



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4136

Introduced 1/30/2012, by Rep. Frank J. Mautino

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/15-1  
30 ILCS 500/15-25  
30 ILCS 500/15-30  
30 ILCS 500/15-35 new

Amends the Illinois Procurement Code. Specifies that the chief procurement officers possess the rights to and are the authorities responsible for publishing their volumes of the Illinois Procurement Bulletin. Charges the chief procurement officers with providing (i) purchasing agencies with assistance when preparing their annual Business Enterprise Program reports and (ii) the Procurement Policy Board with the information and resources necessary to maintain its electronic bulletin clearinghouse. Provides that the chief procurement officers may create one or more electronic vendor portals to expedite the opportunity for bidders, offerors, subcontractors, or suppliers to participate in the solicitation process. Effective immediately.

LRB097 16932 PJG 62120 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 changing Sections 15-1, 15-25, 15-30, and 15-35 as follows:

6 (30 ILCS 500/15-1)

7 Sec. 15-1. Publisher. The chief procurement officers  
8 possess the rights to and are the authorities ~~The Department of~~  
9 ~~Central Management Services is the State agency~~ responsible for  
10 publishing their ~~its~~ volumes of the Illinois Procurement  
11 Bulletin. Two or more chief procurement officers may  
12 collaborate to consolidate their volumes. ~~The Capital~~  
13 ~~Development Board is responsible for publishing its volumes of~~  
14 ~~the Illinois Procurement Bulletin. The Department of~~  
15 ~~Transportation is responsible for publishing its volumes of the~~  
16 ~~Illinois Procurement Bulletin. The higher education chief~~  
17 ~~procurement officer is responsible for publishing the higher~~  
18 ~~education volumes of the Illinois Procurement Bulletin. The~~  
19 ~~Illinois Power Agency is the State agency responsible for~~  
20 ~~publishing its volumes of the Illinois Procurement Bulletin.~~

21 Each volume of the Illinois Procurement Bulletin shall be  
22 available electronically and may be available in print.  
23 References in this Code to the publication and distribution of

1 the Illinois Procurement Bulletin include both its print and  
2 electronic formats.

3 (Source: P.A. 95-481, eff. 8-28-07.)

4 (30 ILCS 500/15-25)

5 Sec. 15-25. Bulletin content.

6 (a) Invitations for bids. Notice of each and every contract  
7 that is offered, including renegotiated contracts and change  
8 orders, shall be published in the Bulletin, and all businesses  
9 listed on the Department of Transportation Disadvantaged  
10 Business Enterprise Directory, the Department of Central  
11 Management Services Business Enterprise Program and Small  
12 Business Vendors Directory, and the Capital Development  
13 Board's Directory of Certified Minority and Female Business  
14 Enterprises shall be furnished written instructions and  
15 information on how to register on each Procurement Bulletin  
16 maintained by the State. Such information shall be provided to  
17 each business within 30 days after the business' notice of  
18 certification. The applicable chief procurement officer may  
19 provide by rule an organized format for the publication of this  
20 information, but in any case it must include at least the date  
21 first offered, the date submission of offers is due, the  
22 location that offers are to be submitted to, the purchasing  
23 State agency, the responsible State purchasing officer, a brief  
24 purchase description, the method of source selection,  
25 information of how to obtain a comprehensive purchase

1 description and any disclosure and contract forms, and  
2 encouragement to prospective vendors to hire qualified  
3 veterans, as defined by Section 45-67 of this Code, and  
4 qualified Illinois minorities, women, persons with  
5 disabilities, and residents discharged from any Illinois adult  
6 correctional center.

7 (b) Contracts let. Notice of each and every contract that  
8 is let, including renegotiated contracts and change orders,  
9 shall be issued electronically to those bidders or offerors  
10 submitting responses to the solicitations, inclusive of the  
11 unsuccessful bidders, immediately upon contract let. Failure  
12 of any chief procurement officer to give such notice shall  
13 result in tolling the time for filing a bid protest up to 5  
14 business days. The apparent low bidder's award and all other  
15 bids from bidders responding to solicitations shall be posted  
16 on the agency's website the next business day.

17 (b-5) Contracts awarded. Notice of each and every contract  
18 that is awarded, including renegotiated contracts and change  
19 orders, shall be issued electronically to the successful  
20 responsible bidder or offeror, posted on the agency's website  
21 the next business day, and published in the next available  
22 subsequent Bulletin. The applicable chief procurement officer  
23 may provide by rule an organized format for the publication of  
24 this information, but in any case it must include at least all  
25 of the information specified in subsection (a) as well as the  
26 name of the successful responsible bidder or offeror, the

1 contract price, the number of unsuccessful responsive bidders,  
2 and any other disclosure specified in any Section of this Code.  
3 This notice must be posted in the online electronic Bulletin  
4 prior to execution of the contract.

5 (c) Emergency purchase disclosure. Any chief procurement  
6 officer or State purchasing officer exercising emergency  
7 purchase authority under this Code shall publish a written  
8 description and reasons and the total cost, if known, or an  
9 estimate if unknown and the name of the responsible chief  
10 procurement officer and State purchasing officer, and the  
11 business or person contracted with for all emergency purchases  
12 in the next timely, practicable Bulletin. This notice must be  
13 posted in the online electronic Bulletin no later than 3  
14 business days after the contract is awarded. Notice of a  
15 hearing to extend an emergency contract must be posted in the  
16 online electronic Procurement Bulletin no later than 5 business  
17 days prior to the hearing.

18 (c-5) Business Enterprise Program report. Each purchasing  
19 agency shall, with the assistance of the applicable chief  
20 procurement officer, post in the online electronic Bulletin a  
21 copy of its annual report of utilization of businesses owned by  
22 minorities, females, and persons with disabilities as  
23 submitted to the Business Enterprise Council for Minorities,  
24 Females, and Persons with Disabilities pursuant to Section 6(c)  
25 of the Business Enterprise for Minorities, Females, and Persons  
26 with Disabilities Act within 10 business days after its

1 submission of its report to the Council.

2 (c-10) Renewals. Notice of each contract renewal shall be  
3 posted in the online electronic Bulletin within 10 business  
4 days of the determination to renew the contract and the next  
5 available subsequent Bulletin. The notice shall include at  
6 least all of the information required in subsection (b).

7 (c-15) Sole source procurements. Before entering into a  
8 sole source contract, a chief procurement officer exercising  
9 sole source procurement authority under this Code shall publish  
10 a written description of intent to enter into a sole source  
11 contract along with a description of the item to be procured  
12 and the intended sole source contractor. This notice must be  
13 posted in the online electronic Procurement Bulletin before a  
14 sole source contract is awarded and at least 14 days before the  
15 hearing required by Section 20-25.

16 (d) Other required disclosure. The applicable chief  
17 procurement officer shall provide by rule for the organized  
18 publication of all other disclosure required in other Sections  
19 of this Code in a timely manner.

20 (e) The changes to subsections (b), (c), (c-5), (c-10), and  
21 (c-15) of this Section made by this amendatory Act of the 96th  
22 General Assembly apply to reports submitted, offers made, and  
23 notices on contracts executed on or after its effective date.

24 (f) ~~Each The Department of Central Management Services, the~~  
25 ~~Capital Development Board, the Department of Transportation,~~  
26 ~~and the higher education~~ chief procurement officer shall

1 provide the Procurement Policy Board with the information and  
2 resources necessary, and in a manner, to effectuate the purpose  
3 of this amendatory Act of the 96th General Assembly.

4 (Source: P.A. 95-536, eff. 1-1-08; 96-795, eff. 7-1-10 (see  
5 Section 5 of P.A. 96-793 for the effective date of changes made  
6 by P.A. 96-795); 96-1444, eff. 8-20-10.)

7 (30 ILCS 500/15-30)

8 Sec. 15-30. Electronic Bulletin clearinghouse.

9 (a) The Procurement Policy Board shall maintain on its  
10 official website a searchable database containing all  
11 information required to be included in the Illinois Procurement  
12 Bulletin under subsections (b), (c), (c-10), and (c-15) of  
13 Section 15-25 and all information required to be disclosed  
14 under Section 50-41. The posting of procurement information on  
15 the website is subject to the same posting requirements as the  
16 online electronic Bulletin.

17 (b) For the purposes of this Section, searchable means  
18 searchable and sortable by successful responsible bidder or  
19 offeror or, for emergency purchases, business or person  
20 contracted with; the contract price or total cost; the service  
21 or good; the purchasing State agency; and the date first  
22 offered or announced.

23 (c) The applicable chief procurement officer shall provide  
24 the Procurement Policy Board the information and resources  
25 necessary, and in a manner, to effectuate the purpose of this

1 Section.

2 (Source: P.A. 95-536, eff. 1-1-08; 96-795, eff. 7-1-10 (see  
3 Section 5 of P.A. 96-793 for the effective date of changes made  
4 by P.A. 96-795).)

5 (30 ILCS 500/15-35 new)

6 Sec. 15-35. Vendor portal. The chief procurement officers  
7 may, in cooperation and coordination with each other, and in  
8 consultation with the Procurement Policy Board or designated  
9 staff thereof, create, operate, and maintain one or more  
10 electronic vendor portals for the purposes of identifying,  
11 pre-qualifying, certifying, registering, qualifying, and  
12 expediting the opportunity for bidders, offerors,  
13 subcontractors, or suppliers to participate in the  
14 solicitation process. Subject to the rulemaking provisions of  
15 the Illinois Administrative Procedure Act, each chief  
16 procurement officer may promulgate rules to implement and  
17 administer this Section.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.