25 Illinois Power Agency may create alternative bidding  
26 procedures to be used in procuring professional services under

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

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

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

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

25 Bids shall be accepted electronically at the time and in  
26 the manner designated in the invitation for bids. During the

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

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

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

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

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

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

22 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,  
23 98-1076, and 99-906)

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 calendar days  
11          after 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.

20          (i) Alternative procedures. Notwithstanding any other  
21          provision of this Act to the contrary, the Director of the  
22          Illinois Power Agency may create alternative bidding  
23          procedures to be used in procuring professional services under  
24          Section 1-56, subsections (a) and (c) of Section 1-75 and  
25          subsection (d) of Section 1-78 of the Illinois Power Agency Act  
26          and Section 16-111.5(c) of the Public Utilities Act and to



1 procure renewable energy resources under Section 1-56 of the  
2 Illinois Power Agency Act. These alternative procedures shall  
3 be set forth together with the other criteria contained in the  
4 invitation for bids, and shall appear in the appropriate volume  
5 of the Illinois Procurement Bulletin.

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

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

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

22 Bids shall be accepted electronically at the time and in  
23 the manner designated in the invitation for bids. During the  
24 auction, a bidder's price shall be disclosed to other bidders.  
25 Bidders shall have the opportunity to reduce their bid prices  
26 during the auction. At the conclusion of the auction, the

1 record of the bid prices received and the name of each bidder  
2 shall be open to public inspection.

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

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

11 This subsection does not apply to (i) procurements of  
12 professional and artistic services, (ii) telecommunications  
13 services, communication services, and information services,  
14 and (iii) contracts for construction projects, including  
15 design professional services.

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

17 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,  
18 98-1076, and 99-906)

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

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

23 (b) Invitation for bids. An invitation for bids shall be  
24 issued and shall include a purchase description and the  
25 material contractual terms and conditions applicable to the

1 procurement.

2 (c) Public notice. Public notice of the invitation for bids  
3 shall be published in the Illinois Procurement Bulletin at  
4 least 14 calendar days before the date set in the invitation  
5 for the opening of bids.

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

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

24 (f) Correction or withdrawal of bids. Correction or  
25 withdrawal of inadvertently erroneous bids before or after  
26 award, or cancellation of awards of contracts based on bid

1 mistakes, shall be permitted in accordance with rules. After  
2 bid opening, no changes in bid prices or other provisions of  
3 bids prejudicial to the interest of the State or fair  
4 competition shall be permitted. All decisions to permit the  
5 correction or withdrawal of bids based on bid mistakes shall be  
6 supported by written determination made by a State purchasing  
7 officer.

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

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

18 (2) a determination that the anticipated cost will be  
19 fair and reasonable;

20 (3) a listing of all responsible and responsive  
21 bidders; and

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

24 When a multiple award is contemplated, the solicitation  
25 shall identify the award criteria and a detailed method of  
26 selecting from among the multiple awardees.

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

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

7 (h) Multi-step sealed bidding. When it is considered  
8 impracticable to initially prepare a purchase description to  
9 support an award based on price, an invitation for bids may be  
10 issued requesting the submission of unpriced offers to be  
11 followed by written requests for sealed quotes with pricing to  
12 meet the need and ~~an invitation for bids~~ limited to the pool of  
13 ~~those~~ bidders whose offers have been qualified under the  
14 criteria set forth in the first solicitation.

15 (i) Alternative procedures. Notwithstanding any other  
16 provision of this Act to the contrary, the Director of the  
17 Illinois Power Agency may create alternative bidding  
18 procedures to be used in procuring professional services under  
19 subsections (a) and (c) of Section 1-75 and subsection (d) of  
20 Section 1-78 of the Illinois Power Agency Act and Section  
21 16-111.5(c) of the Public Utilities Act and to procure  
22 renewable energy resources under Section 1-56 of the Illinois  
23 Power Agency Act. These alternative procedures shall be set  
24 forth together with the other criteria contained in the  
25 invitation for bids, and shall appear in the appropriate volume  
26 of the Illinois Procurement Bulletin.

1 (j) Reverse auction. Notwithstanding any other provision  
2 of this Section and in accordance with rules adopted by the  
3 chief procurement officer, that chief procurement officer may  
4 procure supplies or services through a competitive electronic  
5 auction bidding process after the chief procurement officer  
6 determines that the use of such a process will be in the best  
7 interest of the State. The chief procurement officer shall  
8 publish that determination in his or her next volume of the  
9 Illinois Procurement Bulletin.

10 An invitation for bids shall be issued and shall include  
11 (i) a procurement description, (ii) all contractual terms,  
12 whenever practical, and (iii) conditions applicable to the  
13 procurement, including a notice that bids will be received in  
14 an electronic auction manner.

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

17 Bids shall be accepted electronically at the time and in  
18 the manner designated in the invitation for bids. During the  
19 auction, a bidder's price shall be disclosed to other bidders.  
20 Bidders shall have the opportunity to reduce their bid prices  
21 during the auction. At the conclusion of the auction, the  
22 record of the bid prices received and the name of each bidder  
23 shall be open to public inspection.

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

26 The contract shall be awarded within 60 calendar days after

1 the auction by written notice to the lowest responsible bidder,  
2 or all bids shall be rejected except as otherwise provided in  
3 this Code. Extensions of the date for the award may be made by  
4 mutual written consent of the State purchasing officer and the  
5 lowest responsible bidder.

6 This subsection does not apply to (i) procurements of  
7 professional and artistic services, (ii) telecommunications  
8 services, communication services, and information services,  
9 and (iii) contracts for construction projects, including  
10 design professional services.

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

12 (30 ILCS 500/20-15)

13 Sec. 20-15. Competitive sealed proposals.

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

19 (b) Request for proposals. Proposals shall be solicited  
20 through a request for proposals.

21 (c) Public notice. Public notice of the request for  
22 proposals shall be published in the Illinois Procurement  
23 Bulletin at least 14 calendar days before the date set in the  
24 invitation for the opening of proposals.

25 (d) Receipt of proposals. Proposals shall be opened

1 publicly in the presence of one or more witnesses at the time  
2 and place designated in the request for proposals, but  
3 proposals shall be opened in a manner to avoid disclosure of  
4 contents to competing offerors during the process of  
5 negotiation. A record of proposals shall be prepared and shall  
6 be open for public inspection after contract award.

7 (e) Evaluation factors. The requests for proposals shall  
8 state the relative importance of price and other evaluation  
9 factors. Proposals shall be submitted in 2 parts: the first,  
10 covering items except price; and the second, covering price.  
11 The first part of all proposals shall be evaluated and ranked  
12 independently of the second part of all proposals.

13 (f) Discussion with responsible offerors and revisions of  
14 offers or proposals. As provided in the request for proposals  
15 and under rules, discussions may be conducted with responsible  
16 offerors who submit offers or proposals determined to be  
17 reasonably susceptible of being selected for award for the  
18 purpose of clarifying and assuring full understanding of and  
19 responsiveness to the solicitation requirements. Those  
20 offerors shall be accorded fair and equal treatment with  
21 respect to any opportunity for discussion and revision of  
22 proposals. Revisions may be permitted after submission and  
23 before award for the purpose of obtaining best and final  
24 offers. In conducting discussions there shall be no disclosure  
25 of any information derived from proposals submitted by  
26 competing offerors. If information is disclosed to any offeror,



1 it shall be provided to all competing offerors.

2 (g) Award. Awards shall be made to the responsible offeror  
3 whose proposal is determined in writing to be the most  
4 advantageous to the State, taking into consideration price and  
5 the evaluation factors set forth in the request for proposals.  
6 When a multiple award is contemplated, the solicitation shall  
7 identify the award criteria and the detailed method of  
8 selecting from among the multiple awardees. The contract file  
9 shall contain the basis on which any ~~the~~ award is made.

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

11 (30 ILCS 500/20-20)

12 Sec. 20-20. Small purchases.

13 (a) Amount. Except as provided in Section 20-20.1 of this  
14 Code, any ~~Any~~ individual procurement of supplies or services  
15 other than professional or artistic services, not exceeding  
16 \$10,000 and any procurement of construction not exceeding  
17 \$30,000 may be made without competitive source selection ~~sealed~~  
18 ~~bidding~~. Procurements shall not be artificially divided so as  
19 to constitute a small purchase under this Section.

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

25 (c) Based upon rules proposed by the Board and rules

1 promulgated by the chief procurement officers, the small  
2 purchase maximum established in subsection (a) may be modified.  
3 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

4 (30 ILCS 500/20-20.1 new)

5 Sec. 20-20.1. Small purchases; public institutions of  
6 higher education.

7 (a) This Section applies only to procurements by public  
8 institutions of higher education.

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

24 (c) Adjustment. Each July 1, the small purchase maximum  
25 established in subsection (b) shall be adjusted for inflation

1 as determined by the Consumer Price Index for All Urban  
2 Consumers as determined by the United States Department of  
3 Labor and rounded to the nearest \$100.

4 (d) Based upon rules proposed by the Board and rules  
5 promulgated by the chief procurement officer for higher  
6 education, the small purchase maximum established in  
7 subsection (b) may be modified.

8 (30 ILCS 500/25-85 new)

9 Sec. 25-85. Best value procurement.

10 (a) This Section shall apply only to purchases of heavy  
11 mobile fleet vehicles and off-road construction equipment  
12 procured by or on behalf of institutions of higher education.

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

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

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

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

25 (4) environmental benefits, including reduction of

1       greenhouse gas emissions, reduction of air pollutant  
2       emissions, or reduction of toxic or hazardous materials.

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

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

18       (e) Upon written request of any person who has submitted an  
19       offer, notice of the award shall be posted in a public place in  
20       the offices of the institution at least 24 hours before  
21       executing the contract or purchase order. If, before making an  
22       award, any offeror who has submitted a bid files a protest with  
23       the institution against the awarding of the contract or  
24       purchase order on the ground that his or her offer should have  
25       been selected in accordance with the selection criteria in the  
26       solicitation document, the contract or purchase order shall not

1 be awarded until either the protest has been withdrawn or the  
2 appropriate Chief Procurement Officer has made a final decision  
3 as to the action to be taken relative to the protest. Within 10  
4 days after filing a protest, the protesting offeror shall file  
5 with the Chief Procurement Officer a full and complete written  
6 statement specifying in detail the ground of the protest and  
7 the facts in support thereof.

8 (f) The total annual value of vehicles and equipment  
9 purchased through best value procurement pursuant to this  
10 Section shall be limited to \$20,000,000 per institution.

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

13 (h) On or before January 1, 2021, the Chief Procurement  
14 Officer of each institution shall prepare an evaluation of the  
15 best value procurement pilot program authorized by this  
16 Section, including a recommendation on whether or not the  
17 process should be continued. The evaluation shall be posted in  
18 the applicable volume or volumes of the Illinois Procurement  
19 Bulletin on or before January 1, 2021.

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

21 (30 ILCS 500/30-30)

22 Sec. 30-30. Design-bid-build construction.

23 (a) The provisions of this subsection are operative through  
24 December 31, 2019.

25 For building construction contracts in excess of \$250,000,

1 separate specifications may be prepared for all equipment,  
2 labor, and materials in connection with the following 5  
3 subdivisions of the work to be performed:

4 (1) plumbing;

5 (2) heating, piping, refrigeration, and automatic  
6 temperature control systems, including the testing and  
7 balancing of those systems;

8 (3) ventilating and distribution systems for  
9 conditioned air, including the testing and balancing of  
10 those systems;

11 (4) electric wiring; and

12 (5) general contract work.

13 The specifications may be so drawn as to permit separate  
14 and independent bidding upon each of the 5 subdivisions of  
15 work. All contracts awarded for any part thereof may award the  
16 5 subdivisions of work separately to responsible and reliable  
17 persons, firms, or corporations engaged in these classes of  
18 work. The contracts, at the discretion of the construction  
19 agency, may be assigned to the successful bidder on the general  
20 contract work or to the successful bidder on the subdivision of  
21 work designated by the construction agency before the bidding  
22 as the prime subdivision of work, provided that all payments  
23 will be made directly to the contractors for the 5 subdivisions  
24 of work upon compliance with the conditions of the contract.

25 Beginning on the effective date of this amendatory Act of  
26 the 99th General Assembly and through December 31, 2019, for

1 single prime projects: (i) the bid of the successful low bidder  
2 shall identify the name of the subcontractor, if any, and the  
3 bid proposal costs for each of the 5 subdivisions of work set  
4 forth in this Section; (ii) the contract entered into with the  
5 successful bidder shall provide that no identified  
6 subcontractor may be terminated without the written consent of  
7 the Capital Development Board or public institution of higher  
8 education; (iii) the contract shall comply with the  
9 disadvantaged business practices of the Business Enterprise  
10 for Minorities, Females, and Persons with Disabilities Act and  
11 the equal employment practices of Section 2-105 of the Illinois  
12 Human Rights Act; (iv) the Capital Development Board and public  
13 institutions of higher education shall submit a quarterly  
14 report to the Procurement Policy Board with information on the  
15 general scope, project budget, and established Business  
16 Enterprise Program goals for any single prime procurement bid  
17 in the previous 3 months with a total construction cost valued  
18 at \$10,000,000 or less; and (v) the Capital Development Board  
19 and public institutions of higher education shall submit an  
20 annual report to the General Assembly and Governor on the  
21 bidding, award, and performance of all single prime projects.

22 For building construction projects with a total  
23 construction cost valued at \$5,000,000 or less, the Capital  
24 Development Board or public institutions of higher education  
25 shall not use the single prime procurement delivery method for  
26 more than 50% of the total number of projects bid for each

1 fiscal year. Any project with a total construction cost valued  
2 greater than \$5,000,000 may be bid using single prime at the  
3 discretion of the Executive Director of the Capital Development  
4 Board or the president of a public institution of higher  
5 education.

6 Beginning on the effective date of this amendatory Act of  
7 the 99th General Assembly and through December 31, 2017, the  
8 Capital Development Board and public institutions of higher  
9 education shall, on a weekly basis: review the projects that  
10 have been designed, and approved to bid; and, for every fifth  
11 determination to use the single prime procurement delivery  
12 method for a project under \$10,000,000, submit to the  
13 Procurement Policy Board a written notice of its intent to use  
14 the single prime method on the project. The notice shall  
15 include the reasons for using the single prime method and an  
16 explanation of why the use of that method is in the best  
17 interest of the State. The Capital Development Board or public  
18 institution of higher education shall post the notice on its  
19 online procurement webpage and on the online Procurement  
20 Bulletin at least 3 business days following submission. The  
21 Procurement Policy Board shall review and provide its decision  
22 on the use of the single prime method for every fifth use of  
23 the single prime procurement delivery method for a project  
24 under \$10,000,000 within 7 business days of receipt of the  
25 notice from the Capital Development Board or a public  
26 institution of higher education. Approval by the Procurement



1 Policy Board shall not be unreasonably withheld and shall be  
2 provided unless the Procurement Policy Board finds that the use  
3 of the single prime method is not in the best interest of the  
4 State. Any decision by the Procurement Policy Board to  
5 disapprove the use of the single prime method shall be made in  
6 writing to the Capital Development Board or a public  
7 institution of higher education, posted on the online  
8 Procurement Bulletin, and shall state the reasons why the  
9 single prime method was disapproved and why it is not in the  
10 best interest of the State. For the requirements under this  
11 Section, the Capital Development Board shall have  
12 responsibility for only those projects that are managed  
13 pursuant to the Capital Development Board Act.

14 (b) The provisions of this subsection are operative on and  
15 after January 1, 2020. For building construction contracts in  
16 excess of \$250,000, separate specifications shall be prepared  
17 for all equipment, labor, and materials in connection with the  
18 following 5 subdivisions of the work to be performed:

19 (1) plumbing;

20 (2) heating, piping, refrigeration, and automatic  
21 temperature control systems, including the testing and  
22 balancing of those systems;

23 (3) ventilating and distribution systems for  
24 conditioned air, including the testing and balancing of  
25 those systems;

26 (4) electric wiring; and

1 (5) general contract work.

2 The specifications must be so drawn as to permit separate  
3 and independent bidding upon each of the 5 subdivisions of  
4 work. All contracts awarded for any part thereof shall award  
5 the 5 subdivisions of work separately to responsible and  
6 reliable persons, firms, or corporations engaged in these  
7 classes of work. The contracts, at the discretion of the  
8 construction agency, may be assigned to the successful bidder  
9 on the general contract work or to the successful bidder on the  
10 subdivision of work designated by the construction agency  
11 before the bidding as the prime subdivision of work, provided  
12 that all payments will be made directly to the contractors for  
13 the 5 subdivisions of work upon compliance with the conditions  
14 of the contract.

15 (Source: P.A. 98-431, eff. 8-16-13; 98-1076, eff. 1-1-15;  
16 99-257, eff. 8-4-15.)

17 (30 ILCS 500/35-30)

18 Sec. 35-30. Awards.

19 (a) All State contracts for professional and artistic  
20 services, except as provided in this Section, shall be awarded  
21 using the competitive request for proposal process outlined in  
22 this Section.

23 (b) For each contract offered, the chief procurement  
24 officer, State purchasing officer, or his or her designee shall  
25 use the appropriate standard solicitation forms available from

1 the chief procurement officer for matters other than  
2 construction or the higher education chief procurement  
3 officer.

4 (c) Prepared forms shall be submitted to the chief  
5 procurement officer for matters other than construction or the  
6 higher education chief procurement officer, whichever is  
7 appropriate, for publication in its Illinois Procurement  
8 Bulletin and circulation to the chief procurement officer for  
9 matters other than construction or the higher education chief  
10 procurement officer's list of prequalified vendors. Notice of  
11 the offer or request for proposal shall appear at least 14  
12 calendar days before the response to the offer is due.

13 (d) All interested respondents shall return their  
14 responses to the chief procurement officer for matters other  
15 than construction or the higher education chief procurement  
16 officer, whichever is appropriate, which shall open and record  
17 them. The chief procurement officer for matters other than  
18 construction or higher education chief procurement officer  
19 then shall forward the responses, together with any information  
20 it has available about the qualifications and other State work  
21 of the respondents.

22 (e) After evaluation, ranking, and selection, the  
23 responsible chief procurement officer, State purchasing  
24 officer, or his or her designee shall notify the chief  
25 procurement officer for matters other than construction or the  
26 higher education chief procurement officer, whichever is

1 appropriate, of the successful respondent and shall forward a  
2 copy of the signed contract for the chief procurement officer  
3 for matters other than construction or higher education chief  
4 procurement officer's file. The chief procurement officer for  
5 matters other than construction or higher education chief  
6 procurement officer shall publish the names of the responsible  
7 procurement decision-maker, the agency letting the contract,  
8 the successful respondent, a contract reference, and value of  
9 the let contract in the next appropriate volume of the Illinois  
10 Procurement Bulletin.

11 (f) For all professional and artistic contracts with  
12 annualized value that exceeds \$25,000, evaluation and ranking  
13 by price are required. For public institutions of higher  
14 education only, the threshold under this subsection (f) shall  
15 be \$100,000. Any chief procurement officer or State purchasing  
16 officer, but not their designees, may select a respondent other  
17 than the lowest respondent by price. In any case, when the  
18 contract exceeds the \$25,000 or \$100,000 threshold, as  
19 applicable, and the lowest respondent is not selected, the  
20 chief procurement officer or the State purchasing officer shall  
21 forward together with the contract notice of who the low  
22 respondent by price was and a written decision as to why  
23 another was selected to the chief procurement officer for  
24 matters other than construction or the higher education chief  
25 procurement officer, whichever is appropriate. The chief  
26 procurement officer for matters other than construction or

1 higher education chief procurement officer shall publish as  
2 provided in subsection (e) of Section 35-30, but shall include  
3 notice of the chief procurement officer's or State purchasing  
4 officer's written decision.

5 (g) The chief procurement officer for matters other than  
6 construction and higher education chief procurement officer  
7 may each refine, but not contradict, this Section by  
8 promulgating rules for submission to the Procurement Policy  
9 Board and then to the Joint Committee on Administrative Rules.  
10 Any refinement shall be based on the principles and procedures  
11 of the federal Architect-Engineer Selection Law, Public Law  
12 92-582 Brooks Act, and the Architectural, Engineering, and Land  
13 Surveying Qualifications Based Selection Act; except that  
14 pricing shall be an integral part of the selection process.

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

16 (30 ILCS 500/35-35)

17 Sec. 35-35. Exceptions.

18 (a) Exceptions to Section 35-30 are allowed for sole source  
19 procurements, emergency procurements, and at the discretion of  
20 the chief procurement officer or the State purchasing officer,  
21 but not their designees, for professional and artistic  
22 contracts that are nonrenewable, one year or less in duration,  
23 and have a value of less than \$20,000 or, for public  
24 institutions of higher education only, \$100,000.

25 (b) All exceptions granted under this Article must still be

1 submitted to the chief procurement officer for matters other  
2 than construction or the higher education chief procurement  
3 officer, whichever is appropriate, and published as provided  
4 for in subsection (f) of Section 35-30, shall name the  
5 authorizing chief procurement officer or State purchasing  
6 officer, and shall include a brief explanation of the reason  
7 for the exception.

8 (Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

9 (30 ILCS 500/40-25)

10 Sec. 40-25. Length of leases.

11 (a) Maximum term. Leases shall be for a term not to exceed  
12 10 years inclusive, beginning January, 1, 2010, of proposed  
13 contract renewals and shall include a termination option in  
14 favor of the State after 5 years. The duration of any lease for  
15 real property entered into by a public institution of higher  
16 education that requires a capital improvement in excess of  
17 \$100,000 as a condition of the lease may exceed 10 years, but  
18 not more than 30 years, if the governing board of a public  
19 institution of higher education, during a public hearing,  
20 determines that a lease in excess of 10 years is required or  
21 necessary for the use or benefit of that public institution of  
22 higher education and is in the best interest of the public  
23 institution of higher education. On July 1, 2022 and every 5  
24 years thereafter, the capital improvement minimum established  
25 in this subsection (a) shall be adjusted for inflation by the

1 chief procurement officer for higher education as determined by  
2 the Consumer Price Index for All Urban Consumers as determined  
3 by the United States Department of Labor and rounded to the  
4 nearest \$100.

5 (b) Renewal. Leases may include a renewal option. An option  
6 to renew may be exercised only when a State purchasing officer  
7 determines in writing that renewal is in the best interest of  
8 the State and notice of the exercise of the option is published  
9 in the appropriate volume of the Procurement Bulletin at least  
10 60 calendar days prior to the exercise of the option.

11 (c) Subject to appropriation. All leases shall recite that  
12 they are subject to termination and cancellation in any year  
13 for which the General Assembly fails to make an appropriation  
14 to make payments under the terms of the lease.

15 (d) Holdover. Beginning January 1, 2010, no lease may  
16 continue on a month-to-month or other holdover basis for a  
17 total of more than 6 months. Beginning July 1, 2010, the  
18 Comptroller shall withhold payment of leases beyond this  
19 holdover period.

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

21 (30 ILCS 500/45-15)

22 Sec. 45-15. Soybean oil-based ink and vegetable oil-based  
23 ink.

24 (a) As used in this Section:

25 "Digital printing" means a printing method which includes,

1 but is not limited to, the electrostatic process of  
2 transferring ink or toner to a substrate. This process may  
3 involve the use of photo imaging plates, photoreceptor drums,  
4 or belts which hold an electrostatic charge. "Digital printing"  
5 is also defined as a process of transferring ink through a  
6 print head directly to a substrate, as is done with ink-jet  
7 printers.

8 "Offset printing" means lithography, flexography, gravure,  
9 or letterpress. "Offset printing" involves the process of  
10 transferring ink through static or fixed image plates using an  
11 impact method of pressing ink into a substrate.

12 (b) Contracts requiring the procurement of offset printing  
13 services shall specify the use of soybean oil-based ink or  
14 vegetable oil-based ink unless a State purchasing officer  
15 determines that another type of ink is required to assure high  
16 quality and reasonable pricing of the printed product.

17 This Section shall apply to digital printing services only  
18 if the chief procurement officer having jurisdiction over the  
19 contract in question determines that the use of soybean  
20 oil-based or vegetable oil-based ink is cost effective for that  
21 contract.

22 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

23 (30 ILCS 500/45-40)

24 Sec. 45-40. Gas mileage.

25 (a) Specification. Contracts for the purchase or lease of



1 new passenger automobiles, other than station wagons, vans,  
2 four-wheel drive vehicles, emergency vehicles, and police and  
3 fire vehicles, shall specify the procurement of a model that,  
4 according to the most current mileage study published by the  
5 U.S. Environmental Protection Agency, can achieve at least the  
6 minimum average fuel economy in miles per gallon imposed upon  
7 manufacturers of vehicles under Title V of The Motor Vehicle  
8 Information and Cost Savings Act.

9 (b) Exemptions. The State purchasing officer may exempt  
10 procurements from the requirement of subsection (a) when there  
11 is a demonstrated need, submitted in writing, or based on  
12 intended use or other reasonable considerations, such as the  
13 health and safety of Illinois citizens, for an automobile that  
14 does not meet the minimum average fuel economy standards.

15 (c) The chief procurement officer shall promulgate rules  
16 for determining need consistent with the intent of this  
17 Section.

18 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

19 Section 10. The Governmental Joint Purchasing Act is  
20 amended by changing Section 2 as follows:

21 (30 ILCS 525/2) (from Ch. 85, par. 1602)

22 Sec. 2. Joint purchasing authority.

23 (a) Any governmental unit may purchase personal property,  
24 supplies and services jointly with one or more other

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

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

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

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

18 (a-15) A public institution of higher education may enter  
19 directly into agreements under the cost savings program  
20 authorized by the Midwestern Higher Education Compact Act, when  
21 the institution makes a determination that it is in the best  
22 interests of the institution and the State based on estimated  
23 cost savings or otherwise, for the procurement of (i) computer  
24 and technology related products, equipment, or services and  
25 (ii) insurance. These procurements under this subsection  
26 (a-15) shall not be governed by any other provisions of this

1 Act. Any public institutions of higher education entering into  
2 agreements for procurement through the Midwestern Higher  
3 Education Compact Act shall post notice of the procurements to  
4 the appropriate Illinois Procurement Bulletin within 14 days of  
5 execution of the agreements.

6 (b) Any not-for-profit agency that qualifies under Section  
7 45-35 of the Illinois Procurement Code and that either (1) acts  
8 pursuant to a board established by or controlled by a unit of  
9 local government or (2) receives grant funds from the State or  
10 from a unit of local government, shall be eligible to  
11 participate in contracts established by the State.

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

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."