



Sen. Chapin Rose

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10000SB2704sam001

LRB100 17612 RJF 38349 a

1 AMENDMENT TO SENATE BILL 2704

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2704 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Section 20-10 as follows:

6 (30 ILCS 500/20-10)

7 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,  
8 98-1076, 99-906 and 100-43)

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

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

13 (b) Invitation for bids. An invitation for bids shall be  
14 issued and shall include a purchase description and the  
15 material contractual terms and conditions applicable to the  
16 procurement.

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

5 (d) Bid opening. Bids shall be opened publicly or through  
6 an electronic procurement system in the presence of one or more  
7 witnesses at the time and place designated in the invitation  
8 for bids. For bids opened publicly, bidders need not be  
9 physically present at the place designated in the invitation  
10 for bids, but may instead participate in the bidding process  
11 through contemporaneous audiovisual communication from a  
12 different location. The name of each bidder, the amount of each  
13 bid, and other relevant information as may be specified by rule  
14 shall be recorded. After the award of the contract, the winning  
15 bid and the record of each unsuccessful bid shall be open to  
16 public inspection.

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

1 for bids shall set forth the evaluation criteria to be used.

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

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

- 21 (1) a description of the agency's needs;
- 22 (2) a determination that the anticipated cost will be  
23 fair and reasonable;
- 24 (3) a listing of all responsible and responsive  
25 bidders; and
- 26 (4) the name of the bidder selected, the total contract

1 price, and the reasons for selecting that bidder.

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

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

8 (h) Multi-step sealed bidding. When it is considered  
9 impracticable to initially prepare a purchase description to  
10 support an award based on price, an invitation for bids may be  
11 issued requesting the submission of unpriced offers to be  
12 followed by an invitation for bids limited to those bidders  
13 whose offers have been qualified under the criteria set forth  
14 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 Section 1-56, subsections (a) and (c) of Section 1-75 and  
20 subsection (d) of Section 1-78 of the Illinois Power Agency Act  
21 and Section 16-111.5(c) of the Public Utilities Act and to  
22 procure renewable energy resources under Section 1-56 of the  
23 Illinois Power Agency Act. These alternative procedures shall  
24 be set 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. 99-906, eff. 6-1-17; 100-43, eff. 8-9-17.)

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