

94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2997

Introduced 1/20/2006, by Sen. Christine Radogno - Steven J. Rauschenberger - Peter J. Roskam - Kirk W. Dillard - Cheryl Axley, et al.

SYNOPSIS AS INTRODUCED:

New Act

15 ILCS 20/50-25 new
15 ILCS 205/6.10 new
15 ILCS 305/30 new
15 ILCS 405/40 new
15 ILCS 505/25 new
30 ILCS 5/2-20 new
30 ILCS 500/1-15.30
30 ILCS 500/15-25
30 ILCS 500/20-10
30 ILCS 500/20-25
30 ILCS 500/20-30
30 ILCS 500/20-43 new
30 ILCS 500/20-50
30 ILCS 500/20-55
30 ILCS 500/20-80
30 ILCS 500/40-15
30 ILCS 500/40-25
30 ILCS 500/50-20
30 ILCS 500/50-37 new
30 ILCS 500/50-60

Creates the Legislative Contract Disclosure Act and the Lieutenant Governor's Contract Disclosure Act and amends the State Budget Law, the Attorney General Act, the Secretary of State Act, the State Comptroller Act, the State Treasurer Act, and the Illinois State auditing Act. Requires that the offices of statewide officers, legislators, legislative agencies, and the Auditor General post on their websites disclosures with respect to each of their contracts with an annual value of \$50,000 or more. Specifies the contents of the disclosure, including the names of the contracting entity and others with whom the contracting entity has a financial relationship. Amends the Illinois Procurement Code to require posting on the online Procurement Bulletin of similar disclosures by bidders and offerors on State contracts with an annual value of \$50,000 or more. Amends the Illinois Procurement Code to make changes with respect to the following: amendments to contracts; contents of the Procurement Bulletin; contract renewals; use of competitive bidding; sole source procurements; emergency procurements; bidders and offerors authorized to do business in Illinois; contract specifications; expense reimbursement; contract payments; lease renewals; lease holdovers; conflict of interest waivers; and contract voidability. Effective immediately.

LRB094 17812 JAM 53113 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning procurement.

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

4 ARTICLE 1

5 Section 1-1. Short title. This Article may be cited as the
6 Legislative Contract Disclosure Act.

7 Section 1-5. Definitions. For purposes of this Article:

8 "Contract" means any contract or agreement for goods or
9 services executed by a member of the General Assembly,
10 legislative office, or legislative agency, with an annual value
11 of \$50,000 or more, except, regardless of amount, "contract" as
12 used in this Article shall not include the following:

13 (1) Contracts with State agencies or officers or other
14 political subdivisions;

15 (2) Hiring of an individual as an employee or
16 independent contractor, whether pursuant to an employment
17 code or policy or by contract directly with that
18 individual;

19 (3) Collective bargaining contracts;

20 (4) Purchase of real estate; or

21 (5) Contracts necessary to prepare for anticipated
22 litigation, enforcement actions, or investigations.

23 "Contracting entity" means an entity that has executed a
24 contract with the member of the General Assembly, legislative
25 office, or legislative agency.

26 "Key persons" means any persons who (i) have an ownership
27 or distributive income share in the contracting entity that is
28 in excess of 5%, or an amount greater than 60% of the annual
29 salary of the Governor; (ii) serve as executive officers of the
30 contracting entity; (iii) are employed by the contracting
31 entity who are required to register as lobbyists under the

1 Lobbyist Registration Act; (iv) are individuals or entities
2 with whom the contracting entity is contracting who are
3 required to register as lobbyists under the Lobbyist
4 Registration Act; and (v) are employed by the contracting
5 entity who are special government agents as defined in Section
6 4A-101(1) of the Illinois Governmental Ethics Act.

7 Section 1-10. Notice. Notice of the execution of contracts
8 shall be posted on the website of the Illinois General Assembly
9 that includes a brief description of the purpose of the
10 contract and disclosure of the names of the following:

11 (1) The contracting entity;

12 (2) Any entity that is a parent of, or owns a
13 controlling interest in, the contracting entity;

14 (3) Any entity that is a subsidiary of, or owns a
15 controlling interest in, the contracting entity;

16 (4) Any subcontractor that will be contracting with the
17 contracting entity;

18 (5) Any State, local, or federal political committee
19 that makes or may make political contributions on behalf of
20 or at the direction of the contracting entity; and

21 (6) The key persons of the contracting entity and any
22 subcontractor.

23 This notice shall be posted within 10 business days after the
24 contract is awarded.

25 Section 1-15. Application. This Article applies to
26 contracts executed on or after the effective date of this
27 amendatory Act of the 94th General Assembly.

28 ARTICLE 5

29 Section 5-1. Short title. This Article may be cited as the
30 Lieutenant Governor's Contract Disclosure Act.

31 Section 5-5. Definitions. For purposes of this Article:

1 "Contract" means any contract or agreement for goods or
2 services executed by the office of the Lieutenant Governor with
3 an annual value of \$50,000 or more, except, regardless of
4 amount, "contract" as used in this Section shall not include
5 the following:

6 (1) Contracts with State agencies or officers or other
7 political subdivisions;

8 (2) Hiring of an individual as an employee or
9 independent contractor, whether pursuant to an employment
10 code or policy or by contract directly with that
11 individual;

12 (3) Collective bargaining contracts;

13 (4) Purchase of real estate; or

14 (5) Contracts necessary to prepare for anticipated
15 litigation, enforcement actions, or investigations.

16 "Contracting entity" means an entity that has executed a
17 contract with the Office of the Lieutenant Governor.

18 "Key persons" means any persons who (i) have an ownership
19 or distributive income share in the contracting entity that is
20 in excess of 5%, or an amount greater than 60% of the annual
21 salary of the Governor; (ii) serve as executive officers of the
22 contracting entity; (iii) are employed by the contracting
23 entity who are required to register as lobbyists under the
24 Lobbyist Registration Act; (iv) are individuals or entities
25 with whom the contracting entity is contracting who are
26 required to register as lobbyists under the Lobbyist
27 Registration Act; and (v) are employed by the contracting
28 entity who are special government agents as defined in Section
29 4A-101(1) of the Illinois Governmental Ethics Act.

30 Section 5-10. Notice. Notice of the execution of contracts
31 shall be posted on the website of the Office of the Lieutenant
32 Governor that includes a brief description of the purpose of
33 the contract and disclosure of the names of the following:

34 (1) The contracting entity;

35 (2) Any entity that is a parent of, or owns a

1 controlling interest in, the contracting entity;

2 (3) Any entity that is a subsidiary of, or owns a
3 controlling interest in, the contracting entity;

4 (4) Any subcontractor that will be contracting with the
5 contracting entity;

6 (5) Any State, local, or federal political committee
7 that makes or may make political contributions on behalf of
8 or at the direction of the contracting entity; and

9 (6) The key persons of the contracting entity and any
10 subcontractor.

11 This notice shall be posted within 10 business days after the
12 contract is awarded.

13 Section 5-15. Application. This Article applies to
14 contracts executed on or after the effective date of this
15 amendatory Act of the 94th General Assembly.

16 ARTICLE 90

17 Section 90-5. The State Budget Law is amended by adding
18 Section 50-25 as follows:

19 (15 ILCS 20/50-25 new)

20 Sec. 50-25. Governor's Contract Disclosure.

21 (a) For purposes of this Section:

22 "Contract" means any contract or agreement for goods or
23 services executed by the Office of the Governor, with an annual
24 value of \$50,000 or more, except, regardless of amount,
25 "contract" as used in this Section shall not include the
26 following:

27 (1) Contracts with State agencies or officers or other
28 political subdivisions;

29 (2) Hiring of an individual as an employee or
30 independent contractor, whether pursuant to an employment
31 code or policy or by contract directly with that
32 individual;

1 (3) Collective bargaining contracts;

2 (4) Purchase of real estate; or

3 (5) Contracts necessary to prepare for anticipated
4 litigation, enforcement actions, or investigations.

5 "Contracting entity" means an entity that has executed a
6 contract with the Office of the Governor.

7 "Key persons" means any persons who (i) have an ownership
8 or distributive income share in the contracting entity that is
9 in excess of 5%, or an amount greater than 60% of the annual
10 salary of the Governor; (ii) serve as executive officers of the
11 contracting entity; (iii) are employed by the contracting
12 entity who are required to register as lobbyists under the
13 Lobbyist Registration Act; (iv) are individuals or entities
14 with whom the contracting entity is contracting who are
15 required to register as lobbyists under the Lobbyist
16 Registration Act; and (v) are employed by the contracting
17 entity who are special government agents as defined in Section
18 4A-101(1) of the Illinois Governmental Ethics Act.

19 (b) Notice of the execution of contracts shall be posted on
20 the website of the Office of the Governor that includes a brief
21 description of the purpose of the contract and disclosure of
22 the names of the following:

23 (1) The contracting entity;

24 (2) Any entity that is a parent of, or owns a
25 controlling interest in, the contracting entity;

26 (3) Any entity that is a subsidiary of, or owns a
27 controlling interest in, the contracting entity;

28 (4) Any subcontractor that will be contracting with the
29 contracting entity;

30 (5) Any State, local, or federal political committee
31 which makes or may make political contributions on behalf
32 or at the direction of the contracting entity; and

33 (6) The key persons of the contracting entity and any
34 subcontractor.

35 This notice shall be posted within 10 business days after the
36 contract is awarded.

1 (c) This Section applies to contracts executed on or after
2 the effective date of this amendatory Act of the 94th General
3 Assembly.

4 Section 90-10. The Attorney General Act is amended by
5 adding Section 6.10 as follows:

6 (15 ILCS 205/6.10 new)

7 Sec. 6.10. Attorney General's Contract Disclosure.

8 (a) For purposes of this Section:

9 "Contract" means any contract or agreement for goods or
10 services executed by the Office of the Attorney General, with
11 an annual value of \$50,000 or more, except, regardless of
12 amount, "contract" as used in this Section shall not include
13 the following:

14 (1) Contracts with State agencies or officers or other
15 political subdivisions;

16 (2) Hiring of an individual as an employee or
17 independent contractor, whether pursuant to an employment
18 code or policy or by contract directly with that
19 individual;

20 (3) Collective bargaining contracts;

21 (4) Purchase of real estate; or

22 (5) Contracts necessary to prepare for anticipated
23 litigation, enforcement actions or investigations.

24 "Contracting entity" means an entity that has executed a
25 contract with the Office of the Attorney General.

26 "Key persons" means any persons who (i) have an ownership
27 or distributive income share in the contracting entity that is
28 in excess of 5%, or an amount greater than 60% of the annual
29 salary of the Governor; (ii) serve as executive officers of the
30 contracting entity; (iii) are employed by the contracting
31 entity who are required to register as lobbyists under the
32 Lobbyist Registration Act; (iv) are individuals or entities
33 with whom the contracting entity is contracting who are
34 required to register as lobbyists under the Lobbyist

1 Registration Act; and (v) are employed by the contracting
2 entity who are special government agents as defined in Section
3 4A-101(1) of the Illinois Governmental Ethics Act.

4 (b) Notice of the execution of contracts shall be posted on
5 the website of the Office of the Attorney General that includes
6 a brief description of the purpose of the contract and
7 disclosure of the names of the following:

8 (1) The contracting entity;

9 (2) Any entity that is a parent of, or owns a
10 controlling interest in, the contracting entity;

11 (3) Any entity that is a subsidiary of, or owns a
12 controlling interest in, the contracting entity;

13 (4) Any subcontractor that will be contracting with the
14 contracting entity;

15 (5) Any State, local, or federal political committee
16 which makes or may make political contributions on behalf
17 of or at the direction of the contracting entity; and

18 (6) The key persons of the contracting entity and any
19 subcontractor.

20 This notice shall be posted within 10 business days after the
21 contract is awarded.

22 (c) This Section applies to contracts executed on or after
23 the effective date of this amendatory Act of the 94th General
24 Assembly.

25 Section 90-12. The Secretary of State Act is amended by
26 adding Section 30 as follows:

27 (15 ILCS 305/30 new)

28 Sec. 30. Secretary of State's Contract Disclosure.

29 (a) For purposes of this Section:

30 "Contract" means any contract or agreement for goods or
31 services executed by the Office of the Secretary of State, with
32 an annual value of \$50,000 or more, except, regardless of
33 amount, "contract" as used in this Section shall not include
34 the following:

1 (1) Contracts with State agencies or officers or other
2 political subdivisions;

3 (2) Hiring of an individual as an employee or
4 independent contractor, whether pursuant to an employment
5 code or policy or by contract directly with that
6 individual;

7 (3) Collective bargaining contracts;

8 (4) Purchase of real estate; or

9 (5) Contracts necessary to prepare for anticipated
10 litigation, enforcement actions, or investigations.

11 "Contracting entity" means an entity that has executed a
12 contract with the Office of the Secretary of State.

13 "Key persons" means any persons who (i) have an ownership
14 or distributive income share in the contracting entity that is
15 in excess of 5%, or an amount greater than 60% of the annual
16 salary of the Governor; (ii) serve as executive officers of the
17 contracting entity; (iii) are employed by the contracting
18 entity who are required to register as lobbyists under the
19 Lobbyist Registration Act; (iv) are individuals or entities
20 with whom the contracting entity is contracting who are
21 required to register as lobbyists under the Lobbyist
22 Registration Act; and (v) are employed by the contracting
23 entity who are special government agents as defined in Section
24 4A-101(1) of the Illinois Governmental Ethics Act.

25 (b) Notice of the execution of contracts shall be posted on
26 the website of the Office of the Secretary of State that
27 includes a brief description of the purpose of the contract and
28 disclosure of the names of the following:

29 (1) The contracting entity;

30 (2) Any entity that is a parent of, or owns a
31 controlling interest in, the contracting entity;

32 (3) Any entity that is a subsidiary of, or owns a
33 controlling interest in, the contracting entity;

34 (4) Any subcontractor that will be contracting with the
35 contracting entity;

36 (5) Any State, local, or federal political committee

1 that makes or may make political contributions on behalf of
2 or at the direction of the contracting entity; and

3 (6) The key persons of the contracting entity and any
4 subcontractor.

5 This notice shall be posted within 10 business days after the
6 contract is awarded.

7 (c) This Section applies to contracts executed on or after
8 the effective date of this amendatory Act of the 94th General
9 Assembly.

10 Section 90-13. The State Comptroller Act is amended by
11 adding Section 40 as follows:

12 (15 ILCS 405/40 new)

13 Sec. 40. Comptroller's Contract Disclosure.

14 (a) For purposes of this Section:

15 "Contract" means any contract or agreement for goods or
16 services executed by the Office of the Comptroller, with an
17 annual value of \$50,000 or more, except, regardless of amount,
18 "contract" as used in this Section shall not include the
19 following:

20 (1) Contracts with State agencies or officers or other
21 political subdivisions;

22 (2) Hiring of an individual as an employee or
23 independent contractor, whether pursuant to an employment code
24 or policy or by contract directly with that individual;

25 (3) Collective bargaining contracts;

26 (4) Purchase of real estate; or

27 (5) Contracts necessary to prepare for anticipated
28 litigation, enforcement actions, or investigations.

29 "Contracting entity" means an entity that has executed a
30 contract with the Office of the Comptroller.

31 "Key persons" means any persons who (i) have an ownership
32 or distributive income share in the contracting entity that is
33 in excess of 5%, or an amount greater than 60% of the annual
34 salary of the Governor; (ii) serve as executive officers of the

1 contracting entity; (iii) are employed by the contracting
2 entity who are required to register as lobbyists under the
3 Lobbyist Registration Act; (iv) are individuals or entities
4 with whom the contracting entity is contracting who are
5 required to register as lobbyists under the Lobbyist
6 Registration Act; and (v) are employed by the contracting
7 entity who are special government agents as defined in Section
8 4A-101(1) of the Illinois Governmental Ethics Act.

9 (b) Notice of the execution of contracts shall be posted on
10 the website of the Office of the Comptroller that includes a
11 brief description of the purpose of the contract and disclosure
12 of the names of the following:

13 (1) The contracting entity;

14 (2) Any entity that is a parent of, or owns a
15 controlling interest in, the contracting entity;

16 (3) Any entity that is a subsidiary of, or owns a
17 controlling interest in, the contracting entity;

18 (4) Any subcontractor that will be contracting with the
19 contracting entity;

20 (5) Any State, local, or federal political committee
21 which makes or may make political contributions on behalf
22 of or at the direction of the contracting entity; and

23 (6) The key persons of the contracting entity and any
24 subcontractor.

25 This notice shall be posted within 10 business days after the
26 contract is awarded.

27 (c) This Section applies to contracts executed on or after
28 the effective date of this amendatory Act of the 94th General
29 Assembly.

30 Section 90-15. The State Treasurer Act is amended by adding
31 Section 25 as follows:

32 (15 ILCS 505/25 new)

33 Sec. 25. Treasurer's Contract Disclosure.

34 (a) For purposes of this Section:

1 "Contract" means any contract or agreement for goods or
2 services executed by the Office of the Treasurer, with an
3 annual value of \$50,000 or more, except, regardless of amount,
4 "contract" as used in this Section shall not include the
5 following:

6 (1) Contracts with State agencies or officers or other
7 political subdivisions;

8 (2) Hiring of an individual as an employee or
9 independent contractor, whether pursuant to an employment code
10 or policy or by contract directly with that individual;

11 (3) Collective bargaining contracts;

12 (4) Purchase of real estate; or

13 (5) Contracts necessary to prepare for anticipated
14 litigation, enforcement actions, or investigations.

15 "Contracting entity" means an entity that has executed a
16 contract with the Office of the Treasurer.

17 "Key persons" means any persons who (i) have an ownership
18 or distributive income share in the contracting entity that is
19 in excess of 5%, or an amount greater than 60% of the annual
20 salary of the Governor; (ii) serve as executive officers of the
21 contracting entity; (iii) are employed by the contracting
22 entity who are required to register as lobbyists under the
23 Lobbyist Registration Act; (iv) are individuals or entities
24 with whom the contracting entity is contracting who are
25 required to register as lobbyists under the Lobbyist
26 Registration Act; and (v) are employed by the contracting
27 entity who are special government agents as defined in Section
28 4A-101(1) of the Illinois Governmental Ethics Act.

29 (b) Notice of the execution of contracts shall be posted on
30 the website of the Office of the Treasurer that includes a
31 brief description of the purpose of the contract and disclosure
32 of the names of the following:

33 (1) The contracting entity;

34 (2) Any entity that is a parent of, or owns a
35 controlling interest in, the contracting entity;

36 (3) Any entity that is a subsidiary of, or owns a

1 controlling interest in, the contracting entity;

2 (4) Any subcontractor that will be contracting with the
3 contracting entity;

4 (5) Any State, local, or federal political committee
5 which makes or may make political contributions on behalf
6 of or at the direction of the contracting entity; and

7 (6) The key persons of the contracting entity and any
8 subcontractor.

9 This notice shall be posted within 10 business days after the
10 contract is awarded.

11 (c) This Section applies to contracts executed on or after
12 the effective date of this amendatory Act of the 94th General
13 Assembly.

14 Section 90-20. The Illinois State Auditing Act is amended
15 by adding Section 2-20 as follows:

16 (30 ILCS 5/2-20 new)

17 Sec. 2-20. Auditor General's Contract Disclosure.

18 (a) For purposes of this Section:

19 "Contract" means any contract or agreement for goods or
20 services executed by the Office of the Auditor General, with an
21 annual value of \$50,000 or more, except, regardless of amount,
22 "contract" as used in this Section shall not include the
23 following:

24 (1) Contracts with State agencies or officers or other
25 political subdivisions;

26 (2) Hiring of an individual as an employee or
27 independent contractor, whether pursuant to an employment
28 code or policy or by contract directly with that
29 individual;

30 (3) Collective bargaining contracts;

31 (4) Purchase of real estate; or

32 (5) Contracts necessary to prepare for anticipated
33 litigation, enforcement actions, or investigations.

34 "Contracting entity" means an entity that has executed a

1 contract with the Office of the Auditor General.

2 "Key persons" means any persons who (i) have an ownership
3 or distributive income share in the contracting entity that is
4 in excess of 5%, or an amount greater than 60% of the annual
5 salary of the Governor; (ii) serve as executive officers of the
6 contracting entity; (iii) are employed by the contracting
7 entity who are required to register as lobbyists under the
8 Lobbyist Registration Act; (iv) are individuals or entities
9 with whom the contracting entity is contracting who are
10 required to register as lobbyists under the Lobbyist
11 Registration Act; and (v) are employed by the contracting
12 entity who are special government agents as defined in Section
13 4A-101(1) of the Illinois Governmental Ethics Act.

14 (b) Notice of the execution of contracts shall be posted on
15 the website of the Office of the Auditor General that includes
16 a brief description of the purpose of the contract and
17 disclosure of the names of the following:

18 (1) The contracting entity;

19 (2) Any entity that is a parent of, or owns a
20 controlling interest in, the contracting entity;

21 (3) Any entity that is a subsidiary of, or owns a
22 controlling interest in, the contracting entity;

23 (4) Any subcontractor that will be contracting with the
24 contracting entity;

25 (5) Any State, local, or federal political committee
26 which makes or may make political contributions on behalf
27 of or at the direction of the contracting entity; and

28 (6) The key persons of the contracting entity and any
29 subcontractor.

30 This notice shall be posted within 10 business days after the
31 contract is awarded.

32 (c) This Section applies to contracts executed on or after
33 the effective date of this amendatory Act of the 94th General
34 Assembly.

35 Section 90-25. The Illinois Procurement Code is amended by

1 changing Sections 1-15.30, 15-25, 20-10, 20-25, 20-30, 20-50,
2 20-55, 20-80, 40-15, 40-25, 50-20, 50-30, and 50-60 and by
3 adding Sections 20-43 and 50-37 as follows:

4 (30 ILCS 500/1-15.30)

5 Sec. 1-15.30. Contract. "Contract" means all types of State
6 agreements, regardless of what they may be called, for the
7 procurement, use, or disposal of supplies, services,
8 professional or artistic services, or construction or for
9 leases of real property or capital improvements, and including
10 master contracts, contracts for financing through use of
11 installment or lease-purchase arrangements, renegotiated
12 contracts, amendments to contracts, and change orders. The
13 changes to this Section made by this amendatory Act of the 94th
14 General Assembly apply to amendments executed on or after its
15 effective date.

16 (Source: P.A. 90-572, eff. 2-6-98.)

17 (30 ILCS 500/15-25)

18 Sec. 15-25. Bulletin content.

19 (a) Invitations for bids. Notice of each and every contract
20 that is offered, including renegotiated contracts and change
21 orders, shall be published in the Bulletin. The applicable
22 chief procurement officer may provide by rule an organized
23 format for the publication of this information, but in any case
24 it must include at least the date first offered, the date
25 submission of offers is due, the location that offers are to be
26 submitted to, the purchasing State agency, the responsible
27 State purchasing officer, a brief purchase description, the
28 method of source selection, and information of how to obtain a
29 comprehensive purchase description and any disclosure and
30 contract forms.

31 (b) Contracts let or awarded. Notice of each and every
32 contract that is let or awarded, including renegotiated
33 contracts and change orders, shall be published in the next
34 available subsequent Bulletin, and the applicable chief

1 procurement officer may provide by rule an organized format for
2 the publication of this information, but in any case it must
3 include at least all of the information specified in subsection
4 (a) as well as the name of the successful responsible bidder or
5 offeror, the contract price, the number of unsuccessful
6 responsive bidders, and any other disclosure specified in any
7 Section of this Code. This notice shall include the disclosures
8 required under Section 50-37, if applicable. In addition, the
9 notice shall summarize the outreach efforts undertaken by the
10 agency to make potential bidders or offerors aware of any
11 contract offer other than publication in the Bulletin. This
12 notice must be posted in the online electronic Bulletin no
13 later than 10 business days after the contract is awarded.

14 (c) Emergency purchase disclosure. Any chief procurement
15 officer, State purchasing officer, or designee exercising
16 emergency purchase authority under this Code shall publish a
17 written description and reasons and the total cost, if known,
18 or an estimate if unknown and the name of the responsible chief
19 procurement officer and State purchasing officer, and the
20 business or person contracted with for all emergency purchases
21 in the next timely, practicable Bulletin. This notice must be
22 posted in the online electronic Bulletin no later than 10
23 business days after the contract is awarded.

24 (c-5) Business Enterprises Council reports. Each State
25 agency shall post online on the Procurement Bulletin a copy of
26 its annual report of utilization of businesses owned by
27 minorities, females, and persons with disabilities as
28 submitted to the Business Enterprises Council for Minorities,
29 Females, and Persons with Disabilities pursuant to Section 6(c)
30 of the Business Enterprise for Minorities, Females, and Persons
31 with Disabilities Act no later than 10 business days after its
32 submission of its report to the Council.

33 (c-10) Renewals. Notice of each contract renewal shall be
34 posted online on the Procurement Bulletin no later than 10
35 business days after the renewal is exercised. The Procurement
36 Policy Board by rule shall specify the information to be

1 included in the notice, and the applicable chief procurement
2 officer by rule may provide a format for the information.

3 (d) Other required disclosure. The applicable chief
4 procurement officer shall provide by rule for the organized
5 publication of all other disclosure required in other Sections
6 of this Code in a timely manner.

7 (e) Application of amendatory provisions. The changes to
8 this Section made by this amendatory Act of the 94th General
9 Assembly apply to reports submitted, offers made, and notices
10 on contracts executed on or after its effective date.

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

12 (30 ILCS 500/20-10)

13 Sec. 20-10. Competitive sealed bidding.

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

17 (b) Invitation for bids. An invitation for bids shall be
18 issued and shall include a purchase description and the
19 material contractual terms and conditions applicable to the
20 procurement.

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

25 (d) Bid opening. Bids shall be opened publicly in the
26 presence of one or more witnesses at the time and place
27 designated in the invitation for bids. The name of each bidder,
28 the amount of each bid, and other relevant information as may
29 be specified by rule shall be recorded. After the award of the
30 contract, the winning bid and the record of each unsuccessful
31 bid shall be open to public inspection.

32 (e) Bid acceptance and bid evaluation. Bids shall be
33 unconditionally accepted without alteration or correction,
34 except as authorized in this Code. Bids shall be evaluated
35 based on the requirements set forth in the invitation for bids,

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

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

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

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

28 (2) a determination that the anticipated cost will be
29 fair and reasonable;

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

32 (4) the name of the bidder selected, pricing, and the
33 reasons for selecting that bidder instead of the lowest
34 responsible and responsive bidder.

35 Each agency may adopt rules to implement the requirements
36 of this subsection (g).

1 The written explanation shall be filed with the Legislative
2 Audit Commission and the Procurement Policy Board and posted in
3 the online Bulletin within 30 days after the contract is
4 awarded.

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

12 (i) Application of amendatory provisions. The changes to
13 this Section made by this amendatory Act of the 94th General
14 Assembly apply to contracts awarded on or after its effective
15 date.

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

17 (30 ILCS 500/20-25)

18 Sec. 20-25. Sole source procurements. In accordance with
19 standards set by rule, contracts may be awarded without use of
20 the specified method of source selection when there is only one
21 economically feasible source for the item. This Section may not
22 be used as a basis for amending a contract if the amendment
23 would result in an increase in the amount paid under the
24 contract of more than 5% of the initial award, or would extend
25 the contract term beyond the time reasonably needed for a
26 competitive procurement, not to exceed 2 months. At least 2
27 weeks before entering into a sole source contract, the
28 purchasing agency shall publish in the Illinois Procurement
29 Bulletin a notice of intent to do so along with a description
30 of the item to be procured and the intended sole source
31 contractor. The changes to this Section made by this amendatory
32 Act of the 94th General Assembly apply to amendments executed
33 on or after its effective date.

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

1 (30 ILCS 500/20-30)

2 Sec. 20-30. Emergency purchases.

3 (a) Conditions for use. In accordance with standards set by
4 rule, a purchasing agency may make emergency procurements
5 without competitive sealed bidding or prior notice when there
6 exists a threat to public health or public safety, or when
7 immediate expenditure is necessary for repairs to State
8 property in order to protect against further loss of or damage
9 to State property, to prevent or minimize serious disruption in
10 critical State services that affect health, safety, or
11 collections of substantial State revenue, or to ensure the
12 integrity of State records; provided, however, that the term of
13 the emergency purchase shall be limited to the time reasonably
14 needed for a competitive procurement, not to exceed 2 months.
15 Emergency procurements shall be made with as much competition
16 as is practicable under the circumstances. A written
17 description of the basis for the emergency and reasons for the
18 selection of the particular contractor shall be included in the
19 contract file.

20 (b) Notice. Before the next appropriate volume of the
21 Illinois Procurement Bulletin, the purchasing agency shall
22 publish in the Illinois Procurement Bulletin a copy of each
23 written description and reasons and the total cost of each
24 emergency procurement made during the previous month. When only
25 an estimate of the total cost is known at the time of
26 publication, the estimate shall be identified as an estimate
27 and published. When the actual total cost is determined, it
28 shall also be published in like manner before the 10th day of
29 the next succeeding month.

30 (c) Affidavits. A purchasing agency making a procurement
31 under this Section shall file affidavits with the chief
32 procurement officer and the Auditor General within 10 days
33 after the procurement setting forth the amount expended, the
34 name of the contractor involved, and the conditions and
35 circumstances requiring the emergency procurement. When only
36 an estimate of the cost is available within 10 days after the

1 procurement, the actual cost shall be reported immediately
2 after it is determined. At the end of each fiscal quarter, the
3 Auditor General shall file with the Legislative Audit
4 Commission and the Governor a complete listing of all emergency
5 procurements reported during that fiscal quarter. The
6 Legislative Audit Commission shall review the emergency
7 procurements so reported and, in its annual reports, advise the
8 General Assembly of procurements that appear to constitute an
9 abuse of this Section.

10 (d) Quick purchases. The chief procurement officer may
11 promulgate rules extending the circumstances by which a
12 purchasing agency may make purchases under this Section,
13 including but not limited to the procurement of items available
14 at a discount for a limited period of time.

15 (e) Application of amendatory provisions. The changes to
16 this Section made by this Amendatory Act of the 94th General
17 Assembly apply to procurements executed on or after its
18 effective date.

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

20 (30 ILCS 500/20-43 new)

21 Sec. 20-43. Bidder or offeror authorized to do business in
22 Illinois. In addition to meeting any other requirement of law
23 or rule, a person (other than an individual acting as a sole
24 proprietor) may qualify as a bidder or offeror under this Code
25 only if the person is a legal entity authorized to do business
26 in Illinois prior to submitting the bid, offer, or proposal.
27 This Section applies to all bids, offers, and proposals
28 submitted on or after the effective date of this amendatory Act
29 of the 94th General Assembly.

30 (30 ILCS 500/20-50)

31 Sec. 20-50. Specifications. Specifications shall be
32 prepared in accordance with consistent standards that are
33 promulgated by the chief procurement officer and reviewed by
34 the Board and the Joint Committee on Administrative Rules.

1 Those standards shall include a prohibition against the use of
2 brand-name only products, except for products intended for
3 retail sale or as specified by rule. Any person who assists in
4 the development of specifications or background information
5 for a bid solicitation or a request for proposals may not be
6 awarded a contract under that bid solicitation or request for
7 proposals., ~~and shall include a restriction on the use of~~
8 ~~specifications drafted by a potential bidder.~~ All
9 specifications shall seek to promote overall economy for the
10 purposes intended and encourage competition in satisfying the
11 State's needs and shall not be unduly restrictive.

12 A solicitation or specification for a contract or a
13 contract, including but not limited to a contract of a college,
14 university, or institution under the jurisdiction of a
15 governing board listed in Section 1-15.100, may not require,
16 stipulate, suggest, or encourage a monetary or other financial
17 contribution or donation, cash bonus or incentive, or economic
18 investment as an explicit or implied term or condition for
19 awarding or completing the contract. The contract,
20 solicitation, or specification also may not include a
21 requirement that an individual or individuals employed by such
22 a college, university, or institution receive a consulting
23 contract for professional services.

24 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-627, eff.
25 8-19-99.)

26 (30 ILCS 500/20-55)

27 Sec. 20-55. Types of contracts. Subject to the limitations
28 of this Section and unless otherwise authorized by law, any
29 type of contract that will promote the best interests of the
30 State may be used, except that cost-plus-a-percentage-of-cost
31 contracts are prohibited and further except that no contract
32 shall provide for a State agency to reimburse a contractor for
33 expenses relating to meals or travel of the contractor's
34 employees or State employees. A cost-reimbursement contract
35 may be used only when a determination is made in writing that a

1 cost-reimbursement contract is likely to be less costly to the
2 State than any other type or that it is impracticable to obtain
3 the item required except under that type of contract. The
4 general form of contracts shall be determined by the chief
5 procurement officer.

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

7 (30 ILCS 500/20-80)

8 Sec. 20-80. Contract files.

9 (a) Written determinations. All written determinations
10 required under this Article shall be placed in the contract
11 file maintained by the chief procurement officer.

12 (b) Filing with Comptroller. Whenever a grant, defined
13 pursuant to accounting standards established by the
14 Comptroller, or a contract liability, except for: (1) contracts
15 paid from personal services, or (2) contracts between the State
16 and its employees to defer compensation in accordance with
17 Article 24 of the Illinois Pension Code, exceeding \$10,000 is
18 incurred by any State agency, a copy of the contract, purchase
19 order, grant, or lease or amendments thereto shall be filed
20 with the Comptroller within 15 days after execution.
21 ~~thereafter.~~ Any cancellation or modification to any such
22 contract liability shall be filed with the Comptroller within
23 15 days of its execution.

24 (c) Late filing affidavit. When a contract, purchase order,
25 grant, or lease or amendment thereto required to be filed by
26 this Section has not been filed within 15 ~~30~~ days of execution,
27 notice shall be filed with the Comptroller within 15 days after
28 execution indicating that a contract or amendment thereto
29 described within the notice has been executed and will not be
30 filed within 15 days after execution, and the Comptroller shall
31 refuse to issue a warrant for payment thereunder until the
32 agency files with the Comptroller the contract, purchase order,
33 grant, or lease or amendment thereto and an affidavit, signed
34 by the chief executive officer of the agency or his or her
35 designee, setting forth an explanation of why the contract

1 liability was not filed within 15 ~~30~~ days of execution. A copy
2 of this affidavit shall be filed with the Auditor General. No
3 work by any contractor for any State agency shall commence, nor
4 shall any liability for payment by any State agency be
5 incurred, until a final binding contract complying with all
6 provisions of this Code has been executed by the contractor and
7 agency.

8 (d) Professional and artistic services contracts. No
9 voucher shall be submitted to the Comptroller for a warrant to
10 be drawn for the payment of money from the State treasury or
11 from other funds held by the State Treasurer on account of any
12 contract for services involving professional or artistic
13 skills involving an expenditure of more than \$5,000 for the
14 same type of service at the same location during any fiscal
15 year unless the contract is reduced to writing before the
16 services are performed and filed with the Comptroller. When a
17 contract for professional or artistic skills in excess of
18 \$5,000 was not reduced to writing before the services were
19 performed, the Comptroller shall refuse to issue a warrant for
20 payment for the services until the State agency files with the
21 Comptroller:

22 (1) a written contract covering the services, and

23 (2) an affidavit, signed by the chief executive officer
24 of the State agency or his or her designee, stating that
25 the services for which payment is being made were agreed to
26 before commencement of the services and setting forth an
27 explanation of why the contract was not reduced to writing
28 before the services commenced.

29 A copy of this affidavit shall be filed with the Auditor
30 General. The Comptroller shall maintain professional or
31 artistic service contracts filed under this Section separately
32 from other filed contracts.

33 (e) Method of source selection. When a contract or
34 amendment thereto is filed with the Comptroller under this
35 Section, the Comptroller's file shall identify the method of
36 source selection used in obtaining the contract.

1 (f) Comptroller's request for information. Upon the
2 request of the Comptroller, State agencies shall supply all
3 documents and information reasonably requested by the
4 Comptroller with respect to compliance with this Code within 10
5 business days after the request.

6 (g) Application of amendatory provisions. The changes to
7 this Section made by this amendatory Act of the 94th General
8 Assembly apply to contracts, purchase orders, grants, or leases
9 or amendments thereto executed on or after its effective date.

10 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-904, eff.
11 7-6-00.)

12 (30 ILCS 500/40-15)

13 Sec. 40-15. Method of source selection.

14 (a) Request for information. Except as provided in
15 subsections (b) and (c), all State contracts for leases of real
16 property or capital improvements shall be awarded by a request
17 for information process in accordance with Section 40-20.

18 (b) Other methods. A request for information process need
19 not be used in procuring any of the following leases:

20 (1) Property of less than 10,000 square feet.

21 (2) Rent of less than \$100,000 per year.

22 (3) Duration of less than one year that cannot be
23 renewed.

24 (4) Specialized space available at only one location.

25 (5) Renewal or extension of a lease ~~in effect before~~
26 ~~July 1, 2002~~; provided that: (i) the chief procurement
27 officer determines in writing that the renewal or extension
28 is in the best interest of the State; (ii) the chief
29 procurement officer submits his or her written
30 determination and the renewal or extension to the Board;
31 (iii) the Board does not object in writing to the renewal
32 or extension within 30 days after its submission; and (iv)
33 the chief procurement officer publishes the renewal or
34 extension in the appropriate volume of the Procurement
35 Bulletin.

1 (c) Leases with governmental units. Leases with other
2 governmental units may be negotiated without using the request
3 for information process when deemed by the chief procurement
4 officer to be in the best interest of the State.

5 (Source: P.A. 93-133, eff. 1-1-04; 93-839, eff. 7-30-04.)

6 (30 ILCS 500/40-25)

7 Sec. 40-25. Length of leases.

8 (a) Maximum term. Leases shall be for a term not to exceed
9 10 years and shall include a termination option in favor of the
10 State after 5 years.

11 (b) Renewal. Leases may include a renewal option. An option
12 to renew may be exercised only when a State purchasing officer
13 determines in writing that renewal is in the best interest of
14 the State and notice of the exercise of the option is published
15 in the appropriate volume of the Procurement Bulletin at least
16 60 days prior to the exercise of the option.

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

21 (d) Holdover. No lease with a stated term ending on or
22 after the effective date of this amendatory Act of the 94th
23 General Assembly may continue on a month-to-month or other
24 holdover basis for a total of more than 6 months.

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

26 (30 ILCS 500/50-20)

27 Sec. 50-20. Exemptions. With the approval of the
28 appropriate chief procurement officer involved, the Governor,
29 or an executive ethics board or commission he or she
30 designates, may exempt named individuals from the prohibitions
31 of Section 50-13 when, in his, her, or its judgment, the public
32 interest in having the individual in the service of the State
33 outweighs the public policy evidenced in that Section. An
34 exemption is effective only when it is filed with the Secretary

1 of State and the Comptroller and includes a statement setting
2 forth the name of the individual and all the pertinent facts
3 that would make that Section applicable, setting forth the
4 reason for the exemption, and declaring the individual exempted
5 from that Section. Exemptions must be filed with the Secretary
6 of State and Comptroller prior to execution of any contracts. A
7 copy of ~~Notice of~~ each exemption shall be published in the
8 Illinois Procurement Bulletin in its electronic form prior to
9 execution of the contract. The changes to this Section made by
10 this amendatory Act of the 94th General Assembly apply to
11 exemptions granted on or after its effective date.

12 (Source: P.A. 90-572, eff. 2-6-98.)

13 (30 ILCS 500/50-37 new)

14 Sec. 50-37. Contract award disclosure.

15 (a) Definitions. For purposes of this Section:

16 "Contracting entity" means an entity that would execute any
17 contract with a State agency.

18 "Key persons" means any persons who (i) have an ownership
19 or distributive income share in the contracting entity that is
20 in excess of 5%, or an amount greater than 60% of the annual
21 salary of the Governor; (ii) serve as executive officers of the
22 contracting entity; (iii) are employed by the contracting
23 entity who are required to register under the Lobbyist
24 Registration Act; (iv) are individuals or entities with whom
25 the contracting entity is contracting who are required to be
26 registered as lobbyists under the Lobbyist Registration Act;
27 and (v) are employed by the contracting entity who are special
28 government agents as defined in Section 4A-101(1) of the
29 Illinois Governmental Ethics Act.

30 (b) Disclosure. For contracts with an annual value of
31 \$50,000 or more all offers from responsive bidders or offerors
32 shall be accompanied by disclosure of the names of the
33 following:

34 (1) The contracting entity.

35 (2) Any entity that is a parent of, or owns a

1 controlling interest in, the contracting entity.

2 (3) Any entity that is a subsidiary of, or in which a
3 controlling interest is owned by the contracting entity.

4 (4) Any subcontractor that will be contracting with the
5 contracting entity.

6 (5) Any State, local, or federal political committee
7 that makes or may make political contributions on behalf of
8 or at the direction of the contracting entity.

9 (6) The key persons of the contracting entity and any
10 subcontractor.

11 (c) Notice. Notices of contracts let or awarded published
12 in the Procurement Bulletin pursuant to Section 15-25 shall
13 include as part of the notice posted online the names disclosed
14 by the winning bidder or offeror pursuant to subsection (b).

15 (d) Application. The changes made to this Section made by
16 this amendatory Act of the 94th General Assembly apply to
17 contracts first offered on or after its effective date.

18 (30 ILCS 500/50-60)

19 Sec. 50-60. Voidable contracts.

20 (a) If any contract or amendment thereto is entered into or
21 purchase or expenditure of funds is made at any time in
22 violation of this Code or any other law, the contract or
23 amendment thereto may be declared void by the Comptroller, with
24 the approval of the Treasurer, or the chief procurement officer
25 or may be ratified and affirmed by the Comptroller, with the
26 approval of the Treasurer, or by the chief procurement officer,
27 provided the Comptroller, with the approval of the Treasurer,
28 or the chief procurement officer determines that ratification
29 is in the best interests of the State. If the contract is
30 ratified and affirmed, it shall be without prejudice to the
31 State's rights to any appropriate damages.

32 (b) If, during the term of a contract, the contracting
33 agency determines that the contractor is delinquent in the
34 payment of debt as set forth in Section 50-11 of this Code, the
35 State agency may declare the contract void if it determines

1 that voiding the contract is in the best interests of the
2 State. The Debt Collection Board shall adopt rules for the
3 implementation of this subsection (b).

4 (c) If, during the term of a contract, the contracting
5 agency determines that the contractor is in violation of
6 Section 50-10.5 of this Code, the contracting agency shall
7 declare the contract void.

8 (d) The changes to this Section made by this amendatory Act
9 of the 94th General Assembly apply to actions taken by the
10 Comptroller and Treasurer on or after its effective date.

11 (Source: P.A. 92-404, eff. 7-1-02; 93-600, eff. 1-1-04.)

12 ARTICLE 99

13 Section 99-99. Effective date. This Act takes effect upon
14 becoming law.