

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.