



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3070

Introduced 2/19/2021, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-170 new
30 ILCS 500/20-175 new
30 ILCS 500/20-180 new
30 ILCS 500/20-185 new

Amends the Illinois Procurement Code. Provides that a public institution of higher education may contract with any qualified source of supply, but shall use or consider, as applicable, specified special sources from which procurements may be made without competition. Provides requirements concerning public institution of higher education vendor lists. Provides for prequalification of potential public institution of higher education vendors. Provides that before making an award or approving a contract, the State purchasing officer must be satisfied that a prospective public institution of higher education vendor is responsible. Provides further requirements concerning vendor responsibility.

LRB102 16914 RJF 22326 b

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 adding Sections 20-170, 20-175, 20-180, and 20-185 as follows:

6 (30 ILCS 500/20-170 new)

7 Sec. 20-170. University supplier. A public institution of
8 higher education may contract with any qualified source of
9 supply, but shall use or consider, as applicable, the
10 following special sources, from which procurements may be made
11 without competition:

12 (1) Correctional Industries in accordance as provided
13 under Section 45-30.

14 (2) State and Federal Surplus Warehouses under the
15 jurisdiction of the Department of Central Management
16 Services. Section 7a of the State Property Control Act
17 requires that surplus furniture be considered before any
18 purchase of new furniture valued at \$500 or more per
19 piece.

20 (3) Not-for-profit agencies for persons with
21 significant disabilities as provided under Section 45-35.

22 (4) State agencies and other governmental units
23 described in paragraph (1) of subsection (b) of Section

1 1-10.

2 (5) Professional services companies that meet the
3 following standards: (i) have existing State contracts;
4 (ii) are qualified under the Business Enterprise Program;
5 and (iii) meet the vender prequalification requirements
6 specified under Section 20-180.

7 (30 ILCS 500/20-175 new)

8 Sec. 20-175. University vendor list.

9 (a) Each public institution of higher education may
10 maintain a list of vendors who have expressed interest in
11 contracting with the institution.

12 (b) Each public institution of higher education must
13 create and maintain a preferred vendor list for each category
14 of professional services.

15 (c) Each public institution of higher education must
16 create and maintain a plan and a list that is presented to the
17 appropriations committee of both the House of Representatives
18 and the Senate in which each public institution of higher
19 education awards 25% of prime vendor contracts and 25% of
20 total contract spending to companies on the pre-approved list
21 in accordance with the Business Enterprise Program.

22 (d) Each public institution of higher education must
23 create a yearly plan for all professional services contracts
24 by ethnicity and a quarterly utilization report by ethnicity
25 that includes the amount of prime awards and actual moneys

1 spent on Business Enterprise Program contracts.

2 (e) This vendor list created under this Section may be
3 used to solicit for small purchases and emergency
4 procurements, as well as to supplement Procurement Bulletin
5 notices. Inclusion in any vendor list maintained by a public
6 institution of higher education shall not be a requirement to
7 be considered for future contracting opportunities.

8 (f) Each list of vendors for professional service
9 contracts must include a company or companies that: (i) have
10 existing State contracts; (ii) are qualified under the
11 Business Enterprise Program; and (iii) meet the vendor
12 prequalification requirements specified under Section 20-180.

13 (30 ILCS 500/20-180 new)

14 Sec. 20-180. University vendor prequalification.

15 (a) The State purchasing officer may prequalify
16 prospective vendors when determination of vendor
17 qualifications or preliminary evaluation of supplies or
18 services prior to solicitation would promote the effective
19 conduct of procurement.

20 (b) The State purchasing officer shall identify by
21 publication in the Procurement Bulletin the qualifications or
22 categories of supplies and services (including professional
23 and artistic services) for which vendors of those supplies and
24 services may prequalify for a particular solicitation.

25 (c) Any opportunity to prequalify shall be announced in

1 the Procurement Bulletin. The notice shall alert vendors that
2 fail to participate in the prequalification process of the
3 consequences.

4 (d) When prequalifying a vendor, the State purchasing
5 officer may limit prequalification to particular matters,
6 including, but not limited to, determining whether a vendor
7 has been and is likely to be responsible or whether the vendor
8 manufactures domestically.

9 (e) The fact that a prospective vendor has been
10 prequalified generally does not necessarily represent a
11 definitive finding of responsibility for a particular
12 procurement.

13 (f) When prequalifying a vendor, the State purchasing
14 officer may consider factors tailored to a specific
15 procurement or type of procurement, which shall be announced
16 in the prequalification notice in the Procurement Bulletin.

17 (g) Except in the case of professional and artistic
18 services, distribution of and responses to a solicitation may
19 be limited to prequalified vendors and award of a contract may
20 be denied because a vendor was not prequalified. If
21 eligibility for the procurement will be limited to
22 prequalified vendors, the solicitation shall state that fact.

23 (h) The prequalification may provide that any vendor who
24 completes prequalification may refer to that prequalification
25 when submitting responses to solicitation or in other
26 procurement situations, instead of submitting that same

1 information with a response. This does not alleviate a vendor
2 from providing updated certifications and other information as
3 part of the prequalification process.

4 (30 ILCS 500/20-185 new)

5 Sec. 20-185. University vendor responsibility.

6 (a) Before making an award or approving a contract, the
7 State purchasing officer must be satisfied the prospective
8 bidder or offeror is responsible. If there is doubt about
9 responsibility, and if a bond or other security would
10 adequately protect the interests of the public institution of
11 higher education, then that bidder or offeror may receive an
12 award or contract upon receipt of the bond or other security.

13 (b) Factors to be considered in determining whether the
14 standard of responsibility has been met include, but are not
15 limited to, financial responsibility, insurability, effective
16 equal opportunity compliance, payment of prevailing wages, if
17 required by law, compliance with laws including goals and
18 other preferences under this Code and the Business Enterprise
19 for Minorities, Women, and Persons with Disabilities Act,
20 capacity to produce or sources of supply, performance record
21 in the business or industry, ability to provide required
22 maintenance service and other matters relating to the bidder's
23 or offeror's probable ability to deliver in the quality, and
24 quantity, and within the time and price required under the
25 contract, if it is awarded to the bidder or offeror. A bidder

1 or offeror must be a legal entity prior to submitting the bid,
2 offer, or proposal and authorized to transact business or
3 conduct affairs in Illinois prior to execution of a contract.

4 (c) The public institution of higher education, in
5 consultation with the State purchasing officer, may request
6 information or conduct discussions with a bidder or offeror to
7 determine in greater detail the bidder's or offeror's
8 capability to perform and to determine prior compliance on
9 State contracts with the standards of responsibility
10 identified in subsection (b). This discussion is not for the
11 purpose of determining whether one bidder's or offeror's
12 product or service capability is superior to another. The
13 prospective vendor shall supply information requested
14 concerning the responsibility of such vendor. The public
15 institution of higher education may supplement this
16 information from other sources and may require additional
17 documentation at any time in determining whether a vendors is
18 responsible. If the vendor fails to supply the requested
19 information or if in the performance of prior State contracts
20 the vendor breached the standards of responsibility and failed
21 to timely cure the deficiency, the State purchasing officer
22 may disqualify the vendor or may base the determination of
23 responsibility upon any available information.

24 (d) If a vendor who otherwise would have been awarded a
25 contract is found non-responsible, a written determination of
26 non-responsibility setting forth the basis of the finding

1 shall be prepared by the university and approved by the State
2 purchasing officer. The final determination shall be made part
3 of the procurement file.

4 (e) Vendors that are newly formed business concerns having
5 substantially the same owners, officers, directors, or
6 beneficiaries as a previously existing vendor that has been
7 determined not responsible or has been suspended or debarred
8 will also be determined to be not responsible.