

1 AN ACT concerning procurement.

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

4 Section 5. The Counties Code is amended by changing  
5 Section 5-1022 and adding Section 5-1022.5 as follows:

6 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

7 Sec. 5-1022. Competitive bids.

8 (a) Any purchase by a county with fewer than 2,000,000  
9 inhabitants of services, materials, equipment or supplies in  
10 excess of \$10,000, other than professional services, shall be  
11 contracted for in one of the following ways:

12 (1) by a contract let to the lowest responsible  
13 bidder after advertising for bids in a newspaper  
14 published within the county or, if no newspaper is  
15 published within the county, then a newspaper having  
16 general circulation within the county; ~~or~~

17 (2) by a contract let without advertising for bids  
18 in the case of an emergency if authorized by the county  
19 board; or-

20 (3) in accordance with Section 5-1022.5.

21 (b) In determining the lowest responsible bidder, the  
22 county board shall take into consideration the qualities of  
23 the articles supplied; their conformity with the  
24 specifications; their suitability to the requirements of the  
25 county, availability of support services; uniqueness of the  
26 service, materials, equipment, or supplies as it applies to  
27 networked, integrated computer systems; compatibility to  
28 existing equipment; and the delivery terms. The county board  
29 also may take into consideration whether a bidder is a  
30 private enterprise or a State-controlled enterprise and,  
31 notwithstanding any other provision of this Section or a

1 lower bid by a State-controlled enterprise, may let a  
2 contract to the lowest responsible bidder that is a private  
3 enterprise.

4 (c) This Section does not apply to contracts by a county  
5 with the federal government or to purchases of used  
6 equipment, purchases at auction or similar transactions which  
7 by their very nature are not suitable to competitive bids,  
8 pursuant to an ordinance adopted by the county board.

9 (d) Notwithstanding the provisions of this Section, a  
10 county may let without advertising for bids in the case of  
11 purchases and contracts, when individual orders do not exceed  
12 \$25,000, for the use, purchase, delivery, movement, or  
13 installation of data processing equipment, software, or  
14 services and telecommunications and inter-connect equipment,  
15 software, and services.

16 (Source: P.A. 90-517, eff. 8-22-97.)

17 (55 ILCS 5/5-1022.5 new)

18 Sec. 5-1022.5. Competitive sealed proposals.

19 (a) Conditions for use. When provided by ordinance  
20 adopted by the county board, or when the purchasing agency  
21 determines in writing that the use of competitive sealed  
22 bidding is either not practicable or not advantageous to the  
23 county, a contract may be entered into by competitive sealed  
24 proposals.

25 (b) Request for proposals. Proposals shall be solicited  
26 through a request for proposals.

27 (c) Public notice. Public notice of the request for  
28 proposals shall be published in a newspaper in general  
29 circulation in the county at least 14 days before the date  
30 set in the invitation for the opening of proposals.

31 (d) Receipt of proposals. Proposals shall be opened  
32 publicly in the presence of one or more witnesses at the time  
33 and place designated in the request for proposals, but

1 proposals shall be opened in a manner to avoid disclosure of  
2 contents to competing offerors during the process of  
3 negotiation. A record of proposals shall be prepared and  
4 shall be open for public inspection after contract award in  
5 the county clerk's office.

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

13 (f) Discussion with responsible offerors and revisions  
14 of proposals. As provided in the request for proposals and  
15 under rules, discussions may be conducted with responsible  
16 offerors who submit proposals determined to be reasonably  
17 susceptible of being selected for award for the purpose of  
18 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  
25 disclosure of any information derived from proposals  
26 submitted by competing offerors. If information is disclosed  
27 to any offeror, it shall be provided to all competing  
28 offerors.

29 (g) Award. Awards shall be made to the responsible  
30 offeror whose proposal is determined in writing to be the  
31 most advantageous to the county, taking into consideration  
32 price and the evaluation factors set forth in the request for  
33 proposals. The contract file shall contain the basis on which  
34 the award is made.