



Sen. Daniel Biss

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09800HB5491sam001

LRB098 18402 HLH 60239 a

1 AMENDMENT TO HOUSE BILL 5491

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5491 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 1-10, 1-11, 1-12, 1-13, 1-15.30, 1-15.50,  
6 1-15.80, 1-15.107, 1-15.108, 1-15.110, 5-5, 5-25, 5-30, 10-20,  
7 15-20, 15-25, 15-30, 15-35, 20-5, 20-10, 20-15, 20-25, 20-30,  
8 20-35, 20-40, 20-43, 20-50, 20-80, 20-95, 20-120, 20-155,  
9 20-160, 25-60, 25-65, 25-80, 30-22, 30-30, 35-30, 35-40, 40-5,  
10 40-15, 40-20, 40-25, 40-55, 45-10, 45-20, 45-30, 45-35, 45-45,  
11 45-57, 45-67, 45-70, 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-13,  
12 50-14, 50-20, 50-25, 50-35, 50-36, 50-37, 50-38, 50-39, 50-40,  
13 50-45, 50-70, 55-10 and by adding Sections 1-15.01, 1-15.02,  
14 1-15.12, 1-15.13, 1-15.17, 1-15.50, 1-15.51, 1-15.52, 1-15.86,  
15 1-15.111, 15-35, 15-40, 15-45, and 30-22 as follows:

16 (30 ILCS 500/1-10)

1           Sec. 1-10. Application.

2           (a) This Code applies only to procurements for which  
3 bidders, offerors, potential contractors, or contractors were  
4 first solicited on or after July 1, 1998. This Code shall not  
5 be construed to affect or impair any contract, or any provision  
6 of a contract, entered into based on a solicitation prior to  
7 the implementation date of this Code as described in Article  
8 99, including but not limited to any covenant entered into with  
9 respect to any revenue bonds or similar instruments. All  
10 procurements for which contracts are solicited between the  
11 effective date of Articles 50 and 99 and July 1, 1998 shall be  
12 substantially in accordance with this Code and its intent.

13           (b) This Code shall apply regardless of the source of the  
14 funds with which the contracts are paid, including federal  
15 assistance moneys. This Code shall not apply to:

16           (1) Contracts between the State and its political  
17 subdivisions or other governments, or between State  
18 governmental bodies except as specifically provided in  
19 this Code.

20           (2) Grants, except for the filing requirements of  
21 Section 20-80.

22           (3) Purchase of care.

23           (4) Hiring of an individual as employee and not as an  
24 independent contractor, whether pursuant to an employment  
25 code or policy or by contract directly with that  
26 individual.

1 (5) Collective bargaining contracts.

2 (6) Purchase of real estate, except that notice of this  
3 type of contract with a value of more than \$25,000 must be  
4 published in the Procurement Bulletin within 10 calendar 7  
5 days after the deed is recorded in the county of  
6 jurisdiction. The notice shall identify the real estate  
7 purchased, the names of all parties to the contract, the  
8 value of the contract, and the effective date of the  
9 contract.

10 (7) Contracts necessary to prepare for anticipated  
11 litigation, enforcement actions, or investigations,  
12 provided that the chief legal counsel to the Governor shall  
13 give his or her prior approval when the procuring agency is  
14 one subject to the jurisdiction of the Governor, and  
15 provided that the chief legal counsel of any other  
16 procuring entity subject to this Code shall give his or her  
17 prior approval when the procuring entity is not one subject  
18 to the jurisdiction of the Governor.

19 (8) Contracts for services to Northern Illinois  
20 University by a person, acting as an independent  
21 contractor, who is qualified by education, experience, and  
22 technical ability and is selected by negotiation for the  
23 purpose of providing non-credit educational service  
24 activities or products by means of specialized programs  
25 offered by the university.

26 (9) Procurement expenditures by the Illinois

1 Conservation Foundation when only private funds are used.

2 (10) Procurement expenditures by the Illinois Health  
3 Information Exchange Authority involving private funds  
4 from the Health Information Exchange Fund. "Private funds"  
5 means gifts, donations, and private grants.

6 (11) Public-private agreements entered into according  
7 to the procurement requirements of Section 20 of the  
8 Public-Private Partnerships for Transportation Act and  
9 design-build agreements entered into according to the  
10 procurement requirements of Section 25 of the  
11 Public-Private Partnerships for Transportation Act.

12 (12) Contracts for legal, financial, and other  
13 professional and artistic services entered into on or  
14 before December 31, 2018 by the Illinois Finance Authority  
15 in which the State of Illinois is not obligated. Such  
16 contracts shall be awarded through a competitive process  
17 authorized by the Board of the Illinois Finance Authority  
18 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
19 50-35, and 50-37 of this Code, as well as the final  
20 approval by the Board of the Illinois Finance Authority of  
21 the terms of the contract.

22 Notwithstanding any other provision of law, contracts  
23 entered into under item (12) of this subsection (b) shall be  
24 published in the Procurement Bulletin within 14 calendar days  
25 after contract execution. The chief procurement officer shall  
26 prescribe the form and content of the notice. The Illinois

1 Finance Authority shall provide the chief procurement officer,  
2 on a monthly basis, in the form and content prescribed by the  
3 chief procurement officer, a report of contracts that are  
4 related to the procurement of goods and services identified in  
5 item (12) of this subsection (b). At a minimum, this report  
6 shall include the name of the contractor, a description of the  
7 supply or service provided, the total amount of the contract,  
8 the term of the contract, and the exception to the Code  
9 utilized. A copy of each of these contracts shall be made  
10 available to the chief procurement officer immediately upon  
11 request. The chief procurement officer shall submit a report to  
12 the Governor and General Assembly no later than November 1 of  
13 each year that shall include, at a minimum, an annual summary  
14 of the monthly information reported to the chief procurement  
15 officer.

16 (c) This Code does not apply to the electric power  
17 procurement process provided for under Section 1-75 of the  
18 Illinois Power Agency Act and Section 16-111.5 of the Public  
19 Utilities Act.

20 (d) Except for Section 20-160 and Article 50 of this Code,  
21 and as expressly required by Section 9.1 of the Illinois  
22 Lottery Law, the provisions of this Code do not apply to the  
23 procurement process provided for under Section 9.1 of the  
24 Illinois Lottery Law.

25 (e) This Code does not apply to the process used by the  
26 Capital Development Board to retain a person or entity to

1 assist the Capital Development Board with its duties related to  
2 the determination of costs of a clean coal SNG brownfield  
3 facility, as defined by Section 1-10 of the Illinois Power  
4 Agency Act, as required in subsection (h-3) of Section 9-220 of  
5 the Public Utilities Act, including calculating the range of  
6 capital costs, the range of operating and maintenance costs, or  
7 the sequestration costs or monitoring the construction of clean  
8 coal SNG brownfield facility for the full duration of  
9 construction.

10 (f) This Code does not apply to the process used by the  
11 Illinois Power Agency to retain a mediator to mediate sourcing  
12 agreement disputes between gas utilities and the clean coal SNG  
13 brownfield facility, as defined in Section 1-10 of the Illinois  
14 Power Agency Act, as required under subsection (h-1) of Section  
15 9-220 of the Public Utilities Act.

16 (g) This Code does not apply to the processes used by the  
17 Illinois Power Agency to retain a mediator to mediate contract  
18 disputes between gas utilities and the clean coal SNG facility  
19 and to retain an expert to assist in the review of contracts  
20 under subsection (h) of Section 9-220 of the Public Utilities  
21 Act. This Code does not apply to the process used by the  
22 Illinois Commerce Commission to retain an expert to assist in  
23 determining the actual incurred costs of the clean coal SNG  
24 facility and the reasonableness of those costs as required  
25 under subsection (h) of Section 9-220 of the Public Utilities  
26 Act.

1 (h) This Code does not apply to the process to procure or  
2 contracts entered into in accordance with Sections 11-5.2 and  
3 11-5.3 of the Illinois Public Aid Code.

4 (i) Each chief procurement officer may access records  
5 necessary to review whether a contract, purchase, or other  
6 expenditure is or is not subject to the provisions of this  
7 Code, unless such records would be subject to attorney-client  
8 privilege.

9 (j) This Code does not apply to the process used by the  
10 Capital Development Board to retain an artist or work or works  
11 of art as required in Section 14 of the Capital Development  
12 Board Act.

13 (k) This Code does not apply to the process to procure  
14 contracts, or contracts entered into, by the State Board of  
15 Elections or the State Electoral Board for hearing officers  
16 appointed pursuant to the Election Code.

17 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,  
18 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;  
19 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
20 98-572, eff. 1-1-14; revised 9-9-13.)

21 (30 ILCS 500/1-11)

22 Sec. 1-11. Applicability of certain Public Acts. The  
23 changes made to this Code by Public Act 96-793, Public Act  
24 96-795, and this amendatory Act of the 96th General Assembly  
25 apply to those procurements for which bidders, offerors,

1 vendors, potential contractors, or contractors were first  
2 solicited on or after July 1, 2010.

3 (Source: P.A. 96-920, eff. 7-1-10.)

4 (30 ILCS 500/1-12)

5 (Section scheduled to be repealed on December 31, 2016)

6 Sec. 1-12. Applicability to artistic or musical services.

7 (a) This Code shall not apply to procurement expenditures  
8 necessary to provide artistic or musical services,  
9 performances, or theatrical productions held at a venue  
10 operated or leased by a State agency.

11 (b) Notice of each contract entered into by a State agency  
12 that is related to the procurement of goods and services  
13 identified in this Section shall be published in the Illinois  
14 Procurement Bulletin within 14 calendar days after contract  
15 execution. The chief procurement officer shall prescribe the  
16 form and content of the notice. Each State agency shall provide  
17 the chief procurement officer, on a monthly basis, in the form  
18 and content prescribed by the chief procurement officer, a  
19 report of contracts that are related to the procurement of  
20 goods and services identified in this Section. At a minimum,  
21 this report shall include the name of the contractor, a  
22 description of the supply or service provided, the total amount  
23 of the contract, the term of the contract, and the exception to  
24 the Code utilized. A copy of any or all of these contracts  
25 shall be made available to the chief procurement officer



1 immediately upon request. The chief procurement officer shall  
2 submit a report to the Governor and General Assembly no later  
3 than November 1 of each year that shall include, at a minimum,  
4 an annual summary of the monthly information reported to the  
5 chief procurement officer.

6 (c) This Section is repealed December 31, 2016.

7 (Source: P.A. 97-895, eff. 8-3-12.)

8 (30 ILCS 500/1-13)

9 (Section scheduled to be repealed on December 31, 2014)

10 Sec. 1-13. Applicability to public institutions of higher  
11 education.

12 (a) This Code shall apply to public institutions of higher  
13 education, regardless of the source of the funds with which  
14 contracts are paid, except as provided in this Section.

15 (b) Except as provided in this Section, this Code shall not  
16 apply to procurements made by or on behalf of public  
17 institutions of higher education for any of the following:

18 (1) Memberships in professional, academic, research,  
19 or athletic organizations on behalf of a public institution  
20 of higher education, an employee of a public institution of  
21 higher education, or a student at a public institution of  
22 higher education.

23 (2) Procurement expenditures for events or activities  
24 paid for exclusively by revenues generated by the event or  
25 activity, gifts or donations for the event or activity,

1 private grants, or any combination thereof.

2 (3) Procurement expenditures for events or activities  
3 for which the use of specific potential contractors ~~vendors~~  
4 is mandated or identified by the sponsor of the event or  
5 activity, provided that the sponsor is providing a majority  
6 of the funding for the event or activity.

7 (4) Procurement expenditures necessary to provide  
8 artistic or musical services, performances, or productions  
9 held at a venue operated by a public institution of higher  
10 education.

11 (5) Procurement expenditures for periodicals and books  
12 procured for use by a university library or academic  
13 department, except for expenditures related to procuring  
14 textbooks for student use or materials for resale or  
15 rental.

16 (6) Procurement expenditures for placement of students  
17 in externships, practicums, field experiences, and medical  
18 residencies and rotations.

19 (7) Contracts for programming and broadcast license  
20 rights for university-operated radio and television  
21 stations.

22 Notice of each contract entered into by a public institution of  
23 higher education that is related to the procurement of goods  
24 and services identified in items (1) through (7) ~~(5)~~ of this  
25 subsection shall be published in the Procurement Bulletin  
26 within 14 calendar days after contract execution. The Chief

1 Procurement Officer shall prescribe the form and content of the  
2 notice. Each public institution of higher education shall  
3 provide the Chief Procurement Officer, on a monthly basis, in  
4 the form and content prescribed by the Chief Procurement  
5 Officer, a report of contracts that are related to the  
6 procurement of goods and services identified in this  
7 subsection. At a minimum, this report shall include the name of  
8 the contractor, a description of the supply or service  
9 provided, the total amount of the contract, the term of the  
10 contract, and the exception to the Code utilized. A copy of any  
11 or all of these contracts shall be made available to the Chief  
12 Procurement Officer immediately upon request. The Chief  
13 Procurement Officer shall submit a report to the Governor and  
14 General Assembly no later than November 1 of each year that  
15 shall include, at a minimum, an annual summary of the monthly  
16 information reported to the Chief Procurement Officer.

17 (b-5) Except as provided in this subsection, the provisions  
18 of this Code shall not apply to contracts for FDA-regulated  
19 supplies, and to contracts for medical services necessary for  
20 the delivery of care and treatment at medical, dental, or  
21 veterinary teaching facilities utilized by Southern Illinois  
22 University or the University of Illinois. Other supplies and  
23 services needed for these teaching facilities shall be subject  
24 to the jurisdiction of the Chief Procurement Officer for Public  
25 Institutions of Higher Education who may establish expedited  
26 procurement procedures and may waive or modify certification,

1 contract, hearing, process and registration requirements  
2 required by the Code. All procurements made under this  
3 subsection shall be documented and may require publication in  
4 the Illinois Procurement Bulletin.

5 (c) Procurements made by or on behalf of public  
6 institutions of higher education for any of the following shall  
7 be made in accordance with the requirements of this Code to the  
8 extent practical as provided in this subsection:

9 (1) Contracts with a foreign entity necessary for  
10 research or educational activities, provided that the  
11 foreign entity either does not maintain an office in the  
12 United States or is the sole source of the service or  
13 product.

14 (2) (Blank). ~~Procurements of FDA regulated goods,~~  
15 ~~products, and services necessary for the delivery of care~~  
16 ~~and treatment at medical, dental, or veterinary teaching~~  
17 ~~facilities utilized by the University of Illinois or~~  
18 ~~Southern Illinois University.~~

19 (3) (Blank). ~~Contracts for programming and broadcast~~  
20 ~~license rights for university operated radio and~~  
21 ~~television stations.~~

22 (4) Procurements required for fulfillment of a grant.

23 Upon the written request of a public institution of higher  
24 education, the Chief Procurement Officer may waive  
25 registration, certification, and hearing requirements of this  
26 Code if, based on the item to be procured or the terms of a

1 grant, compliance is impractical. The public institution of  
2 higher education shall provide the Chief Procurement Officer  
3 with specific reasons for the waiver, including the necessity  
4 of contracting with a particular potential contractor ~~vendor~~,  
5 and shall certify that an effort was made in good faith to  
6 comply with the provisions of this Code. The Chief Procurement  
7 Officer shall provide written justification for any waivers. By  
8 November 1 of each year, the Chief Procurement Officer shall  
9 file a report with the General Assembly identifying each  
10 contract approved with waivers and providing the justification  
11 given for any waivers for each of those contracts. Notice of  
12 each waiver made under this subsection shall be published in  
13 the Procurement Bulletin within 14 calendar days after contract  
14 execution. The Chief Procurement Officer shall prescribe the  
15 form and content of the notice.

16 (d) Notwithstanding this Section, a waiver of the  
17 registration requirements of Section 20-160 does not permit a  
18 business entity and any affiliated entities or affiliated  
19 persons to make campaign contributions if otherwise prohibited  
20 by Section 50-37. The total amount of contracts awarded in  
21 accordance with this Section shall be included in determining  
22 the aggregate amount of contracts or pending bids of a business  
23 entity and any affiliated entities or affiliated persons.

24 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
25 this Code, the Chief Procurement Officer, with the approval of  
26 the Executive Ethics Commission, may permit a public

1 institution of higher education to accept a bid or enter into a  
2 contract with a business that assisted the public institution  
3 of higher education in determining whether there is a need for  
4 a contract or assisted in reviewing, drafting, or preparing  
5 documents related to a bid or contract, provided that the bid  
6 or contract is essential to research administered by the public  
7 institution of higher education and it is in the best interest  
8 of the public institution of higher education to accept the bid  
9 or contract. For purposes of this subsection, "business"  
10 includes all individuals with whom a business is affiliated,  
11 including, but not limited to, any officer, agent, employee,  
12 consultant, independent contractor, director, partner,  
13 manager, or shareholder of a business. The Executive Ethics  
14 Commission may promulgate rules and regulations for the  
15 implementation and administration of the provisions of this  
16 subsection (e).

17 (f) As used in this Section:

18 "Grant" means non-appropriated funding provided by a  
19 federal or private entity to support a project or program  
20 administered by a public institution of higher education and  
21 any non-appropriated funding provided to a sub-recipient of the  
22 grant.

23 "Public institution of higher education" means Chicago  
24 State University, Eastern Illinois University, Governors State  
25 University, Illinois State University, Northeastern Illinois  
26 University, Northern Illinois University, Southern Illinois

1 University, University of Illinois, Western Illinois  
2 University, and, for purposes of this Code only, the Illinois  
3 Mathematics and Science Academy.

4 (g) This Section is repealed on December 31, 2016 ~~2014~~.

5 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12.)

6 (30 ILCS 500/1-15.01 new)

7 Sec. 1-15.01. Bid. "Bid" means the response submitted by a  
8 bidder in a competitive sealed bidding process, to an  
9 invitation for bid, or to a multi-step sealed bidding process.

10 (30 ILCS 500/1-15.02 new)

11 Sec. 1-15.02. Bidder. "Bidder" means one who submits a  
12 response in a competitive sealed bidding process, to an  
13 invitation for bid, or to a multi-step sealed bidding process.

14 (30 ILCS 500/1-15.12 new)

15 Sec. 1-15.12. Change order. "Change order" means a change  
16 in a contract term, other than as specifically provided for in  
17 the contract, which authorizes or necessitates any increase or  
18 decrease in the cost of the contract or the time for completion  
19 for procurements subject to the jurisdiction of the chief  
20 procurement officers appointed pursuant to Section 10-20.

21 (30 ILCS 500/1-15.13 new)

22 Sec. 1-15.13. Chief Procurement Office. "Chief Procurement

1 Office" means the offices to which the chief procurement  
2 officers are appointed pursuant to Section 10-20.

3 (30 ILCS 500/1-15.17 new)

4 Sec. 1-15.17. Contractor. "Contractor" means any person  
5 having a contract with a State agency as defined in Section  
6 1-15.30.

7 (30 ILCS 500/1-15.30)

8 Sec. 1-15.30. Contract. "Contract" means all types of State  
9 agreements, ~~including change orders and renewals,~~ regardless  
10 of what they may be called, for the procurement, use, or  
11 disposal of supplies, services, professional or artistic  
12 services, or construction or for leases of real property where  
13 the State is the , ~~whether the State is lessor or lessee,~~ or  
14 capital improvements, and including renewals, master  
15 contracts, contracts for financing through use of installment  
16 or lease-purchase arrangements, renegotiated contracts,  
17 amendments to contracts, and change orders.

18 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
19 for the effective date of changes made by P.A. 96-795).)

20 (30 ILCS 500/1-15.50)

21 Sec. 1-15.50. Negotiation. "Negotiation" means the process  
22 of selecting a contractor other than by competitive sealed  
23 bids, multi-step sealed bidding, or competitive sealed



1 proposals, whereby a purchasing agency can establish any and  
2 all terms and conditions of a procurement contract by  
3 discussion with one or more potential ~~prospective~~ contractors.

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

5 (30 ILCS 500/1-15.51 new)

6 Sec. 1-15.51. Offer. "Offer" means a response submitted by  
7 an offeror in a competitive sealed proposal process or to a  
8 request for proposal.

9 (30 ILCS 500/1-15.52 new)

10 Sec. 1-15.52. Offeror. "Offeror" means any person who  
11 submits a proposal in response to a competitive sealed proposal  
12 process or a request for proposals.

13 (30 ILCS 500/1-15.80)

14 Sec. 1-15.80. Responsible bidder, potential contractor, or  
15 offeror. "Responsible bidder, potential contractor, or  
16 offeror" means a person who has the capability in all respects  
17 to perform fully the contract requirements and the integrity  
18 and reliability that will assure good faith performance. A  
19 responsible bidder or offeror shall not include a business or  
20 other entity that does not exist as a legal entity at the time  
21 a bid or offer ~~or proposal~~ is submitted for a State contract.

22 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
23 for the effective date of changes made by P.A. 96-795).)

1 (30 ILCS 500/1-15.86 new)

2 Sec. 1-15.86. Responsive offeror. "Responsive offeror"  
3 means a person who has submitted an offer that conforms in all  
4 material respects to the request for proposals.

5 (30 ILCS 500/1-15.107)

6 Sec. 1-15.107. Subcontract. "Subcontract" means a contract  
7 between a person and a person who has a contract subject to  
8 this Code, pursuant to which the subcontractor provides to the  
9 contractor, or, if the contract price exceeds \$50,000, another  
10 subcontractor, some or all of the goods, services, real  
11 property, remuneration, or other monetary forms of  
12 consideration that are the subject of the primary contract and  
13 includes, among other things, subleases from a lessee of a  
14 State agency. For purposes of this Code, a "subcontract" does  
15 not include purchases of goods or supplies that are incidental  
16 to the performance of a contract by a person who has a contract  
17 subject to this Code.

18 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
19 for the effective date of P.A. 96-795); 97-895, eff. 8-3-12.)

20 (30 ILCS 500/1-15.108)

21 Sec. 1-15.108. Subcontractor. "Subcontractor" means a  
22 person or entity that enters into a contractual agreement with  
23 a total value of \$50,000 or more with a person or entity who

1 has a contract subject to this Code pursuant to which the  
2 person or entity provides some or all of the goods, services,  
3 real property, remuneration, or other monetary forms of  
4 consideration that are the subject of the primary State  
5 contract, including subleases from a lessee of a State  
6 contract. For purposes of this Code, a person or entity is not  
7 a "subcontractor" if that person only provides goods or  
8 supplies that are incidental to the performance of a contract  
9 by a person who has a contract subject to this Code.

10 (Source: P.A. 96-920, eff. 7-1-10; 97-895, eff. 8-3-12.)

11 (30 ILCS 500/1-15.110)

12 Sec. 1-15.110. Supplies. "Supplies" means all personal  
13 property, including but not limited to equipment, materials,  
14 printing, and insurance, and the financing of those supplies  
15 that can be procured regularly or are available on the  
16 commercial market.

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

18 (30 ILCS 500/1-15.111 new)

19 Sec. 1-15.111. Supplier. "Supplier" means any person or  
20 entity providing supplies, including, but not limited to,  
21 equipment, materials, printing, and insurance, and the  
22 financing of those supplies that can be procured regularly or  
23 are available on the commercial market.

1 (30 ILCS 500/5-5)

2 Sec. 5-5. Procurement Policy Board.

3 (a) Creation. There is created a Procurement Policy Board,  
4 an agency of the State of Illinois.

5 (b) Authority and duties. The Board shall have the  
6 authority and responsibility to review, comment upon, and  
7 recommend, consistent with this Code, rules and practices  
8 governing the procurement, management, control, and disposal  
9 of supplies, services, professional or artistic services,  
10 construction, and real property and capital improvement leases  
11 procured by the State. The Board shall also have the authority  
12 to recommend a program for professional development and provide  
13 opportunities for training in procurement practices and  
14 policies to chief procurement officers and their staffs in  
15 order to ensure that all procurement is conducted in an  
16 efficient, professional, and appropriately transparent manner.

17 Upon a three-fifths vote of its members, the Board may  
18 review a contract. Upon a three-fifths vote of its members, the  
19 Board may propose procurement rules for consideration by chief  
20 procurement officers. These proposals shall be published in  
21 each volume of the Procurement Bulletin. Except as otherwise  
22 provided by law, the Board shall act upon the vote of a  
23 majority of its members who have been appointed and are  
24 serving.

25 (b-5) Reviews, studies, and hearings. The Board may review,  
26 study, and hold public hearings concerning the implementation

1 and administration of this Code. Each chief procurement  
2 officer, State purchasing officer, procurement compliance  
3 monitor, and State agency shall cooperate with the Board,  
4 provide information to the Board, and be responsive to the  
5 Board in the Board's conduct of its reviews, studies, and  
6 hearings.

7 (c) Members. The Board shall consist of 5 members appointed  
8 one each by the 4 legislative leaders and the Governor. Each  
9 member shall have demonstrated sufficient business or  
10 professional experience in the area of procurement to perform  
11 the functions of the Board. No member may be a member of the  
12 General Assembly.

13 (d) Terms. Of the initial appointees, the Governor shall  
14 designate one member, as Chairman, to serve a one-year term,  
15 the President of the Senate and the Speaker of the House shall  
16 each appoint one member to serve 3-year terms, and the Minority  
17 Leader of the House and the Minority Leader of the Senate shall  
18 each appoint one member to serve 2-year terms. Subsequent terms  
19 shall be 4 years. Members may be reappointed for succeeding  
20 terms.

21 (e) Reimbursement. Members shall receive no compensation  
22 but shall be reimbursed for any expenses reasonably incurred in  
23 the performance of their duties.

24 (f) Staff support. Upon a three-fifths vote of its members,  
25 the Board may employ an executive director. Subject to  
26 appropriation, the Board also may employ a reasonable and

1 necessary number of staff persons.

2 (g) Meetings. Meetings of the Board may be conducted  
3 telephonically, electronically, or through the use of other  
4 telecommunications. Written minutes of such meetings shall be  
5 created and available for public inspection and copying.

6 (h) Procurement recommendations. Upon a three-fifths vote  
7 of its members, the Board may review a proposal, bid, or  
8 contract and issue a recommendation to void a contract or  
9 reject a proposal or bid based on any violation of this Code or  
10 the existence of a conflict of interest as described in  
11 subsections (b) and (d) of Section 50-35. A chief procurement  
12 officer or State purchasing officer shall notify the Board if  
13 an alleged conflict of interest or violation of the Code is  
14 identified, discovered, or reasonably suspected to exist. Any  
15 person or entity may notify the Board of an alleged conflict of  
16 interest or violation of the Code. A recommendation of the  
17 Board shall be delivered to the appropriate chief procurement  
18 officer and Executive Ethics Commission within 7 calendar ~~5~~  
19 days and must be published in the next volume of the  
20 Procurement Bulletin. In the event that an alleged conflict of  
21 interest or violation of the Code that was not originally  
22 disclosed with the bid, offer, or proposal is identified and  
23 filed with the Board, the Board shall provide written notice of  
24 the alleged conflict of interest or violation to the bidder,  
25 offeror, potential contractor, contractor, or subcontractor on  
26 that contract. If the alleged conflict of interest or violation

1 is by the subcontractor, written notice shall also be provided  
2 to the bidder, offeror, potential contractor, or contractor.  
3 The bidder, offeror, potential contractor, contractor, or  
4 subcontractor shall have 15 calendar days to provide a written  
5 response to the notice, and a hearing before the Board on the  
6 alleged conflict of interest or violation shall be held upon  
7 request by the bidder, offeror, potential contractor,  
8 contractor, or subcontractor. The requested hearing date and  
9 time shall be determined by the Board, but in no event shall  
10 the hearing occur later than 15 calendar days after the date of  
11 the request.

12 (i) After providing notice and a hearing as required by  
13 subsection (h), the Board shall refer any alleged violations of  
14 this Code to the Executive Inspector General in addition to or  
15 instead of issuing a recommendation to void a contract.

16 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
17 for the effective date of changes made by P.A. 96-795); 97-895,  
18 eff. 8-3-12.)

19 (30 ILCS 500/5-25)

20 Sec. 5-25. Rulemaking authority; agency policy; agency  
21 response.

22 (a) Rulemaking. A chief procurement officer authorized to  
23 make procurements under this Code shall have the authority to  
24 promulgate rules to carry out that authority. The ~~That~~  
25 rulemaking on specific procurement topics ~~is~~ mentioned in

1 specific Sections of this Code shall not be construed as  
2 prohibiting or limiting rulemaking on other procurement  
3 topics.

4 All rules shall be promulgated in accordance with the  
5 Illinois Administrative Procedure Act. Contractual provisions,  
6 specifications, and procurement descriptions are not rules and  
7 are not subject to the Illinois Administrative Procedure Act.  
8 All rules other than those promulgated by the Board shall be  
9 presented in writing to the Board ~~and the Executive Procurement~~  
10 ~~Officer~~ for review and comment. The Board ~~and the Executive~~  
11 ~~Procurement Officer~~ shall express their opinions and  
12 recommendations in writing. The proposed rules and  
13 recommendations shall be made available for public review. The  
14 rules shall also be approved by the Joint Committee on  
15 Administrative Rules.

16 (b) Policy. Each chief procurement officer shall promptly  
17 notify the Procurement Policy Board in writing of any proposed  
18 new procurement rule or policy or any proposed change in an  
19 existing procurement rule or policy.

20 (c) Response. Each State agency must respond promptly in  
21 writing to all inquiries and comments of the Procurement Policy  
22 Board ~~or Executive Procurement Officer~~.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
24 for the effective date of changes made by P.A. 96-795).)



1           Sec. 5-30. Proposed contracts; Procurement Policy Board.

2           (a) Except as provided in subsection (c), within 30  
3 calendar days after notice of the awarding or letting of a  
4 contract has appeared in the Procurement Bulletin in accordance  
5 with subsection (b) of Section 15-25, the Board may request in  
6 writing from the contracting agency and the contracting agency  
7 shall promptly, but in no event later than 7 calendar ~~5~~  
8 ~~business~~ days after receipt of the request, provide to the  
9 Board, by electronic or other means satisfactory to the Board,  
10 documentation in the possession of the contracting agency  
11 concerning the proposed contract. Nothing in this subsection is  
12 intended to waive or abrogate any privilege or right of  
13 confidentiality authorized by law.

14           (b) No contract subject to this Section may be entered into  
15 until the 30-day period described in subsection (a) has  
16 expired, unless the contracting agency requests in writing that  
17 the Board waive the period and the Board grants the waiver in  
18 writing.

19           (c) This Section does not apply to (i) contracts entered  
20 into under this Code for small and emergency procurements as  
21 those procurements are defined in Article 20 and (ii) contracts  
22 for professional and artistic services that are nonrenewable,  
23 one year or less in duration, and have a value of less than  
24 \$20,000. If requested in writing by the Board, however, the  
25 contracting agency must promptly, but in no event later than 10  
26 calendar ~~8 business~~ days after receipt of the request, transmit

1 to the Board a copy of the contract for an emergency  
2 procurement and documentation in the possession of the  
3 contracting agency concerning the contract.

4 (Source: P.A. 93-839, eff. 7-30-04.)

5 (30 ILCS 500/10-20)

6 Sec. 10-20. Independent chief procurement officers.

7 (a) Appointment. Within 60 calendar days after the  
8 effective date of this amendatory Act of the 96th General  
9 Assembly, the Executive Ethics Commission, with the advice and  
10 consent of the Senate shall appoint or approve 4 chief  
11 procurement officers, one for each of the following categories:

12 (1) for procurements for construction and  
13 construction-related services committed by law to the  
14 jurisdiction or responsibility of the Capital Development  
15 Board;

16 (2) for procurements for all construction,  
17 construction-related services, operation of any facility,  
18 and the provision of any service or activity committed by  
19 law to the jurisdiction or responsibility of the Illinois  
20 Department of Transportation, including the direct or  
21 reimbursable expenditure of all federal funds for which the  
22 Department of Transportation is responsible or accountable  
23 for the use thereof in accordance with federal law,  
24 regulation, or procedure, the chief procurement officer  
25 recommended for approval under this item appointed by the

1 Secretary of Transportation after consent by the Executive  
2 Ethics Commission;

3 (3) for all procurements made by a public institution  
4 of higher education; and

5 (4) for all other procurement needs of State agencies.

6 A chief procurement officer shall be responsible to the  
7 Executive Ethics Commission but must be located within the  
8 agency that the officer provides with procurement services. The  
9 chief procurement officer for higher education shall have an  
10 office located within the Board of Higher Education, unless  
11 otherwise designated by the Executive Ethics Commission. The  
12 chief procurement officer for all other procurement needs of  
13 the State shall have an office located within the Department of  
14 Central Management Services, unless otherwise designated by  
15 the Executive Ethics Commission.

16 (b) Terms and independence. Each chief procurement officer  
17 appointed under this Section shall serve for a term of 5 years  
18 beginning on the date of the officer's appointment. The chief  
19 procurement officer may be removed for cause after a hearing by  
20 the Executive Ethics Commission. The Governor or the director  
21 of a State agency directly responsible to the Governor may  
22 institute a complaint against the officer by filing such  
23 complaint with the Commission. The Commission shall have a  
24 hearing based on the complaint. The officer and the complainant  
25 shall receive reasonable notice of the hearing and shall be  
26 permitted to present their respective arguments on the

1 complaint. After the hearing, the Commission shall make a  
2 finding on the complaint and may take disciplinary action,  
3 including but not limited to removal of the officer.

4 The salary of a chief procurement officer shall be  
5 established by the Executive Ethics Commission and may not be  
6 diminished during the officer's term. The salary may not exceed  
7 the salary of the director of a State agency for which the  
8 officer serves as chief procurement officer.

9 (c) Qualifications. In addition to any other requirement or  
10 qualification required by State law, each chief procurement  
11 officer must within 12 months of employment be a Certified  
12 Professional Public Buyer or a Certified Public Purchasing  
13 Officer, pursuant to certification by the Universal Public  
14 Purchasing Certification Council, and must reside in Illinois.

15 (d) Fiduciary duty. Each chief procurement officer owes a  
16 fiduciary duty to the State.

17 (e) Vacancy. In case of a vacancy in one or more of the  
18 offices of a chief procurement officer under this Section  
19 during the recess of the Senate, the Executive Ethics  
20 Commission shall make a temporary appointment until the next  
21 meeting of the Senate, when the Executive Ethics Commission  
22 shall nominate some person to fill the office, and any person  
23 so nominated who is confirmed by the Senate shall hold office  
24 during the remainder of the term and until his or her successor  
25 is appointed and qualified. If the Senate is not in session at  
26 the time this amendatory Act of the 96th General Assembly takes

1 effect, the Executive Ethics Commission shall make a temporary  
2 appointment as in the case of a vacancy.

3 (f) (Blank). ~~Acting chief procurement officers. Prior to~~  
4 ~~August 31, 2010, the Executive Ethics Commission may, until an~~  
5 ~~initial chief procurement officer is appointed and qualified,~~  
6 ~~designate some person as an acting chief procurement officer to~~  
7 ~~execute the powers and discharge the duties vested by law in~~  
8 ~~that chief procurement officer. An acting chief procurement~~  
9 ~~officer shall serve no later than the appointment of the~~  
10 ~~initial chief procurement officer pursuant to subsection (a) of~~  
11 ~~this Section. Nothing in this subsection shall prohibit the~~  
12 ~~Executive Ethics Commission from appointing an acting chief~~  
13 ~~procurement officer as a chief procurement officer.~~

14 (g) (Blank). ~~Transition schedule. Notwithstanding any~~  
15 ~~other provision of this Act or this amendatory Act of the 96th~~  
16 ~~General Assembly, the chief procurement officers on the~~  
17 ~~effective date of Public Act 96 793 shall continue to serve as~~  
18 ~~chief procurement officers until August 31, 2010 and shall~~  
19 ~~retain their powers and duties pertaining to procurements,~~  
20 ~~provided the chief procurement officer appointed or approved by~~  
21 ~~the Executive Ethics Commission shall approve any rules~~  
22 ~~promulgated to implement this Code or the provisions of this~~  
23 ~~amendatory Act of the 96th General Assembly. The chief~~  
24 ~~procurement officers appointed or approved by the Executive~~  
25 ~~Ethics Commission shall assume the position of chief~~  
26 ~~procurement officer upon appointment and work in collaboration~~

1 ~~with the current chief procurement officer and staff. On~~  
2 ~~September 1, 2010, the chief procurement officers appointed by~~  
3 ~~the Executive Ethics Commission shall assume the powers and~~  
4 ~~duties of the chief procurement officers.~~

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
6 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

7 (30 ILCS 500/15-20)

8 Sec. 15-20. Qualified bidders or offerors. Subscription to  
9 the Illinois Procurement Bulletin shall not be required to  
10 qualify as a bidder or offeror under this Code.

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

12 (30 ILCS 500/15-25)

13 Sec. 15-25. Bulletin content.

14 (a) Invitations for bids. Notice of each and every contract  
15 that is offered, including renegotiated contracts and change  
16 orders, shall be published in the Bulletin. All ~~, and all~~  
17 businesses listed on the Department of Transportation  
18 Disadvantaged Business Enterprise Directory, the Department of  
19 Central Management Services Business Enterprise Program, and  
20 the Chief Procurement Office's Small Business Vendors  
21 Directory, ~~and the Capital Development Board's Directory of~~  
22 ~~Certified Minority and Female Business Enterprises~~ shall be  
23 furnished written instructions and information on how to  
24 register on each Procurement Bulletin maintained by the State.

1 Such information shall be provided to each business within 30  
2 calendar days after the business' notice of certification. The  
3 applicable chief procurement officer may provide by rule an  
4 organized format for the publication of this information, but  
5 in any case it must include at least the date first offered,  
6 the date submission of offers is due, the location that offers  
7 are to be submitted to, the purchasing State agency, the  
8 responsible State purchasing officer, a brief purchase  
9 description, the method of source selection, information of how  
10 to obtain a comprehensive purchase description and any  
11 disclosure and contract forms, and encouragement to potential  
12 contractors ~~prospective vendors~~ to hire qualified veterans, as  
13 defined by Section 45-67 of this Code, and qualified Illinois  
14 minorities, women, persons with disabilities, and residents  
15 discharged from any Illinois adult correctional center.

16 (b) Contracts let. Notice of each and every contract that  
17 is let, including renegotiated contracts and change orders,  
18 shall be issued electronically to those bidders ~~or offerors~~  
19 submitting responses to the solicitations, inclusive of the  
20 unsuccessful bidders, immediately upon contract let. Failure  
21 of any chief procurement officer to give such notice shall  
22 result in tolling the time for filing a bid protest up to 7  
23 calendar ~~5-business~~ days.

24 For purposes of this subsection (b), "contracts let" means  
25 a construction agency's act of advertising an invitation for  
26 bids for one or more construction projects. ~~The apparent low~~

1 ~~bidder's award and all other bids from bidders responding to~~  
2 ~~solicitations shall be posted on the agency's website the next~~  
3 ~~business day.~~

4 (b-5) Contracts awarded. Notice of each and every contract  
5 that is awarded, including renegotiated contracts and change  
6 orders, shall be issued electronically to the successful  
7 responsible bidder, ~~or~~ offeror, or contractor ~~posted on the~~  
8 ~~agency's website the next business day,~~ and published in the  
9 next available subsequent Bulletin. The applicable chief  
10 procurement officer may provide by rule an organized format for  
11 the publication of this information, but in any case it must  
12 include at least all of the information specified in subsection  
13 (a) as well as the name of the successful responsible bidder, ~~or~~  
14 ~~or~~ offeror, the contract price, the number of unsuccessful  
15 ~~responsive~~ bidders or offerors, and any other disclosure  
16 specified in any Section of this Code. This notice must be  
17 posted in the online electronic Bulletin prior to execution of  
18 the contract.

19 For purposes of this subsection (b-5), "contract award"  
20 means the determination that a particular bidder or offeror has  
21 been selected from among other bidders or offerors to receive a  
22 contract, subject to the successful completion of final  
23 negotiations. "Contract award" is evidenced by the posting of a  
24 Notice of Award or a Notice of Intent to Award to the  
25 respective volume of the Illinois Procurement Bulletin.

26 (c) Emergency purchase disclosure. Any chief procurement



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

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

23 (c-10) Renewals. Notice of each contract renewal shall be  
24 posted in the online electronic Bulletin within 14 calendar ~~10~~  
25 ~~business~~ days of the determination to renew the contract and  
26 the next available subsequent Bulletin. The notice shall

1 include at least all of the information required in subsection  
2 (b).

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

12 (d) Other required disclosure. The applicable chief  
13 procurement officer shall provide by rule for the organized  
14 publication of all other disclosure required in other Sections  
15 of this Code in a timely manner.

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

20 (f) Each chief procurement officer shall, in consultation  
21 with the agencies under his or her jurisdiction, provide the  
22 Procurement Policy Board with the information and resources  
23 necessary, and in a manner, to effectuate the purpose of this  
24 amendatory Act of the 96th General Assembly.

25 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
26 for the effective date of changes made by P.A. 96-795);

1 96-1444, eff. 8-20-10; 97-895, eff. 8-3-12.)

2 (30 ILCS 500/15-30)

3 Sec. 15-30. Electronic Bulletin clearinghouse.

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

12 (b) For the purposes of this Section, searchable means  
13 searchable and sortable by successful responsible bidder, ~~or~~  
14 offeror, potential contractor, or contractor, for emergency  
15 purchases, business or person contracted with; the contract  
16 price or total cost; the service or good; the purchasing State  
17 agency; and the date first offered or announced.

18 (c) The applicable chief procurement officer shall provide  
19 the Procurement Policy Board the information and resources  
20 necessary, and in a manner, to effectuate the purpose of this  
21 Section.

22 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
23 for the effective date of changes made by P.A. 96-795); 97-895,  
24 eff. 8-3-12.)

1 (30 ILCS 500/15-35)

2 Sec. 15-35. Vendor portal. Each chief procurement officer  
3 may, in consultation with the agencies under his or her  
4 jurisdiction and the Procurement Policy Board, establish a  
5 vendor portal. The vendor portal shall allow a potential  
6 ~~prospective~~ vendor to provide certifications, disclosures,  
7 registrations, and other documentation needed to do business  
8 with a State agency in advance of any particular procurement. A  
9 potential ~~prospective~~ vendor who registers with the vendor  
10 portal and provides this information may submit its  
11 registration number, with a confirmation that the portal  
12 information remains current, as part of its response to a  
13 competitive selection or a contracting process, rather than  
14 submit the same information in full. One or more chief  
15 procurement officers may jointly operate a vendor portal if a  
16 single portal would better serve the needs of the State  
17 agencies and the vendor community. A chief procurement officer  
18 may accept, for use on procurements and contracts under his or  
19 her jurisdiction, the registration from another chief  
20 procurement officer's vendor portal. This Section applies  
21 notwithstanding any laws to the contrary except for later  
22 enacted laws that specifically refer to this Section.

23 Nothing in this Section shall preclude a State agency from  
24 implementing its own pre-qualification, certification,  
25 disclosure, and registration requirements necessary to conduct  
26 and manage its program operation.

1           This Section does not apply to any contract for any project  
2 as to which federal funds are available for expenditure when  
3 its provisions may be in conflict with federal law or federal  
4 regulation.

5           (Source: P.A. 97-895, eff. 8-3-12.)

6           (30 ILCS 500/15-40 new)

7           Sec. 15-40. Method of notices and reports. Notices and  
8 reports required by any Section of this Code may be made by  
9 either paper or electronic means.

10          (30 ILCS 500/15-45 new)

11          Sec. 15-45. Computation of days. The time within which any  
12 act provided in this Code is to be done shall be computed by  
13 excluding the first day and including the last, unless the last  
14 day is Saturday or Sunday or is a holiday, and then it shall  
15 also be excluded. If the day succeeding a Saturday, Sunday, or  
16 holiday is also a holiday, a Saturday, or a Sunday, then that  
17 succeeding day shall also be excluded. For the purposes of this  
18 Code, "holiday" means: New Year's Day; Dr. Martin Luther King,  
19 Jr.'s Birthday; Lincoln's Birthday; President's Day; Memorial  
20 Day; Independence Day; Labor Day; Columbus Day; Veterans' Day;  
21 Thanksgiving Day; Christmas Day; and any other day from time to  
22 time declared by the President of the United States or the  
23 Governor of Illinois to be a day during which the agencies of  
24 the State of Illinois that are ordinarily open to do business

1 with the public shall be closed for business.

2 (30 ILCS 500/20-5)

3 Sec. 20-5. Method of source selection. Unless otherwise  
4 authorized by law, all State contracts shall be awarded by  
5 competitive sealed bidding, in accordance with Section 20-10,  
6 except as provided in Sections 20-15, 20-20, 20-25, 20-30,  
7 20-35, 30-15, and 40-20. The chief procurement officers  
8 appointed pursuant to Section 10-20 may determine the method of  
9 solicitation and contract for all procurements pursuant to this  
10 Code.

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

12 (30 ILCS 500/20-10)

13 (Text of Section from P.A. 96-159, 96-588, 97-96, and  
14 97-895)

15 Sec. 20-10. Competitive sealed bidding; reverse auction.

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

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

23 (c) Public notice. Public notice of the invitation for bids  
24 shall be published in the Illinois Procurement Bulletin at

1 least 14 calendar days before the date set in the invitation  
2 for the opening of bids.

3 (d) Bid opening. Bids shall be opened publicly in the  
4 presence of one or more witnesses at the time and place  
5 designated in the invitation for bids. The name of each bidder,  
6 the amount of each bid, and other relevant information as may  
7 be specified by rule shall be recorded. After the award of the  
8 contract, the winning bid and the record of each unsuccessful  
9 bid shall be open to public inspection.

10 (e) Bid acceptance and bid evaluation. Bids shall be  
11 unconditionally accepted without alteration or correction,  
12 except as authorized in this Code. Bids shall be evaluated  
13 based on the requirements set forth in the invitation for bids,  
14 which may include criteria to determine acceptability such as  
15 inspection, testing, quality, workmanship, delivery, and  
16 suitability for a particular purpose. Those criteria that will  
17 affect the bid price and be considered in evaluation for award,  
18 such as discounts, transportation costs, and total or life  
19 cycle costs, shall be objectively measurable. The invitation  
20 for bids shall set forth the evaluation criteria to be used.

21 (f) Correction or withdrawal of bids. Correction or  
22 withdrawal of inadvertently erroneous bids before or after  
23 award, or cancellation of awards of contracts based on bid  
24 mistakes, shall be permitted in accordance with rules. After  
25 bid opening, no changes in bid prices or other provisions of  
26 bids prejudicial to the interest of the State or fair

1 competition shall be permitted. All decisions to permit the  
2 correction or withdrawal of bids based on bid mistakes shall be  
3 supported by written determination made by a State purchasing  
4 officer.

5 (g) Award. The contract shall be awarded with reasonable  
6 promptness by written notice to the lowest responsible and  
7 responsive bidder whose bid meets the requirements and criteria  
8 set forth in the invitation for bids, except when a State  
9 purchasing officer determines it is not in the best interest of  
10 the State and by written explanation determines another bidder  
11 shall receive the award. The explanation shall appear in the  
12 appropriate volume of the Illinois Procurement Bulletin. The  
13 written explanation must include:

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

15 (2) a determination that the anticipated cost will be  
16 fair and reasonable;

17 (3) a listing of all responsible and responsive  
18 bidders; and

19 (4) the name of the bidder selected, the total contract  
20 price, and the reasons for selecting that bidder.

21 Each chief procurement officer may adopt guidelines to  
22 implement the requirements of this subsection (g).

23 The written explanation shall be filed with the Legislative  
24 Audit Commission and the Procurement Policy Board, and be made  
25 available for inspection by the public, within 30 calendar days  
26 after the agency's decision to award the contract.



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

8           (i) Alternative procedures. Notwithstanding any other  
9 provision of this Act to the contrary, the Director of the  
10 Illinois Power Agency may create alternative bidding  
11 procedures to be used in procuring professional services under  
12 subsection (a) of Section 1-75 and subsection (d) of Section  
13 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)  
14 of the Public Utilities Act and to procure renewable energy  
15 resources under Section 1-56 of the Illinois Power Agency Act.  
16 These alternative procedures shall be set forth together with  
17 the other criteria contained in the invitation for bids, and  
18 shall appear in the appropriate volume of the Illinois  
19 Procurement Bulletin.

20           (j) Reverse auction. Notwithstanding any other provision  
21 of this Section and in accordance with rules adopted by the  
22 chief procurement officer, that chief procurement officer may  
23 procure supplies or services through a competitive electronic  
24 auction bidding process after the chief procurement officer  
25 determines that the use of such a process will be in the best  
26 interest of the State. The chief procurement officer shall

1 publish that determination in his or her next volume of the  
2 Illinois Procurement Bulletin.

3 An invitation for bids shall be issued and shall include  
4 (i) a procurement description, (ii) all contractual terms,  
5 whenever practical, and (iii) conditions applicable to the  
6 procurement, including a notice that bids will be received in  
7 an electronic auction manner.

8 Public notice of the invitation for bids shall be given in  
9 the same manner as provided in subsection (c).

10 Bids shall be accepted electronically at the time and in  
11 the manner designated in the invitation for bids. During the  
12 auction, a bidder's price shall be disclosed to other bidders.  
13 Bidders shall have the opportunity to reduce their bid prices  
14 during the auction. At the conclusion of the auction, the  
15 record of the bid prices received and the name of each bidder  
16 shall be open to public inspection.

17 After the auction period has terminated, withdrawal of bids  
18 shall be permitted as provided in subsection (f).

19 The contract shall be awarded within 60 calendar days after  
20 the auction by written notice to the lowest responsible bidder,  
21 or all bids shall be rejected except as otherwise provided in  
22 this Code. Extensions of the date for the award may be made by  
23 mutual written consent of the State purchasing officer and the  
24 lowest responsible bidder.

25 This subsection does not apply to (i) procurements of  
26 professional and artistic services, (ii) telecommunications

1 services, communication services, and information services,  
2 and (iii) contracts for construction projects, including  
3 design professional services.

4 (Source: P.A. 96-159, eff. 8-10-09; 96-588, eff. 8-18-09;  
5 97-96, eff. 7-13-11; 97-895, eff. 8-3-12.)

6 (Text of Section from P.A. 96-159, 96-795, 97-96, and  
7 97-895)

8 Sec. 20-10. Competitive sealed bidding; reverse auction.

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

12 (b) Invitation for bids. An invitation for bids shall be  
13 issued and shall include a purchase description and the  
14 material contractual terms and conditions applicable to the  
15 procurement.

16 (c) Public notice. Public notice of the invitation for bids  
17 shall be published in the Illinois Procurement Bulletin at  
18 least 14 calendar days before the date set in the invitation  
19 for the opening of bids.

20 (d) Bid opening. Bids shall be opened publicly in the  
21 presence of one or more witnesses at the time and place  
22 designated in the invitation for bids. The name of each bidder,  
23 the amount of each bid, and other relevant information as may  
24 be specified by rule shall be recorded. After the award of the  
25 contract, the winning bid and the record of each unsuccessful

1 bid shall be open to public inspection.

2 (e) Bid acceptance and bid evaluation. Bids shall be  
3 unconditionally accepted without alteration or correction,  
4 except as authorized in this Code. Bids shall be evaluated  
5 based on the requirements set forth in the invitation for bids,  
6 which may include criteria to determine acceptability such as  
7 inspection, testing, quality, workmanship, delivery, and  
8 suitability for a particular purpose. Those criteria that will  
9 affect the bid price and be considered in evaluation for award,  
10 such as discounts, transportation costs, and total or life  
11 cycle costs, shall be objectively measurable. The invitation  
12 for bids shall set forth the evaluation criteria to be used.

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

23 (g) Award. The contract shall be awarded with reasonable  
24 promptness by written notice to the lowest responsible and  
25 responsive bidder whose bid meets the requirements and criteria  
26 set forth in the invitation for bids, except when a State

1 purchasing officer determines it is not in the best interest of  
2 the State and by written explanation determines another bidder  
3 shall receive the award. The explanation shall appear in the  
4 appropriate volume of the Illinois Procurement Bulletin. The  
5 written explanation must include:

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

7 (2) a determination that the anticipated cost will be  
8 fair and reasonable;

9 (3) a listing of all responsible and responsive  
10 bidders; and

11 (4) the name of the bidder selected, the total contract  
12 price, and the reasons for selecting that bidder.

13 Each chief procurement officer may adopt guidelines to  
14 implement the requirements of this subsection (g).

15 The written explanation shall be filed with the Legislative  
16 Audit Commission and the Procurement Policy Board, and be made  
17 available for inspection by the public, within 30 days after  
18 the agency's decision to award the contract.

19 (h) Multi-step sealed bidding. When it is considered  
20 impracticable to initially prepare a purchase description to  
21 support an award based on price, an invitation for bids may be  
22 issued requesting the submission of unpriced offers to be  
23 followed by an invitation for bids limited to those bidders  
24 whose offers have been qualified under the criteria set forth  
25 in the first solicitation.

26 (i) Alternative procedures. Notwithstanding any other

1 provision of this Act to the contrary, the Director of the  
2 Illinois Power Agency may create alternative bidding  
3 procedures to be used in procuring professional services under  
4 subsection (a) of Section 1-75 and subsection (d) of Section  
5 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)  
6 of the Public Utilities Act and to procure renewable energy  
7 resources under Section 1-56 of the Illinois Power Agency Act.  
8 These alternative procedures shall be set forth together with  
9 the other criteria contained in the invitation for bids, and  
10 shall appear in the appropriate volume of the Illinois  
11 Procurement Bulletin.

12 (j) Reverse auction. Notwithstanding any other provision  
13 of this Section and in accordance with rules adopted by the  
14 chief procurement officer, that chief procurement officer may  
15 procure supplies or services through a competitive electronic  
16 auction bidding process after the chief procurement officer  
17 determines that the use of such a process will be in the best  
18 interest of the State. The chief procurement officer shall  
19 publish that determination in his or her next volume of the  
20 Illinois Procurement Bulletin.

21 An invitation for bids shall be issued and shall include  
22 (i) a procurement description, (ii) all contractual terms,  
23 whenever practical, and (iii) conditions applicable to the  
24 procurement, including a notice that bids will be received in  
25 an electronic auction manner.

26 Public notice of the invitation for bids shall be given in

1 the same manner as provided in subsection (c).

2 Bids shall be accepted electronically at the time and in  
3 the manner designated in the invitation for bids. During the  
4 auction, a bidder's price shall be disclosed to other bidders.  
5 Bidders shall have the opportunity to reduce their bid prices  
6 during the auction. At the conclusion of the auction, the  
7 record of the bid prices received and the name of each bidder  
8 shall be open to public inspection.

9 After the auction period has terminated, withdrawal of bids  
10 shall be permitted as provided in subsection (f).

11 The contract shall be awarded within 60 calendar days after  
12 the auction by written notice to the lowest responsible bidder,  
13 or all bids shall be rejected except as otherwise provided in  
14 this Code. Extensions of the date for the award may be made by  
15 mutual written consent of the State purchasing officer and the  
16 lowest responsible bidder.

17 This subsection does not apply to (i) procurements of  
18 professional and artistic services, (ii) telecommunications  
19 services, communication services, and information services,  
20 and (iii) contracts for construction projects, including  
21 design professional services.

22 (Source: P.A. 96-159, eff. 8-10-09; 96-795, eff. 7-1-10 (see  
23 Section 5 of P.A. 96-793 for the effective date of changes made  
24 by P.A. 96-795); 97-96, eff. 7-13-11; 97-895, eff. 8-3-12.)

1           Sec. 20-15. Competitive sealed proposals.

2           (a) Conditions for use. When provided under this Code or  
3 under rules, or when the purchasing agency determines in  
4 writing that the use of competitive sealed bidding is either  
5 not practicable or not advantageous to the State, a contract  
6 may be entered into by competitive sealed proposals.

7           (b) Request for proposals. Proposals shall be solicited  
8 through a request for proposals.

9           (c) Public notice. Public notice of the request for  
10 proposals shall be published in the Illinois Procurement  
11 Bulletin at least 14 calendar days before the date set in the  
12 invitation for the opening of proposals.

13           (d) Receipt of proposals. Proposals shall be opened  
14 publicly in the presence of one or more witnesses at the time  
15 and place designated in the request for proposals, but  
16 proposals shall be opened in a manner to avoid disclosure of  
17 contents to competing offerors during the process of  
18 negotiation. A record of proposals shall be prepared and shall  
19 be open for public inspection after contract award.

20           (e) Evaluation factors. The requests for proposals shall  
21 state the relative importance of price and other evaluation  
22 factors. Proposals shall be submitted in 2 parts: the first,  
23 covering items except price; and the second, covering price.  
24 The first part of all proposals shall be evaluated and ranked  
25 independently of the second part of all proposals.

26           (f) Discussion with responsible offerors and revisions of



1 offers or proposals. As provided in the request for proposals  
2 and under rules, discussions may be conducted with responsible  
3 offerors who submit offers or proposals determined to be  
4 reasonably susceptible of being selected for award for the  
5 purpose of clarifying and assuring full understanding of and  
6 responsiveness to the solicitation requirements. Those  
7 offerors shall be accorded fair and equal treatment with  
8 respect to any opportunity for discussion and revision of  
9 proposals. Revisions may be permitted after submission and  
10 before award for the purpose of obtaining best and final  
11 offers. In conducting discussions there shall be no disclosure  
12 of any information derived from proposals submitted by  
13 competing offerors. If information is disclosed to any offeror,  
14 it shall be provided to all competing offerors.

15 (g) Award. Awards shall be made to the responsible offeror  
16 whose proposal is determined in writing to be the most  
17 advantageous to the State, taking into consideration price and  
18 the evaluation factors set forth in the request for proposals.  
19 The contract file shall contain the basis on which the award is  
20 made.

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

22 (30 ILCS 500/20-25)

23 Sec. 20-25. Sole source procurements.

24 (a) In accordance with standards set by rule, contracts may  
25 be awarded without use of the specified method of source

1 selection when there is only one economically feasible source  
2 for the item. A State contract may be awarded as a sole source  
3 procurement unless an interested party submits a written  
4 request for a public hearing at which the chief procurement  
5 officer and purchasing agency present written justification  
6 for the procurement method. Any interested party may present  
7 testimony. A sole source contract where a hearing was requested  
8 by an interested party may be awarded after the hearing is  
9 conducted with the approval of the chief procurement officer.

10 (b) This Section may not be used as a basis for amending a  
11 contract for professional or artistic services if the amendment  
12 would result in an increase in the amount paid under the  
13 contract of more than 5% of the initial award, or would extend  
14 the contract term beyond the time reasonably needed for a  
15 competitive procurement, not to exceed 2 months.

16 (c) Notice of intent to enter into a sole source contract  
17 shall be provided to the Procurement Policy Board and published  
18 in the online electronic Bulletin at least 14 calendar days  
19 before the public hearing required in subsection (a). The  
20 notice shall include the sole source procurement justification  
21 form prescribed by the Board, a description of the item to be  
22 procured, the intended sole source contractor, and the date,  
23 time, and location of the public hearing. A copy of the notice  
24 and all documents provided at the hearing shall be included in  
25 the subsequent Procurement Bulletin.

26 (d) By August 1 each year, each chief procurement officer

1 shall file a report with the General Assembly identifying each  
2 contract the officer sought under the sole source procurement  
3 method and providing the justification given for seeking sole  
4 source as the procurement method for each of those contracts.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
6 for the effective date of changes made by P.A. 96-795); 96-920,  
7 eff. 7-1-10; 97-895, eff. 8-3-12.)

8 (30 ILCS 500/20-30)

9 Sec. 20-30. Emergency purchases.

10 (a) Conditions for use. In accordance with standards set by  
11 rule, a purchasing agency may make emergency procurements  
12 without competitive sealed bidding or prior notice when there  
13 exists a threat to public health or public safety, or when  
14 immediate expenditure is necessary for repairs to State  
15 property in order to protect against further loss of or damage  
16 to State property, to prevent or minimize serious disruption in  
17 critical State services that affect health, safety, or  
18 collection of substantial State revenues, or to ensure the  
19 integrity of State records; provided, however, that the term of  
20 the emergency purchase shall be limited to the time reasonably  
21 needed for a competitive procurement, not to exceed 90 calendar  
22 days. A contract may be extended beyond 90 calendar days if the  
23 chief procurement officer determines additional time is  
24 necessary and that the contract scope and duration are limited  
25 to the emergency. Prior to execution of the extension, the

1 chief procurement officer must hold a public hearing and  
2 provide written justification for all emergency contracts.  
3 Members of the public may present testimony. Emergency  
4 procurements shall be made with as much competition as is  
5 practicable under the circumstances. A written description of  
6 the basis for the emergency and reasons for the selection of  
7 the particular contractor shall be included in the contract  
8 file.

9 (b) Notice. Notice of all emergency procurements shall be  
10 provided to the Procurement Policy Board and published in the  
11 online electronic Bulletin no later than 5 calendar ~~3 business~~  
12 days after the contract is awarded. Notice of intent to extend  
13 an emergency contract shall be provided to the Procurement  
14 Policy Board and published in the online electronic Bulletin at  
15 least 14 calendar days before the public hearing. Notice shall  
16 include at least a description of the need for the emergency  
17 purchase, the contractor, and if applicable, the date, time,  
18 and location of the public hearing. A copy of this notice and  
19 all documents provided at the hearing shall be included in the  
20 subsequent Procurement Bulletin. Before the next appropriate  
21 volume of the Illinois Procurement Bulletin, the purchasing  
22 agency shall publish in the Illinois Procurement Bulletin a  
23 copy of each written description and reasons and the total cost  
24 of each emergency procurement made during the previous month.  
25 When only an estimate of the total cost is known at the time of  
26 publication, the estimate shall be identified as an estimate

1 and published. When the actual total cost is determined, it  
2 shall also be published in like manner before the 10th day of  
3 the next succeeding month.

4 (c) Affidavits. A chief procurement officer making a  
5 procurement under this Section shall file affidavits with the  
6 Procurement Policy Board and the Auditor General within 10  
7 calendar days after the procurement setting forth the amount  
8 expended, the name of the contractor involved, and the  
9 conditions and circumstances requiring the emergency  
10 procurement. When only an estimate of the cost is available  
11 within 10 calendar days after the procurement, the actual cost  
12 shall be reported immediately after it is determined. At the  
13 end of each fiscal quarter, the Auditor General shall file with  
14 the Legislative Audit Commission and the Governor a complete  
15 listing of all emergency procurements reported during that  
16 fiscal quarter. The Legislative Audit Commission shall review  
17 the emergency procurements so reported and, in its annual  
18 reports, advise the General Assembly of procurements that  
19 appear to constitute an abuse of this Section.

20 (d) Quick purchases. The chief procurement officer may  
21 promulgate rules extending the circumstances by which a  
22 purchasing agency may make purchases under this Section,  
23 including but not limited to the procurement of items available  
24 at a discount for a limited period of time.

25 (e) The changes to this Section made by this amendatory Act  
26 of the 96th General Assembly apply to procurements executed on

1 or after its effective date.

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

4 (30 ILCS 500/20-35)

5 Sec. 20-35. Competitive selection procedures.

6 (a) Conditions for use. The services specified in Article  
7 35 shall be procured in accordance with this Section, except as  
8 authorized under Sections 20-25 and 20-30 of this Article.

9 (b) Statement of qualifications. Respondents ~~Potential~~  
10 ~~contractors~~ shall submit statements of qualifications and  
11 expressions of interest. The chief procurement officer shall  
12 specify a uniform format for statements of qualifications.  
13 Persons may amend these statements at any time by filing a new  
14 statement.

15 (c) Public announcement and form of request for proposals.  
16 Public notice of the need for the procurement shall be given in  
17 the form of a request for proposals and published in the  
18 Illinois Procurement Bulletin at least 14 calendar days before  
19 the date set in the request for proposals for the opening of  
20 proposals. The request for proposals shall describe the  
21 services required, list the type of information and data  
22 required of each respondent ~~offeror~~, and state the relative  
23 importance of particular qualifications.

24 (d) Discussions. The purchasing agency may conduct  
25 discussions with any respondent ~~offeror~~ who has submitted a

1 response ~~proposal~~ to determine the respondent's ~~offeror's~~  
2 qualifications for further consideration. Discussions shall  
3 not disclose any information derived from proposals submitted  
4 by other respondents ~~offerors~~.

5 (e) Award. Award shall be made to the respondent ~~offeror~~  
6 determined in writing by the purchasing agency to be best  
7 qualified based on the evaluation factors set forth in the  
8 request for proposals and negotiation of compensation  
9 determined to be fair and reasonable.

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

11 (30 ILCS 500/20-40)

12 Sec. 20-40. Cancellation of invitations for bids or  
13 requests for proposals. An invitation for bids, a request for  
14 proposals, or any other solicitation may be cancelled without  
15 penalty, or any and all bids, offers, ~~or~~ proposals, or any  
16 other solicitation may be rejected in whole or in part as may  
17 be specified in the solicitation, when it is in the best  
18 interests of the State in accordance with rules. The reasons  
19 for cancellation or rejection shall be made part of the  
20 contract file.

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

22 (30 ILCS 500/20-43)

23 Sec. 20-43. Bidder or offeror authorized to do business in  
24 Illinois. In addition to meeting any other requirement of law

1 or rule, a person (other than an individual acting as a sole  
2 proprietor) may qualify as a bidder or offeror under this Code  
3 only if the person is a legal entity authorized to transact ~~do~~  
4 business or conduct affairs in Illinois prior to submitting the  
5 bid, offer, or proposal.

6 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
7 for the effective date of P.A. 96-795).)

8 (30 ILCS 500/20-50)

9 Sec. 20-50. Specifications. Specifications shall be  
10 prepared in accordance with consistent standards that are  
11 promulgated by the chief procurement officer and reviewed by  
12 the Board and the Joint Committee on Administrative Rules.  
13 Those standards shall include a prohibition against the use of  
14 brand-name only products, except for products intended for  
15 retail sale or as specified by rule. All specifications shall  
16 seek to promote overall economy for the purposes intended and  
17 encourage competition in satisfying the State's needs and shall  
18 not be unduly restrictive.

19 A solicitation or specification for a contract or a  
20 contract, including ~~a contract~~ but not limited to of a college,  
21 university, or institution under the jurisdiction of a  
22 governing board listed in Section 1-15.100, may not require,  
23 stipulate, suggest, or encourage a monetary or other financial  
24 contribution or donation, cash bonus or incentive, ~~or~~ economic  
25 investment, or other prohibited conduct as an explicit or



1 implied term or condition for awarding or completing the  
2 contract. The contract, solicitation, or specification also  
3 may not include a requirement that an individual or individuals  
4 employed by such a college, university, or institution receive  
5 a consulting contract for professional services.

6 As used in this Section, "prohibited conduct" includes  
7 requested payments or other consideration by a third party to  
8 the university or State agency that is not part of the  
9 solicitation or that is unrelated to the subject matter or  
10 purpose of the solicitation. "Prohibited conduct" does not  
11 include a payment from the vendor that is supported by  
12 additional consideration (such as exclusive rights to sell  
13 items or rights to advertise), other than the consideration of  
14 the State's awarding a contract to purchase of goods and  
15 services.

16 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
17 for the effective date of changes made by P.A. 96-795).)

18 (30 ILCS 500/20-80)

19 Sec. 20-80. Contract files.

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

23 (b) Filing with Comptroller. Whenever a grant, defined  
24 pursuant to accounting standards established by the  
25 Comptroller, or a contract liability, except for: (1) contracts

1 paid from personal services, or (2) contracts between the State  
2 and its employees to defer compensation in accordance with  
3 Article 24 of the Illinois Pension Code, exceeding \$20,000 is  
4 incurred by any State agency, a copy of the contract, purchase  
5 order, grant, or lease shall be filed with the Comptroller  
6 within 30 calendar days thereafter. Beginning January 1, 2013,  
7 the Comptroller may require that contracts and grants required  
8 to be filed with the Comptroller under this Section shall be  
9 filed electronically, unless the agency is incapable of filing  
10 the contract or grant electronically because it does not  
11 possess the necessary technology or equipment. Any agency that  
12 is incapable of electronically filing its contracts or grants  
13 shall submit a written statement to the Governor and to the  
14 Comptroller attesting to the reasons for its inability to  
15 comply. This statement shall include a discussion of what the  
16 agency needs in order to effectively comply with this Section.  
17 Prior to requiring electronic filing, the Comptroller shall  
18 consult with the Governor as to the feasibility of establishing  
19 mutually agreeable technical standards for the electronic  
20 document imaging, storage, and transfer of contracts and  
21 grants, taking into consideration the technology available to  
22 that agency, best practices, and the technological  
23 capabilities of State agencies. Nothing in this amendatory Act  
24 of the 97th General Assembly shall be construed to impede the  
25 implementation of an Enterprise Resource Planning (ERP)  
26 system. For each State contract for goods, supplies, or

1 services awarded on or after July 1, 2010, the contracting  
2 agency shall provide the applicable rate and unit of  
3 measurement of the goods, supplies, or services on the contract  
4 obligation document as required by the Comptroller. If the  
5 contract obligation document that is submitted to the  
6 Comptroller contains the rate and unit of measurement of the  
7 goods, supplies, or services, the Comptroller shall provide  
8 that information on his or her official website. Any  
9 cancellation or modification to any such contract liability  
10 shall be filed with the Comptroller within 30 calendar days of  
11 its execution.

12 (c) Late filing affidavit. When a contract, purchase order,  
13 grant, or lease required to be filed by this Section has not  
14 been filed within 30 calendar days of execution, the  
15 Comptroller shall refuse to issue a warrant for payment  
16 thereunder until the agency files with the Comptroller the  
17 contract, purchase order, grant, or lease and an affidavit,  
18 signed by the chief executive officer of the agency or his or  
19 her designee, setting forth an explanation of why the contract  
20 liability was not filed within 30 calendar days of execution. A  
21 copy of this affidavit shall be filed with the Auditor General.

22 (d) Timely execution of contracts. No voucher shall be  
23 submitted to the Comptroller for a warrant to be drawn for the  
24 payment of money from the State treasury or from other funds  
25 held by the State Treasurer on account of any contract unless  
26 the contract is reduced to writing before the services are

1 performed and filed with the Comptroller. Vendors shall not be  
2 paid for any goods that were received or services that were  
3 rendered before the contract was reduced to writing and signed  
4 by all necessary parties. A chief procurement officer may  
5 request an exception to this subsection by submitting a written  
6 statement to the Comptroller and Treasurer setting forth the  
7 circumstances and reasons why the contract could not be reduced  
8 to writing before the supplies were received or services were  
9 performed. A waiver of this subsection must be approved by the  
10 Comptroller and Treasurer. This Section shall not apply to  
11 emergency purchases if notice of the emergency purchase is  
12 filed with the Procurement Policy Board and published in the  
13 Bulletin as required by this Code.

14 (e) Method of source selection. When a contract is filed  
15 with the Comptroller under this Section, the Comptroller's file  
16 shall identify the method of source selection used in obtaining  
17 the contract.

18 (Source: P.A. 96-794, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
19 Section 5 of P.A. 96-793 for the effective date of changes made  
20 by P.A. 96-795); 96-1000, eff. 7-2-10; 97-932, eff. 8-10-12.)

21 (30 ILCS 500/20-95)

22 Sec. 20-95. Donations. Nothing in this Code or in the rules  
23 promulgated under this Code shall prevent any State agency from  
24 complying with the terms and conditions of any grant, gift, or  
25 bequest that calls for the procurement of a particular good or

1 service or the use of a particular vendor ~~contractor~~, provided  
2 that the grant, gift, or bequest provides majority funding for  
3 the contract.

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

5 (30 ILCS 500/20-120)

6 Sec. 20-120. Subcontractors.

7 (a) Any contract granted under this Code shall state  
8 whether the services of a subcontractor will be used. The  
9 contract shall include the names and addresses of all known  
10 subcontractors with subcontracts with an annual value of more  
11 than \$50,000, the general type of work to be performed by these  
12 subcontractors, and the expected amount of money each will  
13 receive under the contract. Upon the request of the chief  
14 procurement officer appointed pursuant to paragraph (2) of  
15 subsection (a) of Section 10-20, the contractor shall provide  
16 the chief procurement officer a copy of a subcontract so  
17 identified within 15 calendar days after the request is made. A  
18 subcontractor, or contractor on behalf of a subcontractor, may  
19 identify information that is deemed proprietary or  
20 confidential. If the chief procurement officer determines the  
21 information is not relevant to the primary contract, the chief  
22 procurement officer may excuse the inclusion of the  
23 information. If the chief procurement officer determines the  
24 information is proprietary or could harm the business interest  
25 of the subcontractor, the chief procurement officer may, in his

1 or her discretion, redact the information. Redacted  
2 information shall not become part of the public record.

3 (b) If at any time during the term of a contract, a  
4 contractor adds or changes any subcontractors, he or she shall  
5 promptly notify, in writing, the chief procurement officer,  
6 State purchasing officer, or their designee of the names and  
7 addresses of each new or replaced subcontractor and the general  
8 type of work to be performed. Upon the request of the chief  
9 procurement officer appointed pursuant to paragraph (2) of  
10 subsection (a) of Section 10-20, the contractor shall provide  
11 the chief procurement officer a copy of any new or amended  
12 subcontract so identified within 15 calendar days after the  
13 request is made.

14 (c) In addition to any other requirements of this Code, a  
15 subcontract subject to this Section must include all of the  
16 subcontractor's certifications required by Article 50 of the  
17 Code.

18 (d) This Section applies to procurements solicited on or  
19 after the effective date of this amendatory Act of the 96th  
20 General Assembly. The changes made to this Section by this  
21 amendatory Act of the 97th General Assembly apply to  
22 procurements solicited on or after the effective date of this  
23 amendatory Act of the 97th General Assembly.

24 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
25 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10;  
26 97-895, eff. 8-3-12.)

1 (30 ILCS 500/20-155)

2 Sec. 20-155. Solicitation and contract documents.

3 (a) Each chief procurement officer appointed pursuant to  
4 Section 10-20 shall have the sole authority in their respective  
5 jurisdiction to develop and distribute uniform documents for  
6 the solicitation, review, and acceptance of all bids, offers,  
7 and responses and the award of contracts pursuant to this Code.  
8 If a chief procurement officer appointed pursuant to Section  
9 10-20 exercises the authority to develop and distribute uniform  
10 documents for the solicitation, review and acceptance of all  
11 bids, offers and responses and the award of contracts, then the  
12 State agency shall use the uniform documents.

13 (b) ~~(a)~~ After award of a contract and subject to provisions  
14 of the Freedom of Information Act, the procuring agency shall  
15 make available for public inspection and copying all pre-award,  
16 post-award, administration, and close-out documents relating  
17 to that particular contract.

18 (c) ~~(b)~~ A procurement file shall be maintained for all  
19 contracts, regardless of the method of procurement. The  
20 procurement file shall contain the basis on which the award is  
21 made, all submitted bids and proposals, all evaluation  
22 materials, score sheets and all other documentation related to  
23 or prepared in conjunction with evaluation, negotiation, and  
24 the award process. The procurement file shall contain a written  
25 determination, signed by the chief procurement officer or State

1 purchasing officer, setting forth the reasoning for the  
2 contract award decision. The procurement file shall not include  
3 trade secrets or other competitively sensitive, confidential,  
4 or proprietary information. The procurement file shall be open  
5 to public inspection within 7 calendar ~~7 business~~ days  
6 following award of the contract.

7 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
8 for the effective date of changes made by P.A. 96-795); 97-895,  
9 eff. 8-3-12.)

10 (30 ILCS 500/20-160)

11 Sec. 20-160. Business entities; certification;  
12 registration with the State Board of Elections.

13 (a) For purposes of this Section, the terms "business  
14 entity", "contract", "State contract", "contract with a State  
15 agency", "State agency", "affiliated entity", and "affiliated  
16 person" have the meanings ascribed to those terms in Section  
17 50-37.

18 (b) Every bid and offer submitted to and every contract  
19 executed by the State on or after January 1, 2009 (the  
20 effective date of Public Act 95-971) and every submission to a  
21 vendor portal shall contain (1) a certification by the bidder,  
22 offeror, vendor, or contractor that either (i) the bidder,  
23 offeror, vendor, or contractor is not required to register as a  
24 business entity with the State Board of Elections pursuant to  
25 this Section or (ii) the bidder, offeror, vendor, or contractor



1 has registered as a business entity with the State Board of  
2 Elections and acknowledges a continuing duty to update the  
3 registration and (2) a statement that the contract is voidable  
4 under Section 50-60 for the bidder's, offeror's, vendor's, or  
5 contractor's failure to comply with this Section.

6 ~~(c) Within 30 days after the effective date of this~~  
7 ~~amendatory Act of the 95th General Assembly, each~~ Each business  
8 entity (i) whose aggregate bids and proposals on State  
9 contracts annually total more than \$50,000, (ii) whose  
10 aggregate bids and proposals on State contracts combined with  
11 the business entity's aggregate annual total value of State  
12 contracts exceed \$50,000, or (iii) whose contracts with State  
13 agencies, in the aggregate, annually total more than \$50,000  
14 shall register with the State Board of Elections in accordance  
15 with Section 9-35 of the Election Code. ~~A business entity~~  
16 ~~required to register under this subsection shall submit a copy~~  
17 ~~of the certificate of registration to the applicable chief~~  
18 ~~procurement officer within 90 days after the effective date of~~  
19 ~~this amendatory Act of the 95th General Assembly.~~ A business  
20 entity required to register under this subsection due to item  
21 (i) or (ii) has a continuing duty to ensure that the  
22 registration is accurate during the period beginning on the  
23 date of registration and ending on the day after the date the  
24 contract is awarded; any change in information must be reported  
25 to the State Board of Elections 5 business days following such  
26 change or no later than a day before the contract is awarded,

1 whichever date is earlier. A business entity required to  
2 register under this subsection due to item (iii) has a  
3 continuing duty to ensure that the registration is accurate in  
4 accordance with subsection (e).

5 (d) Any business entity, not required under subsection (c)  
6 to register ~~within 30 days after the effective date of this~~  
7 ~~amendatory Act of the 95th General Assembly~~, whose aggregate  
8 bids and proposals on State contracts annually total more than  
9 \$50,000, or whose aggregate bids and proposals on State  
10 contracts combined with the business entity's aggregate annual  
11 total value of State contracts exceed \$50,000, shall register  
12 with the State Board of Elections in accordance with Section  
13 9-35 of the Election Code prior to submitting to a State agency  
14 the bid or proposal whose value causes the business entity to  
15 fall within the monetary description of this subsection. A  
16 business entity required to register under this subsection has  
17 a continuing duty to ensure that the registration is accurate  
18 during the period beginning on the date of registration and  
19 ending on the day after the date the contract is awarded. Any  
20 change in information must be reported to the State Board of  
21 Elections within 5 business days following such change or no  
22 later than a day before the contract is awarded, whichever date  
23 is earlier.

24 (e) A business entity whose contracts with State agencies,  
25 in the aggregate, annually total more than \$50,000 must  
26 maintain its registration under this Section and has a

1 continuing duty to ensure that the registration is accurate for  
2 the duration of the term of office of the incumbent  
3 officeholder awarding the contracts or for a period of 2 years  
4 following the expiration or termination of the contracts,  
5 whichever is longer. A business entity, required to register  
6 under this subsection, has a continuing duty to report any  
7 changes on a quarterly basis to the State Board of Elections  
8 within 14 calendar ~~10 business~~ days following the last day of  
9 January, April, July, and October of each year. Any update  
10 pursuant to this paragraph that is received beyond that date is  
11 presumed late and the civil penalty authorized by subsection  
12 (e) of Section 9-35 of the Election Code (10 ILCS 5/9-35) may  
13 be assessed.

14 Also, if a business entity required to register under this  
15 subsection has a pending bid or offer ~~proposal~~, any change in  
16 information shall be reported to the State Board of Elections  
17 within 7 calendar ~~5 business~~ days following such change or no  
18 later than a day before the contract is awarded, whichever date  
19 is earlier.

20 (f) A business entity's continuing duty under this Section  
21 to ensure the accuracy of its registration includes the  
22 requirement that the business entity notify the State Board of  
23 Elections of any change in information, including but not  
24 limited to changes of affiliated entities or affiliated  
25 persons.

26 (g) For any bid or offer ~~proposal~~ for a contract with a

1 State agency by a business entity required to register under  
2 this Section, the chief procurement officer shall verify that  
3 the business entity is required to register under this Section  
4 and is in compliance with the registration requirements on the  
5 date the bid or offer ~~proposal~~ is due. A chief procurement  
6 officer shall not accept a bid or offer ~~proposal~~ if the  
7 business entity is not in compliance with the registration  
8 requirements as of the date bids or offers ~~proposals~~ are due.

9 (h) A registration, and any changes to a registration, must  
10 include the business entity's verification of accuracy and  
11 subjects the business entity to the penalties of the laws of  
12 this State for perjury.

13 In addition to any penalty under Section 9-35 of the  
14 Election Code, intentional, willful, or material failure to  
15 disclose information required for registration shall render  
16 the contract, bid, offer ~~proposal~~, or other procurement  
17 relationship voidable by the chief procurement officer if he or  
18 she deems it to be in the best interest of the State of  
19 Illinois.

20 (i) This Section applies regardless of the method of source  
21 selection used in awarding the contract.

22 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
23 for the effective date of changes made by P.A. 96-795); 96-848,  
24 eff. 1-1-10; 97-333, eff. 8-12-11; 97-895, eff. 8-3-12.)

1           Sec. 25-60. Prevailing wage requirements.

2           (a) All services furnished under service contracts of  
3 \$2,000 or more or \$200 or more per month and under printing  
4 contracts shall be subject to the following prevailing wage  
5 requirements:

6           (1) Not less than the general prevailing wage rate of  
7 hourly wages for work of a similar character in the  
8 locality in which the work is produced shall be paid by the  
9 successful bidder, offeror, or potential contractor ~~vendor~~  
10 to its employees who perform the work on the State  
11 contracts. The bidder, ~~or~~ offeror, potential contractor,  
12 or contractor in order to be considered to be a responsible  
13 bidder, ~~or~~ offeror, potential contractor, or contractor  
14 for the purposes of this Code, shall certify to the  
15 purchasing agency that wages to be paid to its employees  
16 are no less, and fringe benefits and working conditions of  
17 employees are not less favorable, than those prevailing in  
18 the locality where the contract is to be performed.  
19 Prevailing wages and working conditions shall be  
20 determined by the Director of the Illinois Department of  
21 Labor.

22           (2) Whenever a collective bargaining agreement is in  
23 effect between an employer, other than a governmental body,  
24 and service or printing employees as defined in this  
25 Section who are represented by a responsible organization  
26 that is in no way influenced or controlled by the

1 management, that agreement and its provisions shall be  
2 considered as conditions prevalent in that locality and  
3 shall be the minimum requirements taken into consideration  
4 by the Director of Labor.

5 (b) As used in this Section, "services" means janitorial  
6 cleaning services, window cleaning services, building and  
7 grounds services, site technician services, natural resources  
8 services, food services, and security services. "Printing"  
9 means and includes all processes and operations involved in  
10 printing, including but not limited to letterpress, offset, and  
11 gravure processes, the multilith method, photographic or other  
12 duplicating process, the operations of composition,  
13 platemaking, presswork, and binding, and the end products of  
14 those processes, methods, and operations. As used in this Code  
15 "printing" does not include photocopiers used in the course of  
16 normal business activities, photographic equipment used for  
17 geographic mapping, or printed matter that is commonly  
18 available to the general public from contractor inventory.

19 (c) The terms "general prevailing rate of hourly wages",  
20 "general prevailing rate of wages", or "prevailing rate of  
21 wages" when used in this Section mean the hourly cash wages  
22 plus fringe benefits for health and welfare, insurance,  
23 vacations, and pensions paid generally, in the locality in  
24 which the work is being performed, to employees engaged in work  
25 of a similar character.

26 (d) "Locality" shall have the meaning established by rule.

1 (e) This Section does not apply to services furnished under  
2 contracts for professional or artistic services.

3 (f) This Section does not apply to vocational programs of  
4 training for physically or mentally handicapped persons or to  
5 sheltered workshops for the severely disabled.

6 (Source: P.A. 93-370, eff. 1-1-04.)

7 (30 ILCS 500/25-65)

8 Sec. 25-65. Contracts performed outside the United States.  
9 Prior to contracting or as a requirement of solicitation of any  
10 State contracts for services as defined in Section 1-15.90,  
11 whichever is appropriate, potential contractors ~~prospective~~  
12 ~~vendors~~ shall disclose in a statement of work where services  
13 will be performed under that contract, including any  
14 subcontracts, and whether any services under that contract,  
15 including any subcontracts, are anticipated to be performed  
16 outside the United States.

17 In awarding the contract or evaluating the bid or offer,  
18 the chief procurement officer may consider such disclosure and  
19 the economic impact to the State of Illinois and its residents.

20 If the chief procurement officer awards a contract to a  
21 vendor based upon disclosure that work will be performed in the  
22 United States and during the term of the contract the  
23 contractor or a subcontractor proceeds to shift work outside of  
24 the United States, the contractor shall be deemed in breach of  
25 contract, unless the chief procurement officer shall have first

1 determined in writing that circumstances require the shift of  
2 work or that termination of the contract would not be in the  
3 State's best interest.

4 Nothing in this Section is intended to contravene any  
5 existing treaty, law, agreement, or regulation of the United  
6 States.

7 The chief procurement officer appointed pursuant to  
8 paragraph (4) of subsection (a) of Section 10-20 shall prepare  
9 and deliver to the General Assembly, no later than September 1,  
10 2015, a report on the impact of outsourcing services for State  
11 agencies subject to the jurisdiction of the chief procurement  
12 officer. The report shall include the State's cost of  
13 procurement and shall identify those contracts where it was  
14 disclosed that services were provided outside of the United  
15 States, including a description and value of those services.  
16 Each State agency subject to the jurisdiction of the chief  
17 procurement officer appointed pursuant to paragraph (4) of  
18 subsection (a) of Section 10-20 must provide the chief  
19 procurement officer the information necessary to comply with  
20 this Section on or before June 1, 2015. The requirement for  
21 reporting to the General Assembly shall be satisfied by filing  
22 copies of the report in the manner provided by Section 3.1 of  
23 the General Assembly Organization Act.

24 ~~The Department of Central Management Services shall~~  
25 ~~prepare and deliver to the General Assembly, no later than~~  
26 ~~September 1, 2007, a report on the impact of outsourcing~~



1 ~~services on the State's cost of procurement that identifies~~  
2 ~~those contracts where it was disclosed that services were~~  
3 ~~provided outside of the United States and a description and~~  
4 ~~value of those services.~~

5 (Source: P.A. 93-1081, eff. 6-1-05.)

6 (30 ILCS 500/25-80)

7 Sec. 25-80. Successor contractor ~~vendor~~. All service  
8 contracts shall include a clause requiring the bidder or  
9 offeror, in order to be considered a responsible bidder or  
10 offeror for the purposes of this Code, to certify to the  
11 purchasing agency (i) that it shall offer to assume the  
12 collective bargaining obligations of the prior employer,  
13 including any existing collective bargaining agreement with  
14 the bargaining representative of any existing collective  
15 bargaining unit or units performing substantially similar work  
16 to the services covered by the contract subject to its bid or  
17 offer, and (ii) that it shall offer employment to all employees  
18 currently employed in any existing bargaining unit performing  
19 substantially similar work that will be performed by the  
20 successor vendor.

21 This Section does not apply to heating and air conditioning  
22 service contracts, plumbing service contracts, and electrical  
23 service contracts.

24 (Source: P.A. 95-314, eff. 1-1-08.)

1 (30 ILCS 500/30-22)

2 Sec. 30-22. Construction contracts; responsible bidder  
3 requirements. To be considered a responsible bidder on a  
4 construction contract for purposes of this Code, a bidder must  
5 comply with all of the following requirements and must present  
6 satisfactory evidence of that compliance to the appropriate  
7 construction agency:

8 (1) The bidder must comply with all applicable laws  
9 concerning the bidder's entitlement to conduct business in  
10 Illinois.

11 (2) The bidder must comply with all applicable  
12 provisions of the Prevailing Wage Act.

13 (3) The bidder must comply with Subchapter VI ("Equal  
14 Employment Opportunities") of Chapter 21 of Title 42 of the  
15 United States Code (42 U.S.C. 2000e and following) and with  
16 Federal Executive Order No. 11246 as amended by Executive  
17 Order No. 11375.

18 (4) The bidder must have a valid Federal Employer  
19 Identification Number or, if an individual, a valid Social  
20 Security Number.

21 (5) The bidder must have a valid certificate of  
22 insurance showing the following coverages: general  
23 liability, professional liability, product liability,  
24 workers' compensation, completed operations, hazardous  
25 occupation, and automobile.

26 (6) The bidder and all bidder's subcontractors must

1           participate in applicable apprenticeship and training  
2           programs approved by and registered with the United States  
3           Department of Labor's Bureau of Apprenticeship and  
4           Training.

5           (7) For contracts with the Illinois Power Agency, the  
6           Director of the Illinois Power Agency may establish  
7           additional requirements for responsible bidders. These  
8           additional requirements, if established, shall be set  
9           forth together with the other criteria contained in the  
10          invitation for bids, and shall appear in the appropriate  
11          volume of the Illinois Procurement Bulletin.

12          (8) The bidder must certify ~~submit a signed affidavit~~  
13          ~~stating~~ that the bidder will maintain an Illinois office as  
14          the primary place of employment for persons employed in the  
15          construction authorized by the contract.

16          The provisions of this Section shall not apply to federally  
17          funded construction projects if such application would  
18          jeopardize the receipt or use of federal funds in support of  
19          such a project.

20          (Source: P.A. 97-369, eff. 8-15-11.)

21                 (30 ILCS 500/30-30)

22                 Sec. 30-30. Contracts in excess of \$250,000. For building  
23                 construction contracts in excess of \$250,000, separate  
24                 specifications shall be prepared for all equipment, labor, and  
25                 materials in connection with the following 5 subdivisions of

1 the work to be performed:

2 (1) plumbing;

3 (2) heating, piping, refrigeration, and automatic  
4 temperature control systems, including the testing and  
5 balancing of those systems;

6 (3) ventilating and distribution systems for  
7 conditioned air, including the testing and balancing of  
8 those systems;

9 (4) electric wiring; and

10 (5) general contract work.

11 The specifications must be so drawn as to permit separate  
12 and independent bidding upon each of the 5 subdivisions of  
13 work. All contracts awarded for any part thereof shall award  
14 the 5 subdivisions of work separately to responsible and  
15 reliable persons, firms, or corporations engaged in these  
16 classes of work. The contracts, at the discretion of the  
17 construction agency, may be assigned to the successful bidder  
18 on the general contract work or to the successful bidder on the  
19 subdivision of work designated by the construction agency  
20 before the bidding as the prime subdivision of work, provided  
21 that all payments will be made directly to the contractors for  
22 the 5 subdivisions of work upon compliance with the conditions  
23 of the contract.

24 Until a date 4 years after July 1, 2011, the requirements  
25 of this Section do not apply to a construction project for  
26 which the Capital Development Board is the construction agency

1 if: (i) the project budget is at least \$15,000,000; (ii) the  
2 Capital Development Board has submitted to the Procurement  
3 Policy Board a written request for a public hearing on waiver  
4 of the application of the requirements of this Section to that  
5 project, including its reasons for seeking the waiver and why  
6 the waiver is in the best interest of the State; (iii) the  
7 Capital Development Board has posted notice of the waiver  
8 hearing on its procurement web page and on the online  
9 Procurement Bulletin at least 15 calendar ~~working~~ days before  
10 the hearing; (iv) the Procurement Policy Board, after  
11 conducting the public hearing on the waiver request, reviews  
12 and approves the request in writing before the award of the  
13 contract; (v) the successful low bidder has prequalified with  
14 the Capital Development Board; (vi) the bid of the successful  
15 low bidder identifies the name of the subcontractor, if any,  
16 and the bid proposal costs for each of the 5 subdivisions of  
17 work set forth in this Section; and (vii) the contract entered  
18 into with the successful bidder provides that no identified  
19 subcontractor may be terminated without the written consent of  
20 the Capital Development Board. With respect to any construction  
21 project described in this paragraph, the Capital Development  
22 Board shall: (i) provide to the Auditor General an affidavit  
23 that the waiver of the application of the requirements of this  
24 Section is in the best interest of the State; (ii) specify in  
25 writing as a public record that the project shall comply with  
26 the disadvantaged business practices of the Business

1 Enterprise for Minorities, Females, and Persons with  
2 Disabilities Act and the equal employment practices of Section  
3 2-105 of the Illinois Human Rights Act; and (iii) report  
4 annually to the Governor and the General Assembly on the  
5 bidding, award, and performance. On and after January 1, 2009  
6 (the effective date of Public Act 95-758), the Capital  
7 Development Board may award in each year contracts with an  
8 aggregate total value of no more than \$200,000,000 with respect  
9 to construction projects described in this paragraph.

10 Until a date 11 years after November 29, 2005 (the  
11 effective date of Public Act 94-699), the requirements of this  
12 Section do not apply to the Capitol Building HVAC upgrade  
13 project if (i) the bid of the successful bidder identifies the  
14 name of the subcontractor, if any, and the bid proposal costs  
15 for each of the 5 subdivisions of work set forth in this  
16 Section, and (ii) the contract entered into with the successful  
17 bidder provides that no identified subcontractor may be  
18 terminated without the written consent of the Capital  
19 Development Board.

20 (Source: P.A. 97-182, eff. 7-22-11; 98-431, eff. 8-16-13.)

21 (30 ILCS 500/35-30)

22 Sec. 35-30. Awards.

23 (a) All State contracts for professional and artistic  
24 services, except as provided in this Section, shall be awarded  
25 using the competitive request for proposal process outlined in

1 this Section.

2 (b) For each contract offered, the chief procurement  
3 officer, State purchasing officer, or his or her designee shall  
4 use the appropriate standard solicitation forms available from  
5 the chief procurement officer for matters other than  
6 construction or the higher education chief procurement  
7 officer.

8 (c) Prepared forms shall be submitted to the chief  
9 procurement officer for matters other than construction or the  
10 higher education chief procurement officer, whichever is  
11 appropriate, for publication in its Illinois Procurement  
12 Bulletin and circulation to the chief procurement officer for  
13 matters other than construction or the higher education chief  
14 procurement officer's list of prequalified vendors. Notice of  
15 the offer or request for proposal shall appear at least 14  
16 calendar days before the response to the offer is due.

17 (d) All interested respondents shall return their  
18 responses to the chief procurement officer for matters other  
19 than construction or the higher education chief procurement  
20 officer, whichever is appropriate, which shall open and record  
21 them. The chief procurement officer for matters other than  
22 construction or higher education chief procurement officer  
23 then shall forward the responses, together with any information  
24 it has available about the qualifications and other State work  
25 of the respondents.

26 (e) After evaluation, ranking, and selection, the

1 responsible chief procurement officer, State purchasing  
2 officer, or his or her designee shall notify the chief  
3 procurement officer for matters other than construction or the  
4 higher education chief procurement officer, whichever is  
5 appropriate, of the successful respondent and shall forward a  
6 copy of the signed contract for the chief procurement officer  
7 for matters other than construction or higher education chief  
8 procurement officer's file. The chief procurement officer for  
9 matters other than construction or higher education chief  
10 procurement officer shall publish the names of the responsible  
11 procurement decision-maker, the agency letting the contract,  
12 the successful respondent, a contract reference, and value of  
13 the let contract in the next appropriate volume of the Illinois  
14 Procurement Bulletin.

15 (f) For all professional and artistic contracts with  
16 annualized value that exceeds \$25,000, evaluation and ranking  
17 by price are required. Any chief procurement officer or State  
18 purchasing officer, but not their designees, may select an  
19 respondent ~~offeror~~ other than the lowest respondent ~~bidder~~ by  
20 price. In any case, when the contract exceeds the \$25,000  
21 threshold and the lowest respondent ~~bidder~~ is not selected, the  
22 chief procurement officer or the State purchasing officer shall  
23 forward together with the contract notice of who the low  
24 respondent by price ~~bidder~~ was and a written decision as to why  
25 another was selected to the chief procurement officer for  
26 matters other than construction or the higher education chief



1 procurement officer, whichever is appropriate. The chief  
2 procurement officer for matters other than construction or  
3 higher education chief procurement officer shall publish as  
4 provided in subsection (e) of Section 35-30, but shall include  
5 notice of the chief procurement officer's or State purchasing  
6 officer's written decision.

7 (g) The chief procurement officer for matters other than  
8 construction and higher education chief procurement officer  
9 may each refine, but not contradict, this Section by  
10 promulgating rules for submission to the Procurement Policy  
11 Board and then to the Joint Committee on Administrative Rules.  
12 Any refinement shall be based on the principles and procedures  
13 of the federal Architect-Engineer Selection Law, Public Law  
14 92-582 Brooks Act, and the Architectural, Engineering, and Land  
15 Surveying Qualifications Based Selection Act; except that  
16 pricing shall be an integral part of the selection process.

17 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;  
18 96-920, eff. 7-1-10.)

19 (30 ILCS 500/35-40)

20 Sec. 35-40. Subcontractors.

21 (a) Any contract granted under this Article shall state  
22 whether the services of a subcontractor will be used. The  
23 contract shall include the names and addresses of all  
24 subcontractors with an annual value of more than \$50,000, the  
25 general type of work to be performed by these subcontractors,

1 and the expected amount of money each will receive under the  
2 contract. Upon the request of the chief procurement officer  
3 appointed pursuant to paragraph (2) of subsection (a) of  
4 Section 10-20, the contractor shall provide the chief  
5 procurement officer a copy of a subcontract so identified  
6 within 15 calendar days after the request is made. A  
7 subcontractor, or contractor on behalf of a subcontractor, may  
8 identify information that is deemed proprietary or  
9 confidential. If the chief procurement officer determines the  
10 information is not relevant to the primary contract, the chief  
11 procurement officer may excuse the inclusion of the  
12 information. If the chief procurement officer determines the  
13 information is proprietary or could harm the business interest  
14 of the subcontractor, the chief procurement officer may, in his  
15 or her discretion, redact the information. Redacted  
16 information shall not become part of the public record.

17 (b) If at any time during the term of a contract, a  
18 contractor adds or changes any subcontractors, he or she shall  
19 promptly notify, in writing, the chief procurement officer for  
20 matters other than construction or the higher education chief  
21 procurement officer, whichever is appropriate, and the  
22 responsible State purchasing officer, or their designee of the  
23 names and addresses and the expected amount of money each new  
24 or replaced subcontractor will receive. Upon request of the  
25 chief procurement officer appointed pursuant to paragraph (2)  
26 of subsection (a) of Section 10-20, the contractor shall

1 provide the chief procurement officer a copy of any new or  
2 amended subcontract so identified within 15 calendar days after  
3 the request is made.

4 (c) In addition to any other requirements of this Code, a  
5 subcontract subject to this Section must include all of the  
6 subcontractor's certifications required by Article 50 of this  
7 Code.

8 (d) For purposes of this Section, the changes made by this  
9 amendatory Act of the 98th General Assembly apply to  
10 procurements solicited on or after the effective date of this  
11 amendatory Act of the 98th General Assembly.

12 (Source: P.A. 95-481, eff. 8-28-07; 96-920, eff. 7-1-10.)

13 (30 ILCS 500/40-5)

14 Sec. 40-5. Applicability. All leases for real property or  
15 capital improvements, including office and storage space,  
16 buildings, and other facilities for State agencies where the  
17 State is the lessee, shall be procured in accordance with the  
18 provisions of this Article. All State agencies, with the  
19 exception of public institutions of higher education, shall, in  
20 consultation with the Department of Central Management  
21 Services, evaluate the State's existing lease portfolio prior  
22 to engaging in a procurement for real property or capital  
23 improvements.

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

1 (30 ILCS 500/40-15)

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

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

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

9 (1) Property of less than 10,000 square feet with rent  
10 of less than \$100,000 per year.

11 (2) (Blank).

12 (3) Duration of less than one year that cannot be  
13 renewed.

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

15 (5) Renewal or extension of a lease; provided that: (i)  
16 the chief procurement officer determines in writing that  
17 the renewal or extension is in the best interest of the  
18 State; (ii) the chief procurement officer submits his or  
19 her written determination and the renewal or extension to  
20 the Board; (iii) the Board does not object in writing to  
21 the renewal or extension within 30 calendar days after its  
22 submission; and (iv) the chief procurement officer  
23 publishes the renewal or extension in the appropriate  
24 volume of the Procurement Bulletin.

25 (c) Leases with governmental units. Leases with other  
26 governmental units may be negotiated without using the request

1 for information process when deemed by the chief procurement  
2 officer to be in the best interest of the State.

3 (Source: P.A. 95-647, eff. 10-11-07; 96-920, eff. 7-1-10.)

4 (30 ILCS 500/40-20)

5 Sec. 40-20. Request for information.

6 (a) Conditions for use. Leases shall be procured by request  
7 for information except as otherwise provided in Section 40-15.

8 (b) Form. A request for information shall be issued and  
9 shall include:

10 (1) the type of property to be leased;

11 (2) the proposed uses of the property;

12 (3) the duration of the lease;

13 (4) the preferred location of the property; and

14 (5) a general description of the configuration  
15 desired.

16 (c) Public notice. Public notice of the request for  
17 information for the availability of real property to lease  
18 shall be published in the appropriate volume of the Illinois  
19 Procurement Bulletin at least 14 calendar days before the date  
20 set forth in the request for receipt of responses and shall  
21 also be published in similar manner in a newspaper of general  
22 circulation in the community or communities where the using  
23 agency is seeking space.

24 (d) Response. The request for information response shall  
25 consist of written information sufficient to show that the

1 respondent can meet minimum criteria set forth in the request.  
2 State purchasing officers may enter into discussions with  
3 respondents for the purpose of clarifying State needs and the  
4 information supplied by the respondents. On the basis of the  
5 information supplied and discussions, if any, a State  
6 purchasing officer shall make a written determination  
7 identifying the responses that meet the minimum criteria set  
8 forth in the request for information. Negotiations shall be  
9 entered into with all qualified respondents for the purpose of  
10 securing a lease that is in the best interest of the State. A  
11 written report of the negotiations shall be retained in the  
12 lease files and shall include the reasons for the final  
13 selection. All leases shall be reduced to writing; one copy  
14 shall be filed with the Comptroller in accordance with the  
15 provisions of Section 20-80, and one copy shall be filed with  
16 the Board.

17 When the lowest response by price is not selected, the  
18 State purchasing officer shall forward to the chief procurement  
19 officer, along with the lease, notice of the identity of the  
20 lowest respondent by price and written reasons for the  
21 selection of a different response. The chief procurement  
22 officer shall publish the written reasons in the next volume of  
23 the Illinois Procurement Bulletin.

24 (e) Board review. Upon receipt of (1) any proposed lease of  
25 real property of 10,000 or more square feet or (2) any proposed  
26 lease of real property with annual rent payments of \$100,000 or

1 more, the Procurement Policy Board shall have 30 calendar days  
2 to review the proposed lease. If the Board does not object in  
3 writing within 30 calendar days, then the proposed lease shall  
4 become effective according to its terms as submitted. The  
5 leasing agency shall make any and all materials available to  
6 the Board to assist in the review process.

7 (Source: P.A. 96-1521, eff. 2-14-11.)

8 (30 ILCS 500/40-25)

9 Sec. 40-25. Length of leases.

10 (a) Maximum term. Leases shall be for a term not to exceed  
11 10 years inclusive, beginning January, 1, 2010, of proposed  
12 contract renewals and shall include a termination option in  
13 favor of the State after 5 years.

14 (b) Renewal. Leases may include a renewal option. An option  
15 to renew may be exercised only when a State purchasing officer  
16 determines in writing that renewal is in the best interest of  
17 the State and notice of the exercise of the option is published  
18 in the appropriate volume of the Procurement Bulletin at least  
19 60 calendar days prior to the exercise of the option.

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

24 (d) Holdover. Beginning January 1, 2010, no lease may  
25 continue on a month-to-month or other holdover basis for a

1 total of more than 6 months. Beginning July 1, 2010, the  
2 Comptroller shall withhold payment of leases beyond this  
3 holdover period.

4 (Source: P.A. 96-15, eff. 6-22-09; 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).)

7 (30 ILCS 500/40-55)

8 Sec. 40-55. Lessor's failure to make improvements. Each  
9 lease must provide for actual or liquidated damages ~~a penalty~~  
10 upon the lessor's failure to make improvements agreed upon in  
11 the lease. The actual or liquidated damages ~~penalty~~ shall  
12 consist of a reduction in lease payments equal to the  
13 corresponding percentage of the improvement value to the lease  
14 value. The actual or liquidated damages ~~penalty~~ shall continue  
15 until the lessor complies with the lease and the improvements  
16 are certified by the chief procurement officer and the leasing  
17 State agency.

18 (Source: P.A. 93-839, eff. 7-30-04.)

19 (30 ILCS 500/45-10)

20 Sec. 45-10. Resident bidders and offerors.

21 (a) Amount of preference. When a contract is to be awarded  
22 to the lowest responsible bidder or offeror, a resident bidder  
23 or offeror shall be allowed a preference as against a  
24 non-resident bidder or offeror from any state that gives or



1 requires a preference to bidders or offerors from that state.  
2 The preference shall be equal to the preference given or  
3 required by the state of the non-resident bidder or offeror.  
4 Further, if only non-resident bidders or offerors are bidding,  
5 the purchasing agency is within its right to specify that  
6 Illinois labor and manufacturing locations be used as a part of  
7 the manufacturing process, if applicable. This specification  
8 may be negotiated as part of the solicitation process.

9 (b) Residency. A resident bidder or offeror is a person  
10 authorized to transact business in this State and having a bona  
11 fide establishment for transacting business within this State  
12 where it was actually transacting business on the date when any  
13 bid for a public contract is first advertised or announced. A  
14 resident bidder or offeror includes a foreign corporation duly  
15 authorized to transact business in this State that has a bona  
16 fide establishment for transacting business within this State  
17 where it was actually transacting business on the date when any  
18 bid for a public contract is first advertised or announced.

19 (c) Federal funds. This Section does not apply to any  
20 contract for any project as to which federal funds are  
21 available for expenditure when its provisions may be in  
22 conflict with federal law or federal regulation.

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

24 (30 ILCS 500/45-20)

25 Sec. 45-20. Recycled supplies. When a public contract is to

1 be awarded to the lowest responsible bidder or offeror, an  
2 otherwise qualified bidder or offeror who will fulfill the  
3 contract through the use of products made of recycled supplies  
4 may be given preference over other bidders or offerors unable  
5 to do so, provided that the cost included in the bid of  
6 supplies made of recycled materials does not constitute an  
7 undue economic or practical hardship.

8 (Source: P.A. 96-197, eff. 1-1-10.)

9 (30 ILCS 500/45-30)

10 Sec. 45-30. Illinois Correctional industries.  
11 Notwithstanding anything to the contrary in other law, the  
12 chief procurement officer appointed pursuant to paragraph (4)  
13 of subsection (a) of Section 10-20 of the Department of Central  
14 Management Services shall, in consultation with Illinois  
15 Correctional Industries, a division of the Illinois Department  
16 of Corrections (referred to as the "Illinois Correctional  
17 Industries" or "ICI") determine for all State agencies which  
18 articles, materials, industry related services, food stuffs,  
19 and finished goods that are produced or manufactured by persons  
20 confined in institutions and facilities of the Department of  
21 Corrections who are participating in Illinois Correctional  
22 Industries programs shall be purchased from Illinois  
23 Correctional Industries. The chief procurement officer  
24 appointed pursuant to paragraph (4) of subsection (a) of  
25 Section 10-20 of Central Management Services shall develop and

1 distribute to the various purchasing and using agencies a  
2 listing of all Illinois Correctional Industries products and  
3 procedures for implementing this Section.

4 (Source: P.A. 96-877, eff. 7-1-10; 96-943, eff. 7-1-10.)

5 (30 ILCS 500/45-35)

6 Sec. 45-35. Facilities for persons with severe  
7 disabilities.

8 (a) Qualification. Supplies and services may be procured  
9 without advertising or calling for bids from any qualified  
10 not-for-profit agency for persons with severe disabilities  
11 that:

12 (1) complies with Illinois laws governing private  
13 not-for-profit organizations;

14 (2) is certified as a sheltered workshop by the Wage  
15 and Hour Division of the United States Department of Labor  
16 or is an accredited vocational program that provides  
17 transition services to youth between the ages of 14 1/2 and  
18 22 in accordance with individualized education plans under  
19 Section 14-8.03 of the School Code and that provides  
20 residential services at a child care institution, as  
21 defined under Section 2.06 of the Child Care Act of 1969,  
22 or at a group home, as defined under Section 2.16 of the  
23 Child Care Act of 1969; and

24 (3) meets the applicable Illinois Department of Human  
25 Services just standards.

1           (b) Participation. To participate, the not-for-profit  
2 agency must have indicated an interest in providing the  
3 supplies and services, must meet the specifications and needs  
4 of the using agency, and must set a fair market price.

5           (c) Committee. There is created within the Department of  
6 Central Management Services a committee to facilitate the  
7 purchase of products and services of persons so severely  
8 disabled by a physical, developmental, or mental disability or  
9 a combination of any of those disabilities that they cannot  
10 engage in normal competitive employment. This committee is  
11 called the State Use Committee. The committee shall consist of  
12 the Director of the Department of Central Management Services  
13 or his or her designee, the Director of the Department of Human  
14 Services or his or her designee, one public member representing  
15 private business who is knowledgeable of the employment needs  
16 and concerns of persons with developmental disabilities, one  
17 public member representing private business who is  
18 knowledgeable of the needs and concerns of rehabilitation  
19 facilities, one public member who is knowledgeable of the  
20 employment needs and concerns of persons with developmental  
21 disabilities, one public member who is knowledgeable of the  
22 needs and concerns of rehabilitation facilities, and 2 public  
23 members from a statewide association that represents  
24 community-based rehabilitation facilities, all appointed by  
25 the Governor. The public members shall serve 2 year terms,  
26 commencing upon appointment and every 2 years thereafter. A

1 public member may be reappointed, and vacancies shall be filled  
2 by appointment for the completion of the term. In the event  
3 there is a vacancy on the Committee, the Governor must make an  
4 appointment to fill that vacancy within 30 calendar days after  
5 the notice of vacancy. The members shall serve without  
6 compensation but shall be reimbursed for expenses at a rate  
7 equal to that of State employees on a per diem basis by the  
8 Department of Central Management Services. All members shall be  
9 entitled to vote on issues before the committee.

10 The committee shall have the following powers and duties:

11 (1) To request from any State agency information as to  
12 product specification and service requirements in order to  
13 carry out its purpose.

14 (2) To meet quarterly or more often as necessary to  
15 carry out its purposes.

16 (3) To request a quarterly report from each  
17 participating qualified not-for-profit agency for persons  
18 with severe disabilities describing the volume of sales for  
19 each product or service sold under this Section.

20 (4) To prepare a report for the Governor and General  
21 Assembly no later than December 31 of each year annually.  
22 The requirement for reporting to the General Assembly shall  
23 be satisfied by following the procedures set forth in  
24 Section 3.1 of the General Assembly Organization Act.

25 (5) To prepare a publication that lists all supplies  
26 and services currently available from any qualified

1 not-for-profit agency for persons with severe  
2 disabilities. This list and any revisions shall be  
3 distributed to all purchasing agencies.

4 (6) To encourage diversity in supplies and services  
5 provided by qualified not-for-profit agencies for persons  
6 with severe disabilities and discourage unnecessary  
7 duplication or competition among facilities.

8 (7) To develop guidelines to be followed by qualifying  
9 agencies for participation under the provisions of this  
10 Section. The guidelines shall be developed within 6 months  
11 after the effective date of this Code and made available on  
12 a nondiscriminatory basis to all qualifying agencies.

13 (8) To review all bids submitted under the provisions  
14 of this Section and reject any bid for any purchase that is  
15 determined to be substantially more than the purchase would  
16 have cost had it been competitively bid.

17 (9) To develop a 5-year plan for increasing the number  
18 of products and services purchased from qualified  
19 not-for-profit agencies for persons with severe  
20 disabilities, including the feasibility of developing  
21 mandatory set-aside contracts. This 5-year plan must be  
22 developed no later than 180 calendar days after the  
23 effective date of this amendatory Act of the 96th General  
24 Assembly.

25 (c-5) Conditions for Use. Each chief procurement officer  
26 shall, in consultation with the State Use Committee, determine

1 which articles, materials, services, food stuffs, and supplies  
2 that are produced, manufactured, or provided by persons with  
3 severe disabilities in qualified not-for-profit agencies shall  
4 be given preference by purchasing agencies procuring those  
5 items.

6 (d) Former committee. The committee created under  
7 subsection (c) shall replace the committee created under  
8 Section 7-2 of the Illinois Purchasing Act, which shall  
9 continue to operate until the appointments under subsection (c)  
10 are made.

11 (Source: P.A. 96-634, eff. 8-24-09; 97-895, eff. 8-3-12.)

12 (30 ILCS 500/45-45)

13 Sec. 45-45. Small businesses.

14 (a) Set-asides. Each ~~The~~ chief procurement officer has  
15 authority to designate as small business set-asides a fair  
16 proportion of construction, supply, and service contracts for  
17 award to small businesses in Illinois. Advertisements for bids  
18 or offers for those contracts shall specify designation as  
19 small business set-asides. In awarding the contracts, only bids  
20 or offers from qualified small businesses shall be considered.

21 (b) Small business. "Small business" means a business that  
22 is independently owned and operated and that is not dominant in  
23 its field of operation. The chief procurement officer shall  
24 establish a detailed definition by rule, using in addition to  
25 the foregoing criteria other criteria, including the number of

1 employees and the dollar volume of business. When computing the  
2 size status of a potential contractor bidder, annual sales and  
3 receipts of the potential contractor bidder and all of its  
4 affiliates shall be included. The maximum number of employees  
5 and the maximum dollar volume that a small business may have  
6 under the rules promulgated by the chief procurement officer  
7 may vary from industry to industry to the extent necessary to  
8 reflect differing characteristics of those industries, subject  
9 to the following limitations:

10 (1) No wholesale business is a small business if its  
11 annual sales for its most recently completed fiscal year  
12 exceed \$13,000,000 ~~\$10,000,000~~.

13 (2) No retail business or business selling services is  
14 a small business if its annual sales and receipts exceed  
15 \$8,000,000 ~~\$6,000,000~~.

16 (3) No manufacturing business is a small business if it  
17 employs more than 250 persons.

18 (4) No construction business is a small business if its  
19 annual sales and receipts exceed \$14,000,000 ~~\$10,000,000~~.

20 (c) Fair proportion. For the purpose of subsection (a), for  
21 State agencies of the executive branch, a fair proportion of  
22 construction contracts shall be no less than 25% nor more than  
23 40% of the annual total contracts for construction.

24 (d) Withdrawal of designation. A small business set-aside  
25 designation may be withdrawn by the purchasing agency when  
26 deemed in the best interests of the State. Upon withdrawal, all



1 bids or offers shall be rejected, and the bidders or offerors  
2 shall be notified of the reason for rejection. The contract  
3 shall then be awarded in accordance with this Code without the  
4 designation of small business set-aside.

5 (e) Small business specialist. The chief procurement  
6 officer shall designate a State purchasing officer who will be  
7 responsible for engaging an experienced contract negotiator to  
8 serve as its small business specialist, whose duties shall  
9 include:

10 (1) Compiling and maintaining a comprehensive ~~bidders~~  
11 list of potential small contractors ~~businesses~~. In this  
12 duty, he or she shall cooperate with the Federal Small  
13 Business Administration in locating potential sources for  
14 various products and services.

15 (2) Assisting small businesses in complying with the  
16 procedures for bidding on State contracts.

17 (3) Examining requests from State agencies for the  
18 purchase of property or services to help determine which  
19 invitations to bid are to be designated small business  
20 set-asides.

21 (4) Making recommendations to the chief procurement  
22 officer for the simplification of specifications and terms  
23 in order to increase the opportunities for small business  
24 participation.

25 (5) Assisting in investigations by purchasing agencies  
26 to determine the responsibility of bidders or offerors on

1 small business set-asides.

2 (f) Small business annual report. The State purchasing  
3 officer designated under subsection (e) shall annually before  
4 December 1 report in writing to the General Assembly concerning  
5 the awarding of contracts to small businesses. The report shall  
6 include the total value of awards made in the preceding fiscal  
7 year under the designation of small business set-aside. The  
8 report shall also include the total value of awards made to  
9 businesses owned by minorities, females, and persons with  
10 disabilities, as defined in the Business Enterprise for  
11 Minorities, Females, and Persons with Disabilities Act, in the  
12 preceding fiscal year under the designation of small business  
13 set-aside.

14 The requirement for reporting to the General Assembly shall  
15 be satisfied by filing copies of the report as required by  
16 Section 3.1 of the General Assembly Organization Act.

17 (Source: P.A. 92-60, eff. 7-12-01; 93-769, eff. 1-1-05.)

18 (30 ILCS 500/45-57)

19 Sec. 45-57. Veterans.

20 (a) Set-aside goal. It is the goal of the State to promote  
21 and encourage the continued economic development of small  
22 businesses owned and controlled by qualified veterans and that  
23 qualified service-disabled veteran-owned small businesses  
24 (referred to as SDVOSB) and veteran-owned small businesses  
25 (referred to as VOSB) participate in the State's procurement

1 process as both prime contractors and subcontractors. Not less  
2 than 3% of the total dollar amount of State contracts, as  
3 defined by the Director of Central Management Services, shall  
4 be established as a goal to be awarded to SDVOSB and VOSB. That  
5 portion of a contract under which the contractor subcontracts  
6 with a SDVOSB or VOSB may be counted toward the goal of this  
7 subsection. The Department of Central Management Services  
8 shall adopt rules to implement compliance with this subsection  
9 by all State agencies.

10 (b) Fiscal year reports. By each September 1, each chief  
11 procurement officer shall report to the Department of Central  
12 Management Services on all of the following for the immediately  
13 preceding fiscal year, and by each March 1 the Department of  
14 Central Management Services shall compile and report that  
15 information to the General Assembly:

16 (1) The total number of VOSB, and the number of SDVOSB,  
17 who submitted bids for contracts under this Code.

18 (2) The total number of VOSB, and the number of SDVOSB,  
19 who entered into contracts with the State under this Code  
20 and the total value of those contracts.

21 (c) Yearly review and recommendations. Each year, each  
22 chief procurement officer shall review the progress of all  
23 State agencies under its jurisdiction in meeting the goal  
24 described in subsection (a), with input from statewide  
25 veterans' service organizations and from the business  
26 community, including businesses owned by qualified veterans,

1 and shall make recommendations to be included in the Department  
2 of Central Management Services' report to the General Assembly  
3 regarding continuation, increases, or decreases of the  
4 percentage goal. The recommendations shall be based upon the  
5 number of businesses that are owned by qualified veterans and  
6 on the continued need to encourage and promote businesses owned  
7 by qualified veterans.

8 (d) Governor's recommendations. To assist the State in  
9 reaching the goal described in subsection (a), the Governor  
10 shall recommend to the General Assembly changes in programs to  
11 assist businesses owned by qualified veterans.

12 (e) Definitions. As used in this Section:

13 "Armed forces of the United States" means the United States  
14 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in  
15 active duty as defined under 38 U.S.C. Section 101. Service in  
16 the Merchant Marine that constitutes active duty under Section  
17 401 of federal Public Act 95-202 shall also be considered  
18 service in the armed forces for purposes of this Section.

19 "Certification" means a determination made by the Illinois  
20 Department of Veterans' Affairs and the Department of Central  
21 Management Services that a business entity is a qualified  
22 service-disabled veteran-owned small business or a qualified  
23 veteran-owned small business for whatever purpose. A SDVOSB or  
24 VOSB owned and controlled by females, minorities, or persons  
25 with disabilities, as those terms are defined in Section 2 of  
26 the Business Enterprise for Minorities, Females, and Persons

1 with Disabilities Act, may also select and designate whether  
2 that business is to be certified as a "female-owned business",  
3 "minority-owned business", or "business owned by a person with  
4 a disability", as defined in Section 2 of the Business  
5 Enterprise for Minorities, Females, and Persons with  
6 Disabilities Act.

7 "Control" means the exclusive, ultimate, majority, or sole  
8 control of the business, including but not limited to capital  
9 investment and all other financial matters, property,  
10 acquisitions, contract negotiations, legal matters,  
11 officer-director-employee selection and comprehensive hiring,  
12 operation responsibilities, cost-control matters, income and  
13 dividend matters, financial transactions, and rights of other  
14 shareholders or joint partners. Control shall be real,  
15 substantial, and continuing, not pro forma. Control shall  
16 include the power to direct or cause the direction of the  
17 management and policies of the business and to make the  
18 day-to-day as well as major decisions in matters of policy,  
19 management, and operations. Control shall be exemplified by  
20 possessing the requisite knowledge and expertise to run the  
21 particular business, and control shall not include simple  
22 majority or absentee ownership.

23 "Qualified service-disabled veteran" means a veteran who  
24 has been found to have 10% or more service-connected disability  
25 by the United States Department of Veterans Affairs or the  
26 United States Department of Defense.

1 "Qualified service-disabled veteran-owned small business"  
2 or "SDVOSB" means a small business (i) that is at least 51%  
3 owned by one or more qualified service-disabled veterans living  
4 in Illinois or, in the case of a corporation, at least 51% of  
5 the stock of which is owned by one or more qualified  
6 service-disabled veterans living in Illinois; (ii) that has its  
7 home office in Illinois; and (iii) for which items (i) and (ii)  
8 are factually verified annually by the Department of Central  
9 Management Services.

10 "Qualified veteran-owned small business" or "VOSB" means a  
11 small business (i) that is at least 51% owned by one or more  
12 qualified veterans living in Illinois or, in the case of a  
13 corporation, at least 51% of the stock of which is owned by one  
14 or more qualified veterans living in Illinois; (ii) that has  
15 its home office in Illinois; and (iii) for which items (i) and  
16 (ii) are factually verified annually by the Department of  
17 Central Management Services.

18 "Service-connected disability" means a disability incurred  
19 in the line of duty in the active military, naval, or air  
20 service as described in 38 U.S.C. 101(16).

21 "Small business" means a business that has annual gross  
22 sales of less than \$75,000,000 as evidenced by the federal  
23 income tax return of the business. A firm with gross sales in  
24 excess of this cap may apply to the Department of Central  
25 Management Services for certification for a particular  
26 contract if the firm can demonstrate that the contract would

1 have significant impact on SDVOSB or VOSB as suppliers or  
2 subcontractors or in employment of veterans or  
3 service-disabled veterans.

4 "State agency" has the same meaning as in Section 2 of the  
5 Business Enterprise for Minorities, Females, and Persons with  
6 Disabilities Act.

7 "Time of hostilities with a foreign country" means any  
8 period of time in the past, present, or future during which a  
9 declaration of war by the United States Congress has been or is  
10 in effect or during which an emergency condition has been or is  
11 in effect that is recognized by the issuance of a Presidential  
12 proclamation or a Presidential executive order and in which the  
13 armed forces expeditionary medal or other campaign service  
14 medals are awarded according to Presidential executive order.

15 "Veteran" means a person who (i) has been a member of the  
16 armed forces of the United States or, while a citizen of the  
17 United States, was a member of the armed forces of allies of  
18 the United States in time of hostilities with a foreign country  
19 and (ii) has served under one or more of the following  
20 conditions: (a) the veteran served a total of at least 6  
21 months; (b) the veteran served for the duration of hostilities  
22 regardless of the length of the engagement; (c) the veteran was  
23 discharged on the basis of hardship; or (d) the veteran was  
24 released from active duty because of a service connected  
25 disability and was discharged under honorable conditions.

26 (f) Certification program. The Illinois Department of

1 Veterans' Affairs and the Department of Central Management  
2 Services shall work together to devise a certification  
3 procedure to assure that businesses taking advantage of this  
4 Section are legitimately classified as qualified  
5 service-disabled veteran-owned small businesses or qualified  
6 veteran-owned small businesses.

7 (g) Penalties.

8 (1) Administrative penalties. The chief procurement  
9 officers appointed pursuant to Section 10-20 ~~Department of~~  
10 ~~Central Management Services~~ shall suspend any person who  
11 commits a violation of Section 17-10.3 or subsection (d) of  
12 Section 33E-6 of ~~the Criminal Code of 1961~~ or the Criminal  
13 Code of 2012 relating to this Section from bidding on, or  
14 participating as a contractor, subcontractor, or supplier  
15 in, any State contract or project for a period of not less  
16 than 3 years, and, if the person is certified as a  
17 service-disabled veteran-owned small business or a  
18 veteran-owned small business, then the Department shall  
19 revoke the business's certification for a period of not  
20 less than 3 years. An additional or subsequent violation  
21 shall extend the periods of suspension and revocation for a  
22 period of not less than 5 years. The suspension and  
23 revocation shall apply to the principals of the business  
24 and any subsequent business formed or financed by, or  
25 affiliated with, those principals.

26 (2) Reports of violations. Each State agency shall



1 report any alleged violation of Section 17-10.3 or  
2 subsection (d) of Section 33E-6 of the Criminal Code of  
3 ~~1961 or~~ the Criminal Code of 2012 relating to this Section  
4 to the chief procurement officers appointed pursuant to  
5 Section 10-20 Department of Central Management Services.  
6 The chief procurement officers appointed pursuant to  
7 Section 10-20 Department of Central Management Services  
8 shall subsequently report all such alleged violations to  
9 the Attorney General, who shall determine whether to bring  
10 a civil action against any person for the violation.

11 (3) List of suspended persons. The chief procurement  
12 officers appointed pursuant to Section 10-20 Department of  
13 Central Management Services shall monitor the status of all  
14 reported violations of Section 17-10.3 or subsection (d) of  
15 Section 33E-6 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 relating to this Section and shall maintain  
17 and make available to all State agencies a central listing  
18 of all persons that committed violations resulting in  
19 suspension.

20 (4) Use of suspended persons. During the period of a  
21 person's suspension under paragraph (1) of this  
22 subsection, a State agency shall not enter into any  
23 contract with that person or with any contractor using the  
24 services of that person as a subcontractor.

25 (5) Duty to check list. Each State agency shall check  
26 the central listing provided by the chief procurement

1        officers appointed pursuant to Section 10-20 ~~Department of~~  
2        ~~Central Management Services~~ under paragraph (3) of this  
3        subsection to verify that a person being awarded a contract  
4        by that State agency, or to be used as a subcontractor or  
5        supplier on a contract being awarded by that State agency,  
6        is not under suspension pursuant to paragraph (1) of this  
7        subsection.

8        (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;  
9        98-307, eff. 8-12-13.)

10        (30 ILCS 500/45-67)

11        Sec. 45-67. Encouragement to hire qualified veterans. A  
12        chief procurement officer may, as part of any solicitation,  
13        encourage potential contractors ~~prospective vendors~~ to  
14        consider hiring qualified veterans and to notify them of any  
15        available financial incentives or other advantages associated  
16        with hiring such persons. In establishing internal guidelines  
17        in furtherance of this Section, the Department of Central  
18        Management Services may work with an interagency advisory  
19        committee consisting of representatives from the Department of  
20        Veterans Affairs, the Department of Employment Security, the  
21        Department of Commerce and Economic Opportunity, and the  
22        Department of Revenue and consisting of 8 members of the  
23        General Assembly, 2 of whom are appointed by the Speaker of the  
24        House of Representatives, 2 of whom are appointed by the  
25        President of the Senate, 2 of whom are appointed by the

1 Minority Leader of the House of Representatives, and 2 of whom  
2 are appointed by the Minority Leader of the Senate.

3 For the purposes of this Section, "qualified veteran" means  
4 an Illinois resident who: (i) was a member of the Armed Forces  
5 of the United States, a member of the Illinois National Guard,  
6 or a member of any reserve component of the Armed Forces of the  
7 United States; (ii) served on active duty in connection with  
8 Operation Desert Storm, Operation Enduring Freedom, or  
9 Operation Iraqi Freedom; and (iii) was honorably discharged.

10 The Department of Central Management Services must report  
11 to the Governor and to the General Assembly by December 31 of  
12 each year on the activities undertaken by chief procurement  
13 officers and the Department of Central Management Services to  
14 encourage potential contractors ~~prospective vendors~~ to  
15 consider hiring qualified veterans. The report must include the  
16 number of vendors who have hired qualified veterans.

17 (Source: P.A. 94-1067, eff. 8-1-06.)

18 (30 ILCS 500/45-70)

19 Sec. 45-70. Encouragement to hire ex-offenders. A chief  
20 procurement officer may, as part of any solicitation, encourage  
21 potential contractors ~~prospective vendors~~ to consider hiring  
22 Illinois residents discharged from any Illinois adult  
23 correctional center, in appropriate circumstances, and to  
24 notify them of any available financial incentives or other  
25 advantages associated with hiring such persons. In

1 establishing internal guidelines in furtherance of this  
2 Section, the Department of Central Management Services may work  
3 with an interagency advisory committee consisting of  
4 representatives from the Department of Corrections, the  
5 Department of Employment Security, the Department of Juvenile  
6 Justice, the Department of Commerce and Economic Opportunity,  
7 and the Department of Revenue and consisting of 8 members of  
8 the General Assembly, 2 of whom are appointed by the Speaker of  
9 the House of Representatives, 2 of whom are appointed by the  
10 President of the Senate, 2 of whom are appointed by the  
11 Minority Leader of the House of Representatives, and 2 of whom  
12 are appointed by the Minority Leader of the Senate.

13 The Department of Central Management Services must report  
14 to the Governor and to the General Assembly by December 31 of  
15 each year on the activities undertaken by chief procurement  
16 officers and the Department of Central Management Services to  
17 encourage potential contractors ~~prospective vendors~~ to  
18 consider hiring Illinois residents who have been discharged  
19 from an Illinois adult correctional center. The report must  
20 include the number of vendors who have hired Illinois residents  
21 who have been discharged from any Illinois adult correctional  
22 center.

23 (Source: P.A. 94-1067, eff. 8-1-06.)

24 (30 ILCS 500/50-5)

25 Sec. 50-5. Bribery.

1           (a) Prohibition. No person or business shall be awarded a  
2 contract or subcontract under this Code who:

3           (1) has been convicted under the laws of Illinois or  
4 any other state of bribery or attempting to bribe an  
5 officer or employee of the State of Illinois or any other  
6 state in that officer's or employee's official capacity; or

7           (2) has made an admission of guilt of that conduct that  
8 is a matter of record but has not been prosecuted for that  
9 conduct.

10          (b) Businesses. No business shall be barred from  
11 contracting with any unit of State or local government, or  
12 subcontracting under such a contract, as a result of a  
13 conviction under this Section of any employee or agent of the  
14 business if the employee or agent is no longer employed by the  
15 business and:

16           (1) the business has been finally adjudicated not  
17 guilty; or

18           (2) the business demonstrates to the governmental  
19 entity with which it seeks to contract or which is a  
20 signatory to the contract to which the subcontract relates,  
21 and that entity finds that the commission of the offense  
22 was not authorized, requested, commanded, or performed by a  
23 director, officer, or high managerial agent on behalf of  
24 the business as provided in paragraph (2) of subsection (a)  
25 of Section 5-4 of the Criminal Code of 2012.

26          (c) Conduct on behalf of business. For purposes of this

1 Section, when an official, agent, or employee of a business  
2 committed the bribery or attempted bribery on behalf of the  
3 business and in accordance with the direction or authorization  
4 of a responsible official of the business, the business shall  
5 be chargeable with the conduct.

6 (d) Certification. Every bid or offer submitted to every ~~to~~  
7 ~~and~~ contract executed by the State, and every subcontract  
8 subject to Section 20-120 of this Code, and every vendor's  
9 submission to a vendor portal shall contain a certification by  
10 the bidder, offeror, potential contractor, contractor, or the  
11 subcontractor, respectively, that the bidder, offeror,  
12 potential contractor, contractor or subcontractor is not  
13 barred from being awarded a contract or subcontract under this  
14 Section and acknowledges that the chief procurement officer may  
15 declare the related contract void if any certifications  
16 required by this Section are false. If the false certification  
17 is made by a subcontractor, then the contractor's submitted bid  
18 or offer and the executed contract may not be declared void,  
19 unless the contractor refuses to terminate the subcontract upon  
20 the State's request after a finding that the subcontract's  
21 certification was false. A bidder, offeror, potential  
22 contractor, contractor, or subcontractor who makes a false  
23 statement, material to the certification, commits a Class 3  
24 felony.

25 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
26 for the effective date of changes made by P.A. 96-795); 97-895,

1 eff. 8-3-12; 97-1150, eff. 1-25-13.)

2 (30 ILCS 500/50-10)

3 Sec. 50-10. Felons.

4 (a) Unless otherwise provided, no person or business  
5 convicted of a felony shall do business with the State of  
6 Illinois or any State agency, or enter into a subcontract, from  
7 the date of conviction until 5 years after the date of  
8 completion of the sentence for that felony, unless no person  
9 held responsible by a prosecutorial office for the facts upon  
10 which the conviction was based continues to have any  
11 involvement with the business.

12 (b) Every bid or offer submitted to the State, every ~~and~~  
13 contract executed by the State, ~~and~~ every subcontract subject  
14 to Section 20-120 of this Code, and every vendor's submission  
15 to a vendor portal shall contain a certification by the bidder, ~~and~~  
16 offeror, potential contractor, ~~or~~ contractor, ~~and~~ or  
17 subcontractor, respectively, that the bidder, offeror,  
18 potential contractor, contractor, or subcontractor is not  
19 barred from being awarded a contract or subcontract under this  
20 Section and acknowledges that the chief procurement officer may  
21 declare the related contract void if any of the certifications  
22 required by this Section are false. If the false certification  
23 is made by a subcontractor, then the contractor's submitted bid  
24 or offer and the executed contract may not be declared void,  
25 unless the contractor refuses to terminate the subcontract upon

1 the State's request after a finding that the subcontract's  
2 certification was false.

3 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
4 for the effective date of changes made by P.A. 96-795); 97-895,  
5 eff. 8-3-12.)

6 (30 ILCS 500/50-10.5)

7 Sec. 50-10.5. Prohibited bidders, offerors, potential  
8 contractors, and contractors.

9 (a) Unless otherwise provided, no business shall bid,   
10 offer, ~~or~~ enter into a contract or subcontract under this Code,   
11 or make a submission to a vendor portal if the business or any  
12 officer, director, partner, or other managerial agent of the  
13 business has been convicted of a felony under the  
14 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under  
15 the Illinois Securities Law of 1953 for a period of 5 years  
16 from the date of conviction.

17 (b) Every bid and offer submitted to the State, every and  
18 contract executed by the State, every vendor's submission to a  
19 vendor portal, and every subcontract subject to Section 20-120  
20 of this Code shall contain a certification by the bidder,  
21 offeror, potential contractor, contractor, or subcontractor,  
22 respectively, that the bidder, offeror, potential contractor,  
23 contractor, or subcontractor is not barred from being awarded a  
24 contract or subcontract under this Section and acknowledges  
25 that the chief procurement officer shall declare the related



1 contract void if any of the certifications completed pursuant  
2 to this subsection (b) are false. If the false certification is  
3 made by a subcontractor, then the contractor's submitted bid or  
4 offer and the executed contract may not be declared void,  
5 unless the contractor refuses to terminate the subcontract upon  
6 the State's request after a finding that the subcontract's  
7 certification was false.

8 (c) If a business is not a natural person, the prohibition  
9 in subsection (a) applies only if:

10 (1) the business itself is convicted of a felony  
11 referenced in subsection (a); or

12 (2) the business is ordered to pay punitive damages  
13 based on the conduct of any officer, director, partner, or  
14 other managerial agent who has been convicted of a felony  
15 referenced in subsection (a).

16 (d) A natural person who is convicted of a felony  
17 referenced in subsection (a) remains subject to Section 50-10.

18 (e) No person or business shall bid, offer, make a  
19 submission to a vendor portal, or enter into a contract under  
20 this Code if the person or business assisted an employee of the  
21 State of Illinois, who, by the nature of his or her duties, has  
22 the authority to participate personally and substantially in  
23 the decision to award a State contract, by reviewing, drafting,  
24 directing, or preparing any invitation for bids, a request for  
25 proposal, or request for information or provided similar  
26 assistance except as part of a publicly issued opportunity to

1 review drafts of all or part of these documents.

2 This subsection does not prohibit a person or business from  
3 submitting a bid or offer ~~or proposal~~ or entering into a  
4 contract if the person or business: (i) initiates a  
5 communication with an employee to provide general information  
6 about products, services, or industry best practices and, if  
7 applicable, that communication is documented in accordance  
8 with Section 50-39 or (ii) responds to a communication  
9 initiated by an employee of the State for the purposes of  
10 providing information to evaluate new products, trends,  
11 services, or technologies.

12 Nothing in this Section prohibits a vendor developing  
13 technology, goods, or services from bidding or offering to  
14 supply that technology or those goods or services if the  
15 subject demonstrated to the State represents industry trends  
16 and innovation and is not specifically designed to meet the  
17 State's needs.

18 For purposes of this subsection (e), "business" includes  
19 all individuals with whom a business is affiliated, including,  
20 but not limited to, any officer, agent, employee, consultant,  
21 independent contractor, director, partner, or manager, ~~or~~  
22 ~~shareholder~~ of a business.

23 No person or business shall submit specifications to a  
24 State agency unless requested to do so by an employee of the  
25 State. No person or business who contracts with a State agency  
26 to write specifications for a particular procurement need shall

1 submit a bid or proposal or receive a contract for that  
2 procurement need.

3 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
4 for the effective date of changes made by P.A. 96-795); 96-920,  
5 eff. 7-1-10; 97-895, eff. 8-3-12.)

6 (30 ILCS 500/50-11)

7 Sec. 50-11. Debt delinquency.

8 (a) No person shall submit a bid or offer for, ~~or~~ enter  
9 into a contract or subcontract under this Code, or make a  
10 submission to a vendor portal if that person knows or should  
11 know that he or she or any affiliate is delinquent in the  
12 payment of any debt to the State, unless the person or  
13 affiliate has entered into a deferred payment plan to pay off  
14 the debt. For purposes of this Section, the phrase "delinquent  
15 in the payment of any debt" shall be determined by the Debt  
16 Collection Bureau. For purposes of this Section, the term  
17 "affiliate" means any entity that (1) directly, indirectly, or  
18 constructively controls another entity, (2) is directly,  
19 indirectly, or constructively controlled by another entity, or  
20 (3) is subject to the control of a common entity. For purposes  
21 of this subsection (a), a person controls an entity if the  
22 person owns, directly or individually, more than 10% of the  
23 voting securities of that entity. As used in this subsection  
24 (a), the term "voting security" means a security that (1)  
25 confers upon the holder the right to vote for the election of

1 members of the board of directors or similar governing body of  
2 the business or (2) is convertible into, or entitles the holder  
3 to receive upon its exercise, a security that confers such a  
4 right to vote. A general partnership interest is a voting  
5 security.

6 (b) Every bid and offer submitted to the State, every  
7 vendor's submission to a vendor portal, every ~~and~~ contract  
8 executed by the State and every subcontract subject to Section  
9 20-120 of this Code shall contain a certification by the  
10 bidder, offeror, potential contractor, contractor, or  
11 subcontractor, respectively, that the bidder, offeror,  
12 respondent, potential contractor, contractor or the  
13 subcontractor and its affiliate is not barred from being  
14 awarded a contract or subcontract under this Section and  
15 acknowledges that the chief procurement officer may declare the  
16 related contract void if any of the certifications completed  
17 pursuant to this subsection (b) are false. If the false  
18 certification is made by a subcontractor, then the contractor's  
19 submitted bid or offer and the executed contract may not be  
20 declared void, unless the contractor refuses to terminate the  
21 subcontract upon the State's request after a finding that the  
22 subcontract's certification was false.

23 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
24 Section 5 of P.A. 96-793 for effective date of changes made by  
25 P.A. 96-795); 96-1000, eff. 7-2-10; 97-895, eff. 8-3-12.)

1 (30 ILCS 500/50-12)

2 Sec. 50-12. Collection and remittance of Illinois Use Tax.

3 (a) No person shall enter into a contract with a State  
4 agency or enter into a subcontract under this Code unless the  
5 person and all affiliates of the person collect and remit  
6 Illinois Use Tax on all sales of tangible personal property  
7 into the State of Illinois in accordance with the provisions of  
8 the Illinois Use Tax Act regardless of whether the person or  
9 affiliate is a "retailer maintaining a place of business within  
10 this State" as defined in Section 2 of the Use Tax Act. For  
11 purposes of this Section, the term "affiliate" means any entity  
12 that (1) directly, indirectly, or constructively controls  
13 another entity, (2) is directly, indirectly, or constructively  
14 controlled by another entity, or (3) is subject to the control  
15 of a common entity. For purposes of this subsection (a), an  
16 entity controls another entity if it owns, directly or  
17 individually, more than 10% of the voting securities of that  
18 entity. As used in this subsection (a), the term "voting  
19 security" means a security that (1) confers upon the holder the  
20 right to vote for the election of members of the board of  
21 directors or similar governing body of the business or (2) is  
22 convertible into, or entitles the holder to receive upon its  
23 exercise, a security that confers such a right to vote. A  
24 general partnership interest is a voting security.

25 (b) Every bid and offer submitted to the State, every  
26 submission to a vendor portal, every ~~and~~ contract executed by

1 the State and every subcontract subject to Section 20-120 of  
2 this Code shall contain a certification by the bidder, offeror,  
3 potential contractor contractor, or subcontractor,  
4 respectively, that the bidder, offeror, respondent, potential  
5 contractor, contractor, or subcontractor is not barred from  
6 bidding for or entering into a contract under subsection (a) of  
7 this Section and acknowledges that the chief procurement  
8 officer may declare the related contract void if any of the  
9 certifications completed pursuant to this subsection (b) are  
10 false. If the false certification is made by a subcontractor,  
11 then the contractor's submitted bid or offer and the executed  
12 contract may not be declared void, unless the contractor  
13 refuses to terminate the subcontract upon the State's request  
14 after a finding that the subcontract's certification was false.  
15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
16 for the effective date of changes made by P.A. 96-795); 97-895,  
17 eff. 8-3-12.)

18 (30 ILCS 500/50-13)

19 Sec. 50-13. Conflicts of interest.

20 (a) Prohibition. It is unlawful for any person holding an  
21 elective office in this State, holding a seat in the General  
22 Assembly, or appointed to or employed in any of the offices or  
23 agencies of State government and who receives compensation for  
24 such employment in excess of 60% of the salary of the Governor  
25 of the State of Illinois, or who is an officer or employee of

1 the Capital Development Board or the Illinois Toll Highway  
2 Authority, or who is the spouse or minor child of any such  
3 person to have or acquire any contract, or any direct pecuniary  
4 interest in any contract therein, whether for stationery,  
5 printing, paper, or any services, materials, or supplies, that  
6 will be wholly or partially satisfied by the payment of funds  
7 appropriated by the General Assembly of the State of Illinois  
8 or in any contract of the Capital Development Board or the  
9 Illinois Toll Highway Authority.

10 (b) Interests. It is unlawful for any firm, partnership,  
11 association, or corporation, in which any person listed in  
12 subsection (a) is entitled to receive (i) more than 7 1/2% of  
13 the total distributable income or (ii) an amount in excess of  
14 the salary of the Governor, to have or acquire any such  
15 contract or direct pecuniary interest therein.

16 (c) Combined interests. It is unlawful for any firm,  
17 partnership, association, or corporation, in which any person  
18 listed in subsection (a) together with his or her spouse or  
19 minor children is entitled to receive (i) more than 15%, in the  
20 aggregate, of the total distributable income or (ii) an amount  
21 in excess of 2 times the salary of the Governor, to have or  
22 acquire any such contract or direct pecuniary interest therein.

23 (c-5) Appointees and firms. In addition to any provisions  
24 of this Code, the interests of certain appointees and their  
25 firms are subject to Section 3A-35 of the Illinois Governmental  
26 Ethics Act.

1           (d) Securities. Nothing in this Section invalidates the  
2 provisions of any bond or other security previously offered or  
3 to be offered for sale or sold by or for the State of Illinois.

4           (e) Prior interests. This Section does not affect the  
5 validity of any contract made between the State and an officer  
6 or employee of the State or member of the General Assembly, his  
7 or her spouse, minor child, or other immediate family member  
8 living in his or her residence or any combination of those  
9 persons if that contract was in existence before his or her  
10 election or employment as an officer, member, or employee. The  
11 contract is voidable, however, if it cannot be completed within  
12 365 calendar days after the officer, member, or employee takes  
13 office or is employed.

14           (f) Exceptions.

15           (1) Public aid payments. This Section does not apply to  
16 payments made for a public aid recipient.

17           (2) Teaching. This Section does not apply to a contract  
18 for personal services as a teacher or school administrator  
19 between a member of the General Assembly or his or her  
20 spouse, or a State officer or employee or his or her  
21 spouse, and any school district, public community college  
22 district, the University of Illinois, Southern Illinois  
23 University, Illinois State University, Eastern Illinois  
24 University, Northern Illinois University, Western Illinois  
25 University, Chicago State University, Governor State  
26 University, or Northeastern Illinois University.



1           (3) Ministerial duties. This Section does not apply to  
2 a contract for personal services of a wholly ministerial  
3 character, including but not limited to services as a  
4 laborer, clerk, typist, stenographer, page, bookkeeper,  
5 receptionist, or telephone switchboard operator, made by a  
6 spouse or minor child of an elective or appointive State  
7 officer or employee or of a member of the General Assembly.

8           (4) Child and family services. This Section does not  
9 apply to payments made to a member of the General Assembly,  
10 a State officer or employee, his or her spouse or minor  
11 child acting as a foster parent, homemaker, advocate, or  
12 volunteer for or in behalf of a child or family served by  
13 the Department of Children and Family Services.

14           (5) Licensed professionals. Contracts with licensed  
15 professionals, provided they are competitively bid or part  
16 of a reimbursement program for specific, customary goods  
17 and services through the Department of Children and Family  
18 Services, the Department of Human Services, the Department  
19 of Healthcare and Family Services, the Department of Public  
20 Health, or the Department on Aging.

21           (g) Penalty. A person convicted of a violation of this  
22 Section is guilty of a business offense and shall be fined not  
23 less than \$1,000 nor more than \$5,000.

24           (Source: P.A. 95-331, eff. 8-21-07.)

1           Sec. 50-14. Environmental Protection Act violations.

2           (a) Unless otherwise provided, no person or business found  
3 by a court or the Pollution Control Board to have committed a  
4 willful or knowing violation of the Environmental Protection  
5 Act shall do business with the State of Illinois or any State  
6 agency or enter into a subcontract that is subject to this Code  
7 from the date of the order containing the finding of violation  
8 until 5 years after that date, unless the person or business  
9 can show that no person involved in the violation continues to  
10 have any involvement with the business.

11           (b) A person or business otherwise barred from doing  
12 business with the State of Illinois or any State agency or  
13 subcontracting under this Code by subsection (a) may be allowed  
14 to do business with the State of Illinois or any State agency  
15 if it is shown that there is no practicable alternative to the  
16 State to contracting with that person or business.

17           (c) Every bid or offer submitted to the State, every and  
18 contract executed by the State, every submission to a vendor  
19 portal, and every subcontract subject to Section 20-120 of this  
20 Code shall contain a certification by the bidder, offeror,  
21 potential contractor, contractor, or subcontractor,  
22 respectively, that the bidder, offeror, potential contractor,  
23 contractor, or subcontractor is not barred from being awarded a  
24 contract or subcontract under this Section and acknowledges  
25 that the contracting State agency may declare the related  
26 contract void if any of the certifications completed pursuant

1 to this subsection (c) are false. If the false certification is  
2 made by a subcontractor, then the contractor's submitted bid or  
3 offer and the executed contract may not be declared void,  
4 unless the contractor refuses to terminate the subcontract upon  
5 the State's request after a finding that the subcontract's  
6 certification was false.

7 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
8 for the effective date of changes made by P.A. 96-795); 97-895,  
9 eff. 8-3-12.)

10 (30 ILCS 500/50-20)

11 Sec. 50-20. Exemptions. The appropriate chief procurement  
12 officer may file a request with the Executive Ethics Commission  
13 to exempt named individuals from the prohibitions of Section  
14 50-13 when, in his or her judgment, the public interest in  
15 having the individual in the service of the State outweighs the  
16 public policy evidenced in that Section. The Executive Ethics  
17 Commission may grant an exemption after a public hearing at  
18 which any person may present testimony. The chief procurement  
19 officer shall publish notice of the date, time, and location of  
20 the hearing in the online electronic Bulletin at least 14  
21 calendar days prior to the hearing and provide notice to the  
22 individual subject to the waiver and the Procurement Policy  
23 Board. The Executive Ethics Commission shall also provide  
24 public notice of the date, time, and location of the hearing on  
25 its website. If the Commission grants an exemption, the

1 exemption is effective only if it is filed with the Secretary  
2 of State and the Comptroller prior to the execution of any  
3 contract and includes a statement setting forth the name of the  
4 individual and all the pertinent facts that would make that  
5 Section applicable, setting forth the reason for the exemption,  
6 and declaring the individual exempted from that Section. Notice  
7 of each exemption shall be published in the Illinois  
8 Procurement Bulletin. A contract for which a waiver has been  
9 issued but has not been filed in accordance with this Section  
10 is voidable by the State. The changes to this Section made by  
11 this amendatory Act of the 96th General Assembly shall apply to  
12 exemptions granted on or after its effective date.

13 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
14 for the effective date of changes made by P.A. 96-795).)

15 (30 ILCS 500/50-25)

16 Sec. 50-25. Inducement. Any person who offers or pays any  
17 money or other valuable thing to any person to induce him or  
18 her not to provide a submission to a vendor portal, bid, or  
19 submit an offer for a State contract or as recompense for not  
20 having bid on or submitted an offer for a State contract or  
21 provided a submission to a vendor portal is guilty of a Class 4  
22 felony. Any person who accepts any money or other valuable  
23 thing for not bidding or submitting an offer for a State  
24 contract, not making a submission to a vendor portal, or who  
25 withholds a bid, offer, or submission to vendor portal in

1 consideration of the promise for the payment of money or other  
2 valuable thing is guilty of a Class 4 felony.

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

4 (30 ILCS 500/50-35)

5 Sec. 50-35. Financial disclosure and potential conflicts  
6 of interest.

7 (a) All bids and offers from responsive bidders, ~~or~~  
8 offerors, vendors, or contractors with an annual value of more  
9 than \$50,000, and all submissions to a vendor portal, \$25,000  
10 shall be accompanied by disclosure of the financial interests  
11 of the ~~contractor,~~ bidder, offeror, potential contractor, or  
12 contractor ~~or proposer~~ and each subcontractor to be used. In  
13 addition, all subcontracts identified as provided by Section  
14 20-120 of this Code with an annual value of more than \$50,000  
15 shall be accompanied by disclosure of the financial interests  
16 of each subcontractor. The financial disclosure of each  
17 successful bidder, offeror, potential contractor, or  
18 contractor ~~bidder or offeror~~ and its subcontractors shall be  
19 incorporated as a material term of the contract and shall  
20 become part of the publicly available contract or procurement  
21 file maintained by the appropriate chief procurement officer.  
22 Each disclosure under this Section shall be signed and made  
23 under penalty of perjury by an authorized officer or employee  
24 on behalf of the bidder, offeror, potential contractor,  
25 contractor, or subcontractor ~~bidder or offeror~~, and must be

1 filed with the Procurement Policy Board.

2 (b) Disclosure shall include any ownership or distributive  
3 income share that is in excess of 5%, or an amount greater than  
4 60% of the annual salary of the Governor, of the disclosing  
5 entity or its parent entity, whichever is less, unless the  
6 ~~contractor, bidder, offeror, potential contractor, contractor,~~  
7 or subcontractor (i) is a publicly traded entity subject to  
8 Federal 10K reporting, in which case it may submit its 10K  
9 disclosure in place of the prescribed disclosure, or (ii) is a  
10 privately held entity that is exempt from Federal 10k reporting  
11 but has more than 100 ~~200~~ shareholders, in which case it may  
12 submit the information that Federal 10k reporting companies are  
13 required to report under 17 CFR 229.401 and list the names of  
14 any person or entity holding any ownership share that is in  
15 excess of 5% in place of the prescribed disclosure. The form of  
16 disclosure shall be prescribed by the applicable chief  
17 procurement officer and must include at least the names,  
18 addresses, and dollar or proportionate share of ownership of  
19 each person identified in this Section, their instrument of  
20 ownership or beneficial relationship, and notice of any  
21 potential conflict of interest resulting from the current  
22 ownership or beneficial relationship of each individual person  
23 identified in this Section having in addition any of the  
24 following relationships:

25 (1) State employment, currently or in the previous 3  
26 years, including contractual employment of services.

1           (2) State employment of spouse, father, mother, son, or  
2 daughter, including contractual employment for services in  
3 the previous 2 years.

4           (3) Elective status; the holding of elective office of  
5 the State of Illinois, the government of the United States,  
6 any unit of local government authorized by the Constitution  
7 of the State of Illinois or the statutes of the State of  
8 Illinois currently or in the previous 3 years.

9           (4) Relationship to anyone holding elective office  
10 currently or in the previous 2 years; spouse, father,  
11 mother, son, or daughter.

12           (5) Appointive office; the holding of any appointive  
13 government office of the State of Illinois, the United  
14 States of America, or any unit of local government  
15 authorized by the Constitution of the State of Illinois or  
16 the statutes of the State of Illinois, which office  
17 entitles the holder to compensation in excess of expenses  
18 incurred in the discharge of that office currently or in  
19 the previous 3 years.

20           (6) Relationship to anyone holding appointive office  
21 currently or in the previous 2 years; spouse, father,  
22 mother, son, or daughter.

23           (7) Employment, currently or in the previous 3 years,  
24 as or by any registered lobbyist of the State government.

25           (8) Relationship to anyone who is or was a registered  
26 lobbyist in the previous 2 years; spouse, father, mother,

1 son, or daughter.

2 (9) Compensated employment, currently or in the  
3 previous 3 years, by any registered election or re-election  
4 committee registered with the Secretary of State or any  
5 county clerk in the State of Illinois, or any political  
6 action committee registered with either the Secretary of  
7 State or the Federal Board of Elections.

8 (10) Relationship to anyone; spouse, father, mother,  
9 son, or daughter; who is or was a compensated employee in  
10 the last 2 years of any registered election or re-election  
11 committee registered with the Secretary of State or any  
12 county clerk in the State of Illinois, or any political  
13 action committee registered with either the Secretary of  
14 State or the Federal Board of Elections.

15 (b-1) The disclosure required under this Section must also  
16 include the name and address of each lobbyist required to  
17 register under the Lobbyist Registration Act and other agent of  
18 the bidder ~~or~~ offeror, potential contractor, contractor, or  
19 subcontractor who is not identified under subsections (a) and  
20 (b) and who has communicated, is communicating, or may  
21 communicate with any State officer or employee concerning the  
22 bid or offer. The disclosure under this subsection is a  
23 continuing obligation and must be promptly supplemented for  
24 accuracy throughout the process and throughout the term of the  
25 contract if the bid or offer is successful.

26 (b-2) The disclosure required under this Section must also



1 include, for each of the persons identified in subsection (b)  
2 or (b-1), each of the following that occurred within the  
3 previous 10 years: suspension or debarment from contracting  
4 with any governmental entity; professional licensure  
5 discipline; bankruptcies; adverse civil judgments and  
6 administrative findings; and criminal felony convictions. The  
7 disclosure under this subsection is a continuing obligation and  
8 must be promptly supplemented for accuracy throughout the  
9 process and throughout the term of the contract if the bid or  
10 offer is successful.

11 (c) The disclosure in subsection (b) is not intended to  
12 prohibit or prevent any contract. The disclosure is meant to  
13 fully and publicly disclose any potential conflict to the chief  
14 procurement officers, State purchasing officers, their  
15 designees, and executive officers so they may adequately  
16 discharge their duty to protect the State.

17 (d) When a potential for a conflict of interest is  
18 identified, discovered, or reasonably suspected, the chief  
19 procurement officer or State procurement officer shall send the  
20 contract to the Procurement Policy Board. In accordance with  
21 the objectives of subsection (c), if the Procurement Policy  
22 Board finds evidence of a potential conflict of interest not  
23 originally disclosed by the bidder, offeror, potential  
24 contractor, contractor, or subcontractor, the Board shall  
25 provide written notice to the bidder, offeror, potential  
26 contractor, contractor, or subcontractor that is identified,

1 discovered, or reasonably suspected of having a potential  
2 conflict of interest. The bidder, offeror, potential  
3 contractor, contractor, or subcontractor shall have 15  
4 calendar days to respond in writing to the Board, and a hearing  
5 before the Board will be granted upon request by the bidder,  
6 offeror, potential contractor, contractor, ~~contractor's~~ or  
7 subcontractor ~~subcontractor's request,~~ at a date and time to be  
8 determined by the Board, but which in no event shall occur  
9 later than 15 calendar days after the date of the request. Upon  
10 consideration, the Board shall recommend, in writing, whether  
11 to allow or void the contract, bid, offer, or subcontract  
12 weighing the best interest of the State of Illinois. All  
13 recommendations shall be submitted to the Executive Ethics  
14 Commission. The Executive Ethics Commission must hold a public  
15 hearing within 30 calendar days after receiving the Board's  
16 recommendation if the Procurement Policy Board makes a  
17 recommendation to (i) void a contract or (ii) void a bid or  
18 offer and the chief procurement officer selected or intends to  
19 award the contract to the bidder, ~~or~~ offeror, or potential  
20 contractor. A chief procurement officer is prohibited from  
21 awarding a contract before a hearing if the Board  
22 recommendation does not support a bid or offer. The  
23 recommendation and proceedings of any hearing, if applicable,  
24 shall be available to the public.

25 (e) These thresholds and disclosure do not relieve the  
26 chief procurement officer, the State purchasing officer, or

1 their designees from reasonable care and diligence for any  
2 contract, bid, offer, or submission to a vendor portal ~~or~~  
3 ~~proposal~~. The chief procurement officer, the State purchasing  
4 officer, or their designees shall be responsible for using any  
5 reasonably known and publicly available information to  
6 discover any undisclosed potential conflict of interest and act  
7 to protect the best interest of the State of Illinois.

8 (f) Inadvertent or accidental failure to fully disclose  
9 shall render the contract, bid, offer, proposal, subcontract,  
10 or relationship voidable by the chief procurement officer if he  
11 or she deems it in the best interest of the State of Illinois  
12 and, at his or her discretion, may be cause for barring from  
13 future contracts, bids, offers, proposals, subcontracts, or  
14 relationships with the State for a period of up to 2 years.

15 (g) Intentional, willful, or material failure to disclose  
16 shall render the contract, bid, offer, proposal, subcontract,  
17 or relationship voidable by the chief procurement officer if he  
18 or she deems it in the best interest of the State of Illinois  
19 and shall result in debarment from future contracts, bids,  
20 offers, proposals, subcontracts, or relationships for a period  
21 of not less than 2 years and not more than 10 years.  
22 Reinstatement after 2 years and before 10 years must be  
23 reviewed and commented on in writing by the Governor of the  
24 State of Illinois, or by an executive ethics board or  
25 commission he or she might designate. The comment shall be  
26 returned to the responsible chief procurement officer who must

1 rule in writing whether and when to reinstate.

2 (h) In addition, all disclosures shall note any other  
3 current or pending contracts, bids, offers, proposals,  
4 subcontracts, leases, or other ongoing procurement  
5 relationships the bidder bidding, offeror, potential  
6 contractor, contractor ~~proposing, offering,~~ or subcontractor  
7 ~~subcontracting~~ entity has with any other unit of State  
8 government and shall clearly identify the unit and the  
9 contract, offer, proposal, lease, or other relationship.

10 (i) The ~~contractor or~~ bidder, offeror, potential  
11 contractor, or contractor has a continuing obligation to  
12 supplement the disclosure required by this Section throughout  
13 the bidding process ~~or~~ during the term of any contract, and  
14 during the vendor portal registration process.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
16 for the effective date of changes made by P.A. 96-795); 96-920,  
17 eff. 7-1-10; 97-490, eff. 8-22-11; 97-895, eff. 8-3-12.)

18 (30 ILCS 500/50-36)

19 Sec. 50-36. Disclosure of business in Iran.

20 (a) As used in this Section:

21 "Business operations" means engaging in commerce in any  
22 form in Iran, including, but not limited to, acquiring,  
23 developing, maintaining, owning, selling, possessing, leasing,  
24 or operating equipment, facilities, personnel, products,  
25 services, personal property, real property, or any other

1 apparatus of business or commerce.

2 "Company" means any sole proprietorship, organization,  
3 association, corporation, partnership, joint venture, limited  
4 partnership, limited liability partnership, limited liability  
5 company, or other entity or business association, including all  
6 wholly owned subsidiaries, majority-owned subsidiaries, parent  
7 companies, or affiliates of those entities or business  
8 associations, that exists for the purpose of making profit.

9 "Mineral-extraction activities" include exploring,  
10 extracting, processing, transporting, or wholesale selling or  
11 trading of elemental minerals or associated metal alloys or  
12 oxides (ore), including gold, copper, chromium, chromite,  
13 diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

14 "Oil-related activities" include, but are not limited to,  
15 owning rights to oil blocks; exporting, extracting, producing,  
16 refining, processing, exploring for, transporting, selling, or  
17 trading of oil; and constructing, maintaining, or operating a  
18 pipeline, refinery, or other oil-field infrastructure. The  
19 mere retail sale of gasoline and related consumer products is  
20 not considered an oil-related activity.

21 "Petroleum resources" means petroleum, petroleum  
22 byproducts, or natural gas.

23 "Substantial action" means adopting, publicizing, and  
24 implementing a formal plan to cease scrutinized business  
25 operations within one year and to refrain from any such new  
26 business operations.

1           (b) Each bid or ~~offer, or proposal~~ submitted for a State  
2 contract, other than a small purchase defined in Section 20-20,  
3 shall include a disclosure of whether or not the bidder,  
4 offeror, or ~~proposing entity,~~ or any of its corporate parents  
5 or subsidiaries, within the 24 months before submission of the  
6 bid or ~~offer, or proposal~~ had business operations that  
7 involved contracts with or provision of supplies or services to  
8 the Government of Iran, companies in which the Government of  
9 Iran has any direct or indirect equity share, consortiums or  
10 projects commissioned by the Government of Iran, or companies  
11 involved in consortiums or projects commissioned by the  
12 Government of Iran and:

13           (1) more than 10% of the company's revenues produced in  
14 or assets located in Iran involve oil-related activities or  
15 mineral-extraction activities; less than 75% of the  
16 company's revenues produced in or assets located in Iran  
17 involve contracts with or provision of oil-related or  
18 mineral-extraction products or services to the Government  
19 of Iran or a project or consortium created exclusively by  
20 that government; and the company has failed to take  
21 substantial action; or

22           (2) the company has, on or after August 5, 1996, made  
23 an investment of \$20 million or more, or any combination of  
24 investments of at least \$10 million each that in the  
25 aggregate equals or exceeds \$20 million in any 12-month  
26 period, that directly or significantly contributes to the

1 enhancement of Iran's ability to develop petroleum  
2 resources of Iran.

3 (c) A bid or ~~offer, or proposal~~ that does not include the  
4 disclosure required by subsection (b) may be given a period  
5 after the bid or offer is submitted to cure non-disclosure  
6 ~~shall not be considered responsive~~. A chief procurement officer  
7 may consider the disclosure when evaluating the bid or ~~offer~~  
8 ~~or proposal~~ or awarding the contract.

9 (d) Each chief procurement officer shall provide the State  
10 Comptroller with the name of each entity disclosed under  
11 subsection (b) as doing business or having done business in  
12 Iran. The State Comptroller shall post that information on his  
13 or her official website.

14 (Source: P.A. 95-616, eff. 1-1-08.)

15 (30 ILCS 500/50-37)

16 Sec. 50-37. Prohibition of political contributions.

17 (a) As used in this Section:

18 The terms "contract", "State contract", and "contract  
19 with a State agency" each mean any contract, as defined in  
20 this Code, between a business entity and a State agency let  
21 or awarded pursuant to this Code. The terms "contract",  
22 "State contract", and "contract with a State agency" do not  
23 include cost reimbursement contracts; purchase of care  
24 agreements as defined in Section 1-15.68 of this Code;  
25 contracts for projects eligible for full or partial

1 federal-aid funding reimbursements authorized by the  
2 Federal Highway Administration; grants, including but are  
3 not limited to grants for job training or transportation;  
4 and grants, loans, or tax credit agreements for economic  
5 development purposes.

6 "Contribution" means a contribution as defined in  
7 Section 9-1.4 of the Election Code.

8 "Declared candidate" means a person who has filed a  
9 statement of candidacy and petition for nomination or  
10 election in the principal office of the State Board of  
11 Elections.

12 "State agency" means and includes all boards,  
13 commissions, agencies, institutions, authorities, and  
14 bodies politic and corporate of the State, created by or in  
15 accordance with the Illinois Constitution or State  
16 statute, of the executive branch of State government and  
17 does include colleges, universities, public employee  
18 retirement systems, and institutions under the  
19 jurisdiction of the governing boards of the University of  
20 Illinois, Southern Illinois University, Illinois State  
21 University, Eastern Illinois University, Northern Illinois  
22 University, Western Illinois University, Chicago State  
23 University, Governors State University, Northeastern  
24 Illinois University, and the Illinois Board of Higher  
25 Education.

26 "Officeholder" means the Governor, Lieutenant



1 Governor, Attorney General, Secretary of State,  
2 Comptroller, or Treasurer. The Governor shall be  
3 considered the officeholder responsible for awarding all  
4 contracts by all officers and employees of, and potential  
5 contractors ~~vendors~~ and others doing business with,  
6 executive branch State agencies under the jurisdiction of  
7 the Executive Ethics Commission and not within the  
8 jurisdiction of the Attorney General, the Secretary of  
9 State, the Comptroller, or the Treasurer.

10 "Sponsoring entity" means a sponsoring entity as  
11 defined in Section 9-3 of the Election Code.

12 "Affiliated person" means (i) any person with any  
13 ownership interest or distributive share of the bidding or  
14 contracting business entity in excess of 7.5%, (ii)  
15 executive employees of the bidding or contracting business  
16 entity, and (iii) the spouse of any such persons.

17 "Affiliated person" does not include a person prohibited by  
18 federal law from making contributions or expenditures in  
19 connection with a federal, state, or local election.

20 "Affiliated entity" means (i) any corporate parent and  
21 each operating subsidiary of the bidding or contracting  
22 business entity, (ii) each operating subsidiary of the  
23 corporate parent of the bidding or contracting business  
24 entity, (iii) any organization recognized by the United  
25 States Internal Revenue Service as a tax-exempt  
26 organization described in Section 501(c) of the Internal

1 Revenue Code of 1986 (or any successor provision of federal  
2 tax law) established by the bidding or contracting business  
3 entity, any affiliated entity of that business entity, or  
4 any affiliated person of that business entity, or (iv) any  
5 political committee for which the bidding or contracting  
6 business entity, or any 501(c) organization described in  
7 item (iii) related to that business entity, is the  
8 sponsoring entity. "Affiliated entity" does not include an  
9 entity prohibited by federal law from making contributions  
10 or expenditures in connection with a federal, state, or  
11 local election.

12 "Business entity" means any entity doing business for  
13 profit, whether organized as a corporation, partnership,  
14 sole proprietorship, limited liability company or  
15 partnership, or otherwise.

16 "Executive employee" means (i) the President,  
17 Chairman, or Chief Executive Officer of a business entity  
18 and any other individual that fulfills equivalent duties as  
19 the President, Chairman of the Board, or Chief Executive  
20 Officer of a business entity; and (ii) any employee of a  
21 business entity whose compensation is determined directly,  
22 in whole or in part, by the award or payment of contracts  
23 by a State agency to the entity employing the employee. A  
24 regular salary that is paid irrespective of the award or  
25 payment of a contract with a State agency shall not  
26 constitute "compensation" under item (ii) of this

1 definition. "Executive employee" does not include any  
2 person prohibited by federal law from making contributions  
3 or expenditures in connection with a federal, state, or  
4 local election.

5 (b) Any business entity whose contracts with State  
6 agencies, in the aggregate, annually total more than \$50,000,  
7 and any affiliated entities or affiliated persons of such  
8 business entity, are prohibited from making any contributions  
9 to any political committees established to promote the  
10 candidacy of (i) the officeholder responsible for awarding the  
11 contracts or (ii) any other declared candidate for that office.  
12 This prohibition shall be effective for the duration of the  
13 term of office of the incumbent officeholder awarding the  
14 contracts or for a period of 2 years following the expiration  
15 or termination of the contracts, whichever is longer.

16 (c) Any business entity whose aggregate pending bids and  
17 offers ~~and proposals~~ on State contracts total more than  
18 \$50,000, or whose aggregate pending bids and offers on ~~and~~  
19 ~~proposals on~~ State contracts combined with the business  
20 entity's aggregate annual total value of State contracts exceed  
21 \$50,000, and any affiliated entities or affiliated persons of  
22 such business entity, are prohibited from making any  
23 contributions to any political committee established to  
24 promote the candidacy of the officeholder responsible for  
25 awarding the contract on which the business entity has  
26 submitted a bid or offer ~~or proposal~~ during the period

1 beginning on the date the invitation for bids, ~~or~~ request for  
2 proposals, or any other procurement opportunity is issued and  
3 ending on the day after the date the contract is awarded.

4 (c-5) For the purposes of the prohibitions under  
5 subsections (b) and (c) of this Section, (i) any contribution  
6 made to a political committee established to promote the  
7 candidacy of the Governor or a declared candidate for the  
8 office of Governor shall also be considered as having been made  
9 to a political committee established to promote the candidacy  
10 of the Lieutenant Governor, in the case of the Governor, or the  
11 declared candidate for Lieutenant Governor having filed a joint  
12 petition, or write-in declaration of intent, with the declared  
13 candidate for Governor, as applicable, and (ii) any  
14 contribution made to a political committee established to  
15 promote the candidacy of the Lieutenant Governor or a declared  
16 candidate for the office of Lieutenant Governor shall also be  
17 considered as having been made to a political committee  
18 established to promote the candidacy of the Governor, in the  
19 case of the Lieutenant Governor, or the declared candidate for  
20 Governor having filed a joint petition, or write-in declaration  
21 of intent, with the declared candidate for Lieutenant Governor,  
22 as applicable.

23 (d) All contracts between State agencies and a business  
24 entity that violate subsection (b) or (c) shall be voidable  
25 under Section 50-60. If a business entity violates subsection  
26 (b) 3 or more times within a 36-month period, then all

1 contracts between State agencies and that business entity shall  
2 be void, and that business entity shall not bid or respond to  
3 any invitation to bid or request for proposals from any State  
4 agency or otherwise enter into any contract with any State  
5 agency for 3 years from the date of the last violation. A  
6 notice of each violation and the penalty imposed shall be  
7 published in both the Procurement Bulletin and the Illinois  
8 Register.

9 (e) Any political committee that has received a  
10 contribution in violation of subsection (b) or (c) shall pay an  
11 amount equal to the value of the contribution to the State no  
12 more than 30 calendar days after notice of the violation  
13 concerning the contribution appears in the Illinois Register.  
14 Payments received by the State pursuant to this subsection  
15 shall be deposited into the general revenue fund.

16 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
17 for the effective date of changes made by P.A. 96-795); 96-848,  
18 eff. 1-1-10; 97-411, eff. 8-16-11.)

19 (30 ILCS 500/50-38)

20 Sec. 50-38. Lobbying restrictions.

21 (a) A person or business that is let or awarded a contract  
22 is not entitled to receive any payment, compensation, or other  
23 remuneration from the State to compensate the person or  
24 business for any expenses related to travel, lodging, or meals  
25 that are paid by the person or business to any officer, agent,

1 employee, consultant, independent contractor, director,  
2 partner, manager, or shareholder.

3 (b) Any bidder, ~~or~~ offeror, potential contractor, or  
4 contractor on a State contract that hires a person required to  
5 register under the Lobbyist Registration Act to assist in  
6 obtaining a contract shall (i) disclose all costs, fees,  
7 compensation, reimbursements, and other remunerations paid or  
8 to be paid to the lobbyist related to the contract, (ii) not  
9 bill or otherwise cause the State of Illinois to pay for any of  
10 the lobbyist's costs, fees, compensation, reimbursements, or  
11 other remuneration, and (iii) sign a verification certifying  
12 that none of the lobbyist's costs, fees, compensation,  
13 reimbursements, or other remuneration were billed to the State.  
14 This information, along with all supporting documents, shall be  
15 filed with the agency awarding the contract and with the  
16 Secretary of State. The chief procurement officer shall post  
17 this information, together with the contract award notice, in  
18 the online Procurement Bulletin.

19 (c) Ban on contingency fee. No person or entity shall  
20 retain a person or entity required to register under the  
21 Lobbyist Registration Act to attempt to influence the outcome  
22 of a procurement decision made under this Code for compensation  
23 contingent in whole or in part upon the decision or  
24 procurement. Any person who violates this subsection is guilty  
25 of a business offense and shall be fined not more than \$10,000.

26 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

2 (30 ILCS 500/50-39)

3 Sec. 50-39. Procurement communications reporting  
4 requirement.

5 (a) Any written or oral communication received by a State  
6 employee who, by the nature of his or her duties, has the  
7 authority to participate personally and substantially in the  
8 decision to award a State contract and that imparts or requests  
9 material information or makes a material argument regarding  
10 potential action concerning an active procurement matter,  
11 including, but not limited to, an application, a contract, or a  
12 project, shall be reported to the Procurement Policy Board,  
13 and, with respect to the Illinois Power Agency, by the  
14 initiator of the communication, and may be reported also by the  
15 recipient.

16 Any person communicating orally, in writing,  
17 electronically, or otherwise with the Director or any person  
18 employed by, or associated with, the Illinois Power Agency to  
19 impart, solicit, or transfer any information related to the  
20 content of any power procurement plan, the manner of conducting  
21 any power procurement process, the procurement of any power  
22 supply, or the method or structure of contracting with power  
23 suppliers must disclose to the Procurement Policy Board the  
24 full nature, content, and extent of any such communication in  
25 writing by submitting a report with the following information:

- 1 (1) The names of any party to the communication.
- 2 (2) The date on which the communication occurred.
- 3 (3) The time at which the communication occurred.
- 4 (4) The duration of the communication.
- 5 (5) The method (written, oral, etc.) of the
- 6 communication.
- 7 (6) A summary of the substantive content of the
- 8 communication.

9 These communications do not include the following: (i)

10 statements by a person publicly made in a public forum; (ii)

11 statements regarding matters of procedure and practice, such as

12 format, the number of copies required, the manner of filing,

13 and the status of a matter; (iii) statements made by a State

14 employee of the agency to the agency head or other employees of

15 that agency, to the employees of the Executive Ethics

16 Commission, or to an employee of another State agency who,

17 through the communication, is either (a) exercising his or her

18 experience or expertise in the subject matter of the particular

19 procurement in the normal course of business, for official

20 purposes, and at the initiation of the purchasing agency or the

21 appropriate State purchasing officer, or (b) exercising

22 oversight, supervisory, or management authority over the

23 procurement in the normal course of business and as part of

24 official responsibilities; (iv) unsolicited communications

25 providing general information about products, services, or

26 industry best practices before those products or services



1 become involved in a procurement matter; (v) communications  
2 received in response to procurement solicitations, including,  
3 but not limited to, vendor responses to a request for  
4 information, request for proposal, request for qualifications,  
5 invitation for bid, or a small purchase, sole source, or  
6 emergency solicitation, or questions and answers posted to the  
7 Illinois Procurement Bulletin to supplement the procurement  
8 action, provided that the communications are made in accordance  
9 with the instructions contained in the procurement  
10 solicitation, procedures, or guidelines; (vi) communications  
11 that are privileged, protected, or confidential under law; and  
12 (vii) communications that are part of a formal procurement  
13 process as set out by statute, rule, or the solicitation,  
14 guidelines, or procedures, including, but not limited to, the  
15 posting of procurement opportunities, the process for  
16 approving a procurement business case or its equivalent, fiscal  
17 approval, submission of bids, the finalizing of contract terms  
18 and conditions with an awardee or apparent awardee, and similar  
19 formal procurement processes. The provisions of this Section  
20 shall not apply to communications regarding the administration  
21 and implementation of an existing contract, except  
22 communications regarding change orders or the renewal or  
23 extension of a contract.

24 (b) The report required by subsection (a) shall be  
25 submitted monthly and include at least the following: (i) the  
26 date and time of each communication; (ii) the identity of each

1 person from whom the written or oral communication was  
2 received, the individual or entity represented by that person,  
3 and any action the person requested or recommended; (iii) the  
4 identity and job title of the person to whom each communication  
5 was made; (iv) if a response is made, the identity and job  
6 title of the person making each response; (v) a detailed  
7 summary of the points made by each person involved in the  
8 communication; (vi) the duration of the communication; (vii)  
9 the location or locations of all persons involved in the  
10 communication and, if the communication occurred by telephone,  
11 the telephone numbers for the callers and recipients of the  
12 communication; and (viii) any other pertinent information. No  
13 trade secrets or other proprietary or confidential information  
14 shall be included in any communication reported to the  
15 Procurement Policy Board.

16 (c) Additionally, when an oral communication made by a  
17 person required to register under the Lobbyist Registration Act  
18 is received by a State employee that is covered under this  
19 Section, all individuals who initiate or participate in the  
20 oral communication shall submit a written report to that State  
21 employee that memorializes the communication and includes, but  
22 is not limited to, the items listed in subsection (b).

23 (d) The Procurement Policy Board shall make each report  
24 submitted pursuant to this Section available on its website  
25 within 7 calendar days after its receipt of the report. The  
26 Procurement Policy Board may promulgate rules to ensure

1 compliance with this Section.

2 (e) The reporting requirements shall also be conveyed  
3 through ethics training under the State Officials and Employees  
4 Ethics Act. An employee who knowingly and intentionally  
5 violates this Section shall be subject to suspension or  
6 discharge. The Executive Ethics Commission shall promulgate  
7 rules, including emergency rules, to implement this Section.

8 (f) This Section becomes operative on January 1, 2011.

9 (g) For purposes of this Section:

10 "Active procurement matter" means a procurement process  
11 beginning with requisition or determination of need by an  
12 agency and continuing through the publication of an award  
13 notice or other completion of a final procurement action, the  
14 resolution of any protests, and the expiration of any protest  
15 or Procurement Policy Board review period, if applicable.  
16 "Active procurement matter" also includes communications  
17 relating to change orders, renewals, or extensions.

18 "Material information" means information that a reasonable  
19 person would deem important in determining his or her course of  
20 action and pertains to significant issues, including, but not  
21 limited to, price, quantity, and terms of payment or  
22 performance.

23 "Material argument" means a communication that a  
24 reasonable person would believe was made for the purpose of  
25 influencing a decision relating to a procurement matter.

26 "Material argument" does not include general information about

1 products, services, or industry best practices or a response to  
2 a communication initiated by an employee of the State for the  
3 purposes of providing information to evaluate new products,  
4 trends, services, or technologies.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
6 for the effective date of changes made by P.A. 96-795); 96-920,  
7 eff. 7-1-10; 97-333, eff. 8-12-11; 97-618, eff. 10-26-11;  
8 97-895, eff. 8-3-12.)

9 (30 ILCS 500/50-40)

10 Sec. 50-40. Reporting anticompetitive practices. When, for  
11 any reason, any vendor, bidder, offeror, potential contractor,  
12 contractor, chief procurement officer, State purchasing  
13 officer, designee, elected official, or State employee  
14 suspects collusion or other anticompetitive practice among any  
15 bidders, offerors, potential contractors, contractors,  
16 ~~proposers,~~ or employees of the State, a notice of the relevant  
17 facts shall be transmitted to the Attorney General and the  
18 chief procurement officer.

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

20 (30 ILCS 500/50-45)

21 Sec. 50-45. Confidentiality. Any chief procurement  
22 officer, State purchasing officer, designee, or executive  
23 officer who willfully uses or allows the use of specifications,  
24 competitive solicitation ~~bid~~ documents, proprietary

1 competitive information, ~~proposals,~~ contracts, or selection  
2 information to compromise the fairness or integrity of the  
3 procurement, ~~bidding,~~ or contract process shall be subject to  
4 immediate dismissal, regardless of the Personnel Code, any  
5 contract, or any collective bargaining agreement, and may in  
6 addition be subject to criminal prosecution.

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

8 (30 ILCS 500/50-70)

9 Sec. 50-70. Additional provisions. This Code is subject to  
10 applicable provisions of the following Acts:

- 11 (1) Article 33E of the Criminal Code of 2012;
- 12 (2) the Illinois Human Rights Act;
- 13 (3) the Discriminatory Club Act;
- 14 (4) the Illinois Governmental Ethics Act;
- 15 (5) the State Prompt Payment Act;
- 16 (6) the Public Officer Prohibited Activities Act;
- 17 (7) the Drug Free Workplace Act;
- 18 (8) the Illinois Power Agency Act;
- 19 (9) the Employee Classification Act; and
- 20 (10) the State Officials and Employees Ethics Act.
- 21 (11) the Department of Employment Security Law.

22 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
23 for the effective date of changes made by P.A. 96-795);  
24 97-1150, eff. 1-25-13.)

1 (30 ILCS 500/55-10)

2 Sec. 55-10. Exclusive exercise of powers. On and after 120  
3 calendar days following the effective date of this Act, the  
4 powers granted under this Code shall be exercised exclusively  
5 as granted under this Code, and no State agency may  
6 concurrently exercise any such power, unless specifically  
7 authorized otherwise by a later enacted law. This Code is not  
8 intended to impair any contract entered into before the  
9 effective date of this Act.

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

11 Section 10. The Small Business Contracts Act is amended by  
12 changing Section 5 and by adding Sections 12 and 25 as follows:

13 (30 ILCS 503/5)

14 Sec. 5. Definitions. For the purposes of this Act, the  
15 following terms shall have the following definitions:

16 "Small business" means a small business as defined in the  
17 Illinois Procurement Code.

18 "State contract" means a State contract, as defined in the  
19 Illinois Procurement Code, funded with State or federal funds,  
20 whether competitively bid or negotiated.

21 "State official or agency" means a department, officer,  
22 board, commission, institution, or body politic or corporate of  
23 the State.

24 "Subcontract" means a subcontract, as defined in the

1 Illinois Procurement Code, funded with State or federal funds,  
2 whether competitively bid or negotiated.

3 (Source: P.A. 97-307, eff. 8-11-11.)

4 (30 ILCS 503/12 new)

5 Sec. 12. Chief procurement officers; presentation. During  
6 each fiscal year, the chief procurement officers appointed  
7 pursuant to Section 10-20 of the Illinois Procurement Code,  
8 individually or as a group, may provide presentations at which  
9 small businesses may learn about the contracting process and  
10 how to apply for contracts.

11 (30 ILCS 503/25 new)

12 Sec. 25. Rulemaking. Subject to the rule making provision  
13 of the Illinois Administrative Procedure Act, each chief  
14 procurement officer may adopt rules to implement and administer  
15 this Act.

16 Section 15. The Governmental Joint Purchasing Act is  
17 amended by changing Sections 1, 3, and 4 as follows:

18 (30 ILCS 525/1) (from Ch. 85, par. 1601)

19 Sec. 1. For the purposes of this Act, "governmental unit"  
20 means State of Illinois, any State agency as defined in Section  
21 1-15.100 of the Illinois Procurement Code, officers of the  
22 State of Illinois, any public authority which has the power to

1 tax, or any other public entity created by statute.

2 (Source: P.A. 86-769.)

3 (30 ILCS 525/3) (from Ch. 85, par. 1603)

4 Sec. 3. Conduct of competitive procurement ~~selection~~.  
5 Under any agreement of governmental units that desire to make  
6 joint purchases pursuant to subsection (a) of Section 2, one of  
7 the governmental units shall conduct the competitive  
8 procurement ~~selection~~ process. Where the State of Illinois is a  
9 party to the joint purchase agreement, the appropriate chief  
10 procurement officer shall conduct or authorize the competitive  
11 procurement ~~selection~~ process. Expenses of such competitive  
12 procurement ~~selection~~ process may be shared by the  
13 participating governmental units in proportion to the amount of  
14 personal property, supplies or services each unit purchases.

15 When the State of Illinois is a party to the joint purchase  
16 agreement pursuant to subsection (a) of Section 2, the  
17 acceptance of responses to the competitive procurement  
18 ~~selection~~ process shall be in accordance with the Illinois  
19 Procurement Code and rules promulgated under that Code. When  
20 the State of Illinois is not a party to the joint purchase  
21 agreement, the acceptance of responses to the competitive  
22 procurement ~~selection~~ process shall be governed by the  
23 agreement.

24 When the State of Illinois is a party to a joint purchase  
25 agreement pursuant to subsection (a-5) of Section 2, the State



1 may act as the lead state or as a participant state. When the  
2 State of Illinois is the lead state, all such joint purchases  
3 shall be conducted in accordance with the Illinois Procurement  
4 Code. When Illinois is a participant state, all such joint  
5 purchases shall be conducted in accordance with the procurement  
6 laws of the lead state; provided that all such joint  
7 procurements must be by competitive solicitation process. All  
8 resulting awards shall be published in the appropriate volume  
9 of the Illinois Procurement Bulletin as may be required by  
10 Illinois law governing publication of the solicitation,  
11 protest, and award of Illinois State contracts. Contracts  
12 resulting from a joint purchase shall contain all provisions  
13 required by Illinois law and rule.

14 The personal property, supplies or services involved shall  
15 be distributed or rendered directly to each governmental unit  
16 taking part in the purchase. The person selling the personal  
17 property, supplies or services may bill each governmental unit  
18 separately for its proportionate share of the cost of the  
19 personal property, supplies or services purchased.

20 The credit or liability of each governmental unit shall  
21 remain separate and distinct. Disputes between bidders and  
22 governmental units shall be resolved between the immediate  
23 parties.

24 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

1       Sec. 4. Bids, offers, and small purchases ~~and proposals~~.  
2       The purchases of all personal property, supplies and services  
3       under this Act, except for small purchases, shall be based on  
4       competitive solicitations and shall follow the same procedures  
5       used for competitive solicitations made pursuant to the  
6       Illinois Procurement Code. For purchases pursuant to  
7       subsection (a) of Section 2, bids and offers ~~and proposals~~  
8       shall be solicited by public notice inserted at least once in a  
9       newspaper of general circulation in one of the counties where  
10      the materials are to be used and at least 5 calendar days  
11      before the final date of submitting bids or offers ~~or~~  
12      ~~proposals~~. Where the State of Illinois is a party to the joint  
13      purchase agreement, public notice soliciting the bids or offers  
14      shall be published in the appropriate volume of the Illinois  
15      Procurement Bulletin. Such notice shall include a general  
16      description of the personal property, supplies or services to  
17      be purchased and shall state where all blanks and  
18      specifications may be obtained and the time and place for the  
19      opening of bids and offers ~~and proposals~~. The governmental unit  
20      conducting the competitive procurement ~~selection~~ process may  
21      also solicit sealed bids or offers ~~or proposals~~ by sending  
22      requests by mail to potential contractors ~~prospective~~  
23      ~~suppliers~~ and by posting notices on a public bulletin board in  
24      its office. Small purchases pursuant to this Section shall  
25      follow the same procedure used for small purchases in Section  
26      20-20 of the Illinois Procurement Code.

1 All purchases, orders or contracts shall be awarded to the  
2 lowest responsible bidder or highest-ranked offeror ~~proposer~~,  
3 taking into consideration the qualities of the articles or  
4 services supplied, their conformity with the specifications,  
5 their suitability to the requirements of the participating  
6 governmental units and the delivery terms.

7 Where the State of Illinois is not a party, all bids or  
8 offers ~~or proposals~~ may be rejected and new bids or offers ~~or~~  
9 ~~proposals~~ solicited if one or more of the participating  
10 governmental units believes the public interest may be served  
11 thereby. Each bid or offer, ~~or proposal~~, with the name of the  
12 bidder or offeror, ~~or proposer~~, shall be entered on a record,  
13 which record with the successful bid or offer, ~~or proposal~~  
14 indicated thereon shall, after the award of the purchase or  
15 order or contract, be open to public inspection. A copy of all  
16 contracts shall be filed with the purchasing office or clerk or  
17 secretary of each participating governmental unit.

18 (Source: P.A. 96-584, eff. 1-1-10; 97-895, eff. 8-3-12.)

19 Section 20. The Discriminatory Club Act is amended by  
20 changing Section 2 as follows:

21 (775 ILCS 25/2) (from Ch. 68, par. 102)

22 Sec. 2. No private organization which sells goods or  
23 services to the State pursuant to the ~~The~~ Illinois Procurement  
24 Code ~~Purchasing Act~~, nor any private organization which

1 receives any award or grant from the State, nor any public body  
2 may pay any dues or fees on behalf of its employees or agents  
3 or may subsidize or otherwise reimburse them for payments of  
4 their dues or fees to any discriminating club. The Illinois  
5 Department of Human Rights shall enforce this Section.

6 (Source: P.A. 85-909.)

7 Section 95. No acceleration or delay. Where this Act makes  
8 changes in a statute that is represented in this Act by text  
9 that is not yet or no longer in effect (for example, a Section  
10 represented by multiple versions), the use of that text does  
11 not accelerate or delay the taking effect of (i) the changes  
12 made by this Act or (ii) provisions derived from any other  
13 Public Act.

14 Section 99. Effective date. This Act takes effect January  
15 1, 2015."