



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2400

Introduced 2/3/2016, by Sen. Pamela J. Althoff and Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Provides that the chief procurement officer and designated procurement officers owe a fiduciary duty to the State. Exempts certain procurements from the Code. Re-enacts and makes changes to a provision concerning the applicability of the Code to public institutions of higher education. Provides that the chief procurement officer shall be the Director of Central Management Services or his or her designee. Provides for designated procurement officers of certain State functions. Includes designated procurement officers in certain responsibilities under the Procurement Code. Transfers certain responsibilities from the Procurement Policy Board to the Department. Provides for competitive procurements from a pre-qualified pool. Requires the Auditor General to perform, no less frequently than biennially, separate performance audits of procurements under the authority of the chief procurement officer and each designated procurement officer. Allows the Auditor General to review a specific procurement or category of procurements at any time. Repeals certain provisions concerning proposed contracts and the Board, independent State purchasing officers, procurement compliance monitors, independent chief procurement officers, methods of source selection, and procurement communications reporting. Makes other changes. Amends the State Employee Indemnification Act; Civil Administrative Code, Architectural, Engineering, and Land Surveying Qualifications Based Selection Act; Illinois State Auditing Act; Criminal Code of 2012; and the Illinois Human Rights Act to make related changes. Effective January 1, 2017.

LRB099 20210 MLM 44674 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The State Employee Indemnification Act is  
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

7 Sec. 1. Definitions. For the purpose of this Act:

8 (a) The term "State" means the State of Illinois, the  
9 General Assembly, the court, or any State office, department,  
10 division, bureau, board, commission, or committee, the  
11 governing boards of the public institutions of higher education  
12 created by the State, the Illinois National Guard, the  
13 Comprehensive Health Insurance Board, any poison control  
14 center designated under the Poison Control System Act that  
15 receives State funding, or any other agency or instrumentality  
16 of the State. It does not mean any local public entity as that  
17 term is defined in Section 1-206 of the Local Governmental and  
18 Governmental Employees Tort Immunity Act or a pension fund.

19 (b) The term "employee" means: any present or former  
20 elected or appointed officer, trustee or employee of the State,  
21 or of a pension fund; any present or former commissioner or  
22 employee of the Executive Ethics Commission or of the  
23 Legislative Ethics Commission; any present or former

1 Executive, Legislative, or Auditor General's Inspector  
2 General; any present or former employee of an Office of an  
3 Executive, Legislative, or Auditor General's Inspector  
4 General; any present or former member of the Illinois National  
5 Guard while on active duty; individuals or organizations who  
6 contract with the Department of Corrections, the Department of  
7 Juvenile Justice, the Comprehensive Health Insurance Board, or  
8 the Department of Veterans' Affairs to provide services;  
9 individuals or organizations who contract with the Department  
10 of Human Services (as successor to the Department of Mental  
11 Health and Developmental Disabilities) to provide services  
12 including but not limited to treatment and other services for  
13 sexually violent persons; individuals or organizations who  
14 contract with the Department of Military Affairs for youth  
15 programs; individuals or organizations who contract to perform  
16 carnival and amusement ride safety inspections for the  
17 Department of Labor; individuals who contract with the Office  
18 of the State's Attorneys Appellate Prosecutor to provide legal  
19 services, but only when performing duties within the scope of  
20 the Office's prosecutorial activities; individual  
21 representatives of or designated organizations authorized to  
22 represent the Office of State Long-Term Ombudsman for the  
23 Department on Aging; individual representatives of or  
24 organizations designated by the Department on Aging in the  
25 performance of their duties as adult protective services  
26 agencies or regional administrative agencies under the Adult

1 Protective Services Act; individuals or organizations  
2 appointed as members of a review team or the Advisory Council  
3 under the Adult Protective Services Act; individuals or  
4 organizations who perform volunteer services for the State  
5 where such volunteer relationship is reduced to writing;  
6 individuals who serve on any public entity (whether created by  
7 law or administrative action) described in paragraph (a) of  
8 this Section; individuals or not for profit organizations who,  
9 either as volunteers, where such volunteer relationship is  
10 reduced to writing, or pursuant to contract, furnish  
11 professional advice or consultation to any agency or  
12 instrumentality of the State; an individual or organization  
13 contracted with by the State pursuant to item (4) of subsection  
14 (b) of Section 1-10 of the Illinois Procurement Code;  
15 individuals who serve as foster parents for the Department of  
16 Children and Family Services when caring for a Department ward;  
17 individuals who serve as members of an independent team of  
18 experts under Brian's Law; and individuals who serve as  
19 arbitrators pursuant to Part 10A of Article II of the Code of  
20 Civil Procedure and the rules of the Supreme Court implementing  
21 Part 10A, each as now or hereafter amended; the term  
22 "employee" does not mean an independent contractor except as  
23 provided in this Section. The term includes an individual  
24 appointed as an inspector by the Director of State Police when  
25 performing duties within the scope of the activities of a  
26 Metropolitan Enforcement Group or a law enforcement

1 organization established under the Intergovernmental  
2 Cooperation Act. An individual who renders professional advice  
3 and consultation to the State through an organization which  
4 qualifies as an "employee" under the Act is also an employee.  
5 The term includes the estate or personal representative of an  
6 employee.

7 (c) The term "pension fund" means a retirement system or  
8 pension fund created under the Illinois Pension Code.

9 (Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; 98-732,  
10 eff. 7-16-14; 98-756, eff. 7-16-14.)

11 Section 10. The Civil Administrative Code of Illinois is  
12 amended by changing Section 5-115 as follows:

13 (20 ILCS 5/5-115) (was 20 ILCS 5/5.13e)

14 Sec. 5-115. In the Department of Central Management  
15 Services. Three ~~Two~~ Assistant Directors of Central Management  
16 Services. One of these 3 Assistant Directors shall be the  
17 Assistant Director for Procurement.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 Section 15. The Illinois State Auditing Act is amended by  
20 changing Sections 3-2 and 3-3 as follows:

21 (30 ILCS 5/3-2) (from Ch. 15, par. 303-2)

22 Sec. 3-2. Mandatory and directed post audits. The Auditor

1 General shall conduct a financial audit, a compliance audit, or  
2 other attestation engagement, as is appropriate to the agency's  
3 operations under generally accepted government auditing  
4 standards, of each State agency except the Auditor General or  
5 his office at least once during every biennium, except as is  
6 otherwise provided in regulations adopted under Section 3-8.  
7 The general direction and supervision of the financial audit  
8 program may be delegated only to an individual who is a  
9 Certified Public Accountant and a payroll employee of the  
10 Office of the Auditor General. In the conduct of financial  
11 audits, compliance audits, and other attestation engagements,  
12 the Auditor General may inquire into and report upon matters  
13 properly within the scope of a performance audit, provided that  
14 such inquiry shall be limited to matters arising during the  
15 ordinary course of the financial audit.

16 In any year the Auditor General shall conduct any special  
17 audits as may be necessary to form an opinion on the financial  
18 statements of this State, as prepared by the Comptroller, and  
19 to certify that this presentation is in accordance with  
20 generally accepted accounting principles for government.

21 Simultaneously with the biennial compliance audit of the  
22 Department of Human Services, the Auditor General shall conduct  
23 a program audit of each facility under the jurisdiction of that  
24 Department that is described in Section 4 of the Mental Health  
25 and Developmental Disabilities Administrative Act. The program  
26 audit shall include an examination of the records of each

1 facility concerning (i) reports of suspected abuse or neglect  
2 of any patient or resident of the facility and (ii) reports of  
3 violent acts against facility staff by patients or residents.  
4 The Auditor General shall report the findings of the program  
5 audit to the Governor and the General Assembly, including  
6 findings concerning patterns or trends relating to (i) abuse or  
7 neglect of facility patients and residents or (ii) violent acts  
8 against facility staff by patients or residents. However, for  
9 any year for which the Inspector General submits a report to  
10 the Governor and General Assembly as required under Section 6.7  
11 of the Abused and Neglected Long Term Care Facility Residents  
12 Reporting Act, the Auditor General need not conduct the program  
13 audit otherwise required under this paragraph.

14 The Auditor General shall conduct a performance audit of a  
15 State agency when so directed by the Commission, or by either  
16 house of the General Assembly, in a resolution identifying the  
17 subject, parties and scope. Such a directing resolution may:

18 (a) require the Auditor General to examine and report  
19 upon specific management efficiencies or cost  
20 effectiveness proposals specified therein;

21 (b) in the case of a program audit, set forth specific  
22 program objectives, responsibilities or duties or may  
23 specify the program performance standards or program  
24 evaluation standards to be the basis of the program audit;

25 (c) be directed at particular procedures or functions  
26 established by statute, by administrative regulation or by

1 precedent; and

2 (d) require the Auditor General to examine and report  
3 upon specific proposals relating to state programs  
4 specified in the resolution.

5 The Commission may by resolution clarify, further direct,  
6 or limit the scope of any audit directed by a resolution of the  
7 House or Senate, provided that any such action by the  
8 Commission must be consistent with the terms of the directing  
9 resolution.

10 The Auditor General shall conduct performance audits as  
11 required under Section 50-80 of the Illinois Procurement Code.

12 (Source: P.A. 93-630, eff. 12-23-03; 94-347, eff. 7-28-05.)

13 (30 ILCS 5/3-3) (from Ch. 15, par. 303-3)

14 Sec. 3-3. Discretionary audits. The Auditor General may  
15 initiate and conduct a special audit whenever he determines it  
16 to be in the public interest.

17 The Auditor General may initiate and conduct an economy and  
18 efficiency audit of a State agency or program whenever the  
19 findings of a post audit indicate that such an audit is  
20 advisable or in the public interest, if he has given the  
21 Commission at least 30 days' prior notice of his intention to  
22 conduct the audit and the Commission has not disapproved of  
23 that audit.

24 The Auditor General may, at any time, make informal  
25 inquiries of any agency concerning its obligation, receipt,



1 expenditure or use of State funds, but such an inquiry may not  
2 be in the nature of an investigation or post audit.

3 The Auditor General may, by audit or informally, review  
4 procurements under Section 50-80 of the Illinois Procurement  
5 Code.

6 (Source: P.A. 93-630, eff. 12-23-03.)

7 Section 20. The Illinois Procurement Code is amended by  
8 changing Sections 1-5, 1-10, 1-12, 1-13, 1-15.12, 1-15.15,  
9 1-15.20, 1-15.70, 1-15.107, 1-15.108, 5-5, 10-5, 15-1, 15-20,  
10 15-25, 15-30, 15-35, 20-10, 20-20, 20-25, 20-30, 20-35, 20-43,  
11 20-45, 20-50, 20-55, 20-60, 20-65, 20-70, 20-75, 20-80, 20-85,  
12 20-110, 20-120, 20-155, 20-160, 25-15, 25-30, 25-35, 25-45,  
13 25-65, 30-35, 35-5, 35-10, 35-15, 35-20, 35-25, 35-30, 35-35,  
14 35-40, 40-15, 40-20, 40-25, 40-30, 40-35, 40-55, 45-10, 45-15,  
15 45-30, 45-35, 45-40, 45-45, 45-57, 45-67, 45-70, 50-1, 50-2,  
16 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-20, 50-21, 50-30, 50-35,  
17 50-36, 50-37, 50-38, 50-40, 50-45, 50-60, 50-65, and 50-75 and  
18 by adding Sections 1-13.1, 1-15.38, 1-15.47, 1-15.56, 1-15.74,  
19 10-6, 15-36, 20-16, 20-51, 25-81, and 50-80 as follows:

20 (30 ILCS 500/1-5)

21 Sec. 1-5. Public policy. It is the purpose of this Code and  
22 is declared to be the policy of the State that the principles  
23 of competitive bidding and economical procurement practices  
24 shall be applicable to all purchases and contracts by or for

1 any State agency. The chief procurement officer, the designated  
2 procurement officers, and their designees owe a fiduciary duty  
3 to the State.

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

5 (30 ILCS 500/1-10)

6 Sec. 1-10. Application.

7 (a) This Code applies only to procurements for which  
8 bidders, offerors, potential contractors, or contractors were  
9 first solicited on or after July 1, 1998. This Code shall not  
10 be construed to affect or impair any contract, or any provision  
11 of a contract, entered into based on a solicitation prior to  
12 the implementation date of this Code as described in Article  
13 99, including but not limited to any covenant entered into with  
14 respect to any revenue bonds or similar instruments. All  
15 procurements for which contracts are solicited between the  
16 effective date of Articles 50 and 99 and July 1, 1998 shall be  
17 substantially in accordance with this Code and its intent.

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

21 (1) Contracts between the State and its political  
22 subdivisions or other governments, or between State  
23 governmental bodies except as specifically provided in  
24 this Code.

25 (2) Grants, except for the filing requirements of

1 Section 20-80.

2 (3) Purchase of care.

3 (4) Hiring of an individual as employee and not as an  
4 independent contractor, whether pursuant to an employment  
5 code or policy or by contract directly with that  
6 individual. For the purposes of this paragraph (4), an  
7 individual may use an organization wholly owned by the  
8 individual to contract with the State provided that the  
9 organization functions as an employee and not an  
10 independent contractor. No such contract under this item  
11 (4) shall constitute a position of employment as  
12 contemplated by the Personnel Code.

13 (5) Collective bargaining contracts.

14 (6) Purchase of real estate, except that notice of this  
15 type of contract with a value of more than \$25,000 must be  
16 published in the Procurement Bulletin within 10 calendar  
17 days after the deed is recorded in the county of  
18 jurisdiction. The notice shall identify the real estate  
19 purchased, the names of all parties to the contract, the  
20 value of the contract, and the effective date of the  
21 contract.

22 (7) Contracts necessary to prepare for anticipated  
23 litigation, enforcement actions, or investigations,  
24 provided that the chief legal counsel to the Governor shall  
25 give his or her prior approval when the procuring agency is  
26 one subject to the jurisdiction of the Governor, and

1 provided that the chief legal counsel of any other  
2 procuring entity subject to this Code shall give his or her  
3 prior approval when the procuring entity is not one subject  
4 to the jurisdiction of the Governor.

5 (8) Contracts for services to Northern Illinois  
6 University by a person, acting as an independent  
7 contractor, who is qualified by education, experience, and  
8 technical ability and is selected by negotiation for the  
9 purpose of providing non-credit educational service  
10 activities or products by means of specialized programs  
11 offered by the university.

12 (9) Procurement expenditures by the Illinois  
13 Conservation Foundation when only private funds are used.

14 (10) Procurement expenditures by the Illinois Health  
15 Information Exchange Authority involving private funds  
16 from the Health Information Exchange Fund. "Private funds"  
17 means gifts, donations, and private grants.

18 (11) Public-private agreements entered into in  
19 accordance with any law of this State ~~according to the~~  
20 ~~procurement requirements of Section 20 of the~~  
21 ~~Public-Private Partnerships for Transportation Act and~~  
22 ~~design-build agreements entered into according to the~~  
23 ~~procurement requirements of Section 25 of the~~  
24 ~~Public-Private Partnerships for Transportation Act.~~

25 (12) Contracts for legal, financial, and other  
26 professional and artistic services entered into on or

1 before December 31, 2018 by the Illinois Finance Authority  
2 in which the State of Illinois is not obligated. Such  
3 contracts shall be awarded through a competitive process  
4 authorized by the Board of the Illinois Finance Authority  
5 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
6 50-35, and 50-37 of this Code, as well as the final  
7 approval by the Board of the Illinois Finance Authority of  
8 the terms of the contract.

9 (13) Contracts for participation in domestic and  
10 international trade shows and exhibitions.

11 (14) Contracts with a railroad or utility that requires  
12 the State to reimburse the railroad or utilities for the  
13 relocation of utilities for construction or other public  
14 purpose. Contracts included within this paragraph (14)  
15 shall include, but not be limited to, those associated  
16 with: relocations, crossings, installations, and  
17 maintenance. For the purposes of this paragraph (14),  
18 "railroad" means any form of non-highway ground  
19 transportation that ground transportation that runs on  
20 rails or electromagnetic guideways and "utility" means:  
21 (1) public utilities as defined in Section 3-105 of the  
22 Public Utilities Act, (2) telecommunications carriers as  
23 defined in Section 13-202 of the Public Utilities Act, (3)  
24 electric cooperatives as defined in Section 3.4 of the  
25 Electric Supplier Act, (4) telephone or telecommunications  
26 cooperatives as defined in Section 13-212 of the Public

1 Utilities Act, (5) rural water or waste water systems with  
2 10,000 connections or less, (6) a holder as defined in  
3 Section 21-201 of the Public Utilities Act, and (7)  
4 municipalities owning or operating utility systems  
5 consisting of public utilities as that term is defined in  
6 Section 11-117-2 of the Illinois Municipal Code.

7 Notwithstanding any other provision of law, contracts  
8 entered into under paragraph item (12) of this subsection (b)  
9 shall be published in the Procurement Bulletin within 14  
10 calendar days after contract execution. The chief procurement  
11 officer shall prescribe the form and content of the notice. The  
12 Illinois Finance Authority shall provide the chief procurement  
13 officer, on a monthly basis, in the form and content prescribed  
14 by the chief procurement officer, a report of contracts that  
15 are related to the procurement of goods and services identified  
16 in paragraph item (12) of this subsection (b). At a minimum,  
17 this report shall include the name of the contractor, a  
18 description of the supply or service provided, the total amount  
19 of the contract, the term of the contract, and the exception to  
20 the Code utilized. A copy of each of these contracts shall be  
21 made available to the chief procurement officer immediately  
22 upon request. The chief procurement officer shall submit a  
23 report to the Governor and General Assembly no later than  
24 November 1 of each year that shall include, at a minimum, an  
25 annual summary of the monthly information reported to the chief  
26 procurement officer.

1       Notwithstanding any other provision of law, contracts  
2 entered into under paragraph (13) of this subsection (b) shall  
3 be published in the Illinois Procurement Bulletin within 14  
4 calendar days after contract execution. The chief procurement  
5 officer shall prescribe the form and content of the notice. The  
6 applicable State agency shall provide the chief procurement  
7 officer or, if the procurement is under the authority of a  
8 designated procurement officer, the applicable designated  
9 procurement officer, on a monthly basis, in the form and  
10 content prescribed by the chief procurement officer, a report  
11 of the contracts that are related to the procurement of goods  
12 and services identified in paragraph (13) of this subsection  
13 (b). At a minimum, this report shall include the name of the  
14 contractor, a description of the supply or service provided,  
15 the total amount of the contract, the term of the contract, and  
16 the exception to the Code utilized. A copy of any or all of  
17 these contracts shall be made available to the chief  
18 procurement officer immediately upon request. The chief  
19 procurement officer shall submit a report to the Governor and  
20 General Assembly no later than November 1 of each year that  
21 shall include, at a minimum, an annual summary of the monthly  
22 information reported to the chief procurement officer.

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

1           (d) Except for Section 20-160 and Article 50 of this Code,  
2 and as expressly required by Section 9.1 of the Illinois  
3 Lottery Law, the provisions of this Code do not apply to the  
4 procurement process provided for under Section 9.1 of the  
5 Illinois Lottery Law.

6           (e) This Code does not apply to the process used by the  
7 Capital Development Board to retain a person or entity to  
8 assist the Capital Development Board with its duties related to  
9 the determination of costs of a clean coal SNG brownfield  
10 facility, as defined by Section 1-10 of the Illinois Power  
11 Agency Act, as required in subsection (h-3) of Section 9-220 of  
12 the Public Utilities Act, including calculating the range of  
13 capital costs, the range of operating and maintenance costs, or  
14 the sequestration costs or monitoring the construction of clean  
15 coal SNG brownfield facility for the full duration of  
16 construction.

17           (f) This Code does not apply to the process used by the  
18 Illinois Power Agency to retain a mediator to mediate sourcing  
19 agreement disputes between gas utilities and the clean coal SNG  
20 brownfield facility, as defined in Section 1-10 of the Illinois  
21 Power Agency Act, as required under subsection (h-1) of Section  
22 9-220 of the Public Utilities Act.

23           (g) This Code does not apply to the processes used by the  
24 Illinois Power Agency to retain a mediator to mediate contract  
25 disputes between gas utilities and the clean coal SNG facility  
26 and to retain an expert to assist in the review of contracts



1 under subsection (h) of Section 9-220 of the Public Utilities  
2 Act. This Code does not apply to the process used by the  
3 Illinois Commerce Commission to retain an expert to assist in  
4 determining the actual incurred costs of the clean coal SNG  
5 facility and the reasonableness of those costs as required  
6 under subsection (h) of Section 9-220 of the Public Utilities  
7 Act.

8 (h) This Code does not apply to the process to procure or  
9 contracts entered into in accordance with Sections 11-5.2 and  
10 11-5.3 of the Illinois Public Aid Code.

11 (i) (Blank). ~~Each chief procurement officer may access~~  
12 ~~records necessary to review whether a contract, purchase, or~~  
13 ~~other expenditure is or is not subject to the provisions of~~  
14 ~~this Code, unless such records would be subject to~~  
15 ~~attorney-client privilege.~~

16 (j) This Code does not apply to the process used by the  
17 Capital Development Board to retain an artist or work or works  
18 of art as required in Section 14 of the Capital Development  
19 Board Act.

20 (k) This Code does not apply to the process to procure  
21 contracts, or contracts entered into, by the State Board of  
22 Elections or the State Electoral Board for hearing officers  
23 appointed pursuant to the Election Code.

24 (l) This Code does not apply to the processes used by the  
25 Illinois Student Assistance Commission to procure goods and  
26 services paid for from the private funds of the Illinois

1 Prepaid Tuition Trust Fund. "Private funds" means funds derived  
2 from deposits paid into the Illinois Prepaid Tuition Trust Fund  
3 and the earnings thereon.

4 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,  
5 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;  
6 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
7 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.  
8 1-1-15.)

9 (30 ILCS 500/1-12)

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

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

12 (a) This Code shall not apply to procurement expenditures  
13 necessary to provide artistic or musical services,  
14 performances, or theatrical productions held at a venue  
15 operated or leased by a State agency.

16 (b) Notice of each contract entered into by a State agency  
17 that is related to the procurement of goods and services  
18 identified in this Section shall be published in the applicable  
19 volume of the Illinois Procurement Bulletin within 14 calendar  
20 days after contract execution. The chief procurement officer  
21 and each designated procurement officer shall prescribe the  
22 form and content of the notice applicable to procurements  
23 within their respective authorities. Each State agency shall  
24 provide the chief procurement officer or designated  
25 procurement officer, whichever is applicable, on a monthly

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

17 (c) (Blank). ~~This Section is repealed December 31, 2016.~~

18 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

19 (30 ILCS 500/1-13)

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

21 Sec. 1-13. Applicability to public institutions of higher  
22 education.

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

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

4 (1) Memberships in professional, academic, research,  
5 or athletic organizations on behalf of a public institution  
6 of higher education, an employee of a public institution of  
7 higher education, or a student at a public institution of  
8 higher education.

9 (2) Procurement expenditures for events or activities  
10 paid for exclusively by revenues generated by the event or  
11 activity, gifts or donations for the event or activity,  
12 private grants, or any combination thereof.

13 (3) Procurement expenditures for events or activities  
14 for which the use of specific potential contractors is  
15 mandated or identified by the sponsor of the event or  
16 activity, provided that the sponsor is providing a majority  
17 of the funding for the event or activity.

18 (4) Procurement expenditures necessary to provide  
19 athletic, artistic, or musical services, performances,  
20 events, or productions ~~held at a venue operated by~~ or for a  
21 public institution of higher education.

22 (5) Procurement expenditures for periodicals, ~~and~~  
23 books, subscriptions, database licenses, and other  
24 publications procured for use by a university library or  
25 academic department, ~~except for expenditures related to~~  
26 ~~procuring textbooks for student use or materials for resale~~

1 ~~or rental.~~

2 (6) Procurement expenditures for placement of students  
3 in externships, practicums, field experiences, and for  
4 medical residencies and rotations.

5 (7) Blank. Contracts for programming and broadcast  
6 license rights for university operated radio and  
7 television stations.

8 (8) Procurement expenditures necessary to perform  
9 sponsored research and other sponsored activities under  
10 grants and contracts funded by the sponsor or by sources  
11 other than State appropriations.

12 (9) Procurement expenditures for new and used  
13 textbooks offered for resale.

14 (10) Procurement expenditures for good and services  
15 provided by national and regional higher education  
16 consortium groups pursuant to competitive solicitation  
17 where fair pricing is determined.

18 (11) Contracts with a foreign entity for research or  
19 educational activities, provided that the foreign entity  
20 either does not maintain an office in the United States or  
21 is the sole source of the service or product.

22 (12) Procurement expenditures for health care  
23 professionals and for goods and services for the delivery  
24 of care and treatment or education at medical, dental, or  
25 veterinary teaching facilities utilized by the University  
26 of Illinois or Southern Illinois University.

1           (13) Procurement of goods and services for  
2           university-operated health care centers and dispensaries  
3           that provide care, treatment, and medications for  
4           students, faculty, and staff.

5           (14) Procurement expenditures for student health  
6           insurance programs.

7           (15) Procurement of medical or bio-medical goods and  
8           services.

9           (16) Contracts for programming and broadcast license  
10          rights for university-operated radio and television  
11          stations.

12          (17) Procurement expenditures for used equipment.

13          (18) Procurement of food items for commercial resale.

14          (19) Procurement expenditures for investments,  
15          banking, insurance, and debt underwriting.

16 Notice of each contract entered into by a public institution of  
17 higher education that is related to the procurement of goods  
18 and services identified in items (1) through (19) ~~(7)~~ of this  
19 subsection shall be published in the appropriate volume of the  
20 Illinois Procurement Bulletin within 14 ~~calendar~~ days after  
21 contract execution. The higher education designated  
22 procurement officer ~~Chief Procurement Officer~~ shall prescribe  
23 the form and content of the notice. Each public institution of  
24 higher education shall provide the higher education designated  
25 procurement officer ~~Chief Procurement Officer, on a monthly~~  
26 ~~basis,~~ in the form and content prescribed by the higher

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

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

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

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

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

13 ~~(2) (Blank).~~

14 ~~(3) (Blank).~~

15 ~~(4) Procurements required for fulfillment of a grant.~~

16 ~~Upon the written request of a public institution of higher~~  
17 ~~education, the Chief Procurement Officer may waive~~  
18 ~~registration, certification, and hearing requirements of this~~  
19 ~~Code if, based on the item to be procured or the terms of a~~  
20 ~~grant, compliance is impractical. The public institution of~~  
21 ~~higher education shall provide the Chief Procurement Officer~~  
22 ~~with specific reasons for the waiver, including the necessity~~  
23 ~~of contracting with a particular potential contractor, and~~  
24 ~~shall certify that an effort was made in good faith to comply~~  
25 ~~with the provisions of this Code. The Chief Procurement Officer~~  
26 ~~shall provide written justification for any waivers. By~~



1 ~~November 1 of each year, the Chief Procurement Officer shall~~  
2 ~~file a report with the General Assembly identifying each~~  
3 ~~contract approved with waivers and providing the justification~~  
4 ~~given for any waivers for each of those contracts. Notice of~~  
5 ~~each waiver made under this subsection shall be published in~~  
6 ~~the Procurement Bulletin within 14 calendar days after contract~~  
7 ~~execution. The Chief Procurement Officer shall prescribe the~~  
8 ~~form and content of the notice.~~

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

17 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
18 this Code, the higher education designated procurement officer  
19 ~~Chief Procurement Officer~~, with the approval of the chief  
20 procurement officer ~~Executive Ethics Commission~~, may permit a  
21 public institution of higher education to accept a bid or enter  
22 into a contract with a business that assisted the public  
23 institution of higher education in determining whether there is  
24 a need for a contract or assisted in reviewing, drafting, or  
25 preparing documents related to a bid or contract, provided that  
26 the bid or contract is essential to research administered by

1 the public institution of higher education and it is in the  
2 best interest of the public institution of higher education to  
3 accept the bid or contract. For purposes of this subsection,  
4 "business" includes all individuals with whom a business is  
5 affiliated, including, but not limited to, any officer, agent,  
6 employee, consultant, independent contractor, director,  
7 partner, manager, or shareholder of a business. The Executive  
8 Ethics Commission may promulgate rules and regulations for the  
9 implementation and administration of the provisions of this  
10 subsection (e).

11 (f) As used in this Section:

12 "Grant" means non-appropriated funding provided by a  
13 federal or private entity to support a project or program  
14 administered by a public institution of higher education and  
15 any non-appropriated funding provided to a sub-recipient of the  
16 grant.

17 "Public institution of higher education" means Chicago  
18 State University, Eastern Illinois University, Governors State  
19 University, Illinois State University, Northeastern Illinois  
20 University, Northern Illinois University, Southern Illinois  
21 University, University of Illinois, Western Illinois  
22 University, and, for purposes of this Code only, the Illinois  
23 Mathematics and Science Academy.

24 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~

25 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;  
26 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/1-13.1 new)

2 Sec. 1-13.1. Continuation of Section 1-13 of this Code;  
3 validation.

4 (a) The General Assembly finds and declares that:

5 (1) Public Act 98-1076, which took effect on January 1,  
6 2015, changed the repeal date set for Section 1-13 of this  
7 Code from December 31, 2014 to December 31, 2016.

8 (2) The Statute on Statutes sets forth general rules on  
9 the repeal of statutes and the construction of multiple  
10 amendments, but Section 1 of that Act also states that  
11 these rules will not be observed when the result would be  
12 "inconsistent with the manifest intent of the General  
13 Assembly or repugnant to the context of the statute".

14 (3) This amendatory Act of the 99th General Assembly  
15 manifests the intention of the General Assembly to remove  
16 the repeal of Section 1-13 of this Code.

17 (4) Section 1-13 of this Code was originally enacted to  
18 protect, promote, and preserve the general welfare. Any  
19 construction of Section 1-13 of this Code that results in  
20 the repeal of that Section on December 31, 2014 would be  
21 inconsistent with the manifest intent of the General  
22 Assembly and repugnant to the context of this Code.

23 (b) It is hereby declared to have been the intent of the  
24 General Assembly that Section 1-13 of this Code not be subject  
25 to repeal on December 31, 2014.

1       (c) Section 1-13 of this Code shall be deemed to have been  
2 in continuous effect since December 20, 2011 (the effective  
3 date of Public Act 97-643), and it shall continue to be in  
4 effect henceforward until it is otherwise lawfully repealed.  
5 All previously enacted amendments to Section 1-13 of this Code  
6 taking effect on or after December 31, 2014, are hereby  
7 validated.

8       (d) All actions taken in reliance on or pursuant to Section  
9 1-13 of this Code by any public institution of higher  
10 education, person, or entity are hereby validated.

11       (e) In order to ensure the continuing effectiveness of  
12 Section 1-13 of this Code, it is set forth in full and  
13 re-enacted by this amendatory Act of the 99th General Assembly.  
14 This re-enactment is intended as a continuation of that  
15 Section. It is not intended to supersede any amendment to that  
16 Section that is enacted by the 99th General Assembly.

17       (f) In this amendatory Act of the 99th General Assembly,  
18 the base text of the reenacted Section is set forth as amended  
19 by Public Act 98-1076. Striking and underscoring is used only  
20 to show changes being made to the base text by this amendatory  
21 Act of the 99th General Assembly.

22       (g) Section 1-13 of this Code applies to all procurements  
23 made on or before the effective date of this amendatory Act of  
24 the 99th General Assembly.

1           Sec. 1-15.12. Change order. "Change order" means a change  
2 in a contract term, other than as specifically provided for in  
3 the contract, that requires ~~which authorizes or necessitates~~  
4 any increase or decrease in the cost ~~of the contract~~ or the  
5 time for completion of the contract ~~for procurements subject to~~  
6 ~~the jurisdiction of the chief procurement officers appointed~~  
7 ~~pursuant to Section 10-20.~~

8           (Source: P.A. 98-1076, eff. 1-1-15.)

9           (30 ILCS 500/1-15.15)

10          Sec. 1-15.15. Chief Procurement Officer. "Chief  
11 Procurement Officer" means the Director of Central Management  
12 Services or his or her designee or designees. ~~any of the 4~~  
13 ~~persons appointed or approved by a majority of the members of~~  
14 ~~the Executive Ethics Commission.~~

15                 ~~(1) for procurements for construction and~~  
16 ~~construction related services committed by law to the~~  
17 ~~jurisdiction or responsibility of the Capital Development~~  
18 ~~Board, the independent chief procurement officer appointed~~  
19 ~~by a majority of the members of the Executive Ethics~~  
20 ~~Commission.~~

21                 ~~(2) for procurements for all construction,~~  
22 ~~construction related services, operation of any facility,~~  
23 ~~and the provision of any construction or~~  
24 ~~construction related service or activity committed by law~~  
25 ~~to the jurisdiction or responsibility of the Illinois~~

1 ~~Department of Transportation, including the direct or~~  
2 ~~reimbursable expenditure of all federal funds for which the~~  
3 ~~Department of Transportation is responsible or accountable~~  
4 ~~for the use thereof in accordance with federal law,~~  
5 ~~regulation, or procedure, the independent chief~~  
6 ~~procurement officer appointed by the Secretary of~~  
7 ~~Transportation with the consent of the majority of the~~  
8 ~~members of the Executive Ethics Commission.~~

9 ~~(3) for all procurements made by a public institution~~  
10 ~~of higher education, the independent chief procurement~~  
11 ~~officer appointed by a majority of the members of the~~  
12 ~~Executive Ethics Commission.~~

13 ~~(4) (Blank).~~

14 ~~(5) for all other procurements, the independent chief~~  
15 ~~procurement officer appointed by a majority of the members~~  
16 ~~of the Executive Ethics Commission.~~

17 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see  
18 Section 5 of P.A. 96-793 for the effective date of changes made  
19 by P.A. 96-795); 96-920, eff. 7-1-10.)

20 (30 ILCS 500/1-15.20)

21 Sec. 1-15.20. Construction, ~~and~~ construction-related, and  
22 construction support services. "Construction" means building,  
23 altering, repairing, improving, or demolishing any public  
24 structure or building, or making improvements of any kind to  
25 public real property. Construction does not include the routine

1 operation, routine repair, or routine maintenance of existing  
2 structures, buildings, or real property.

3 "Construction-related services" means those services  
4 including construction design, layout, inspection, support,  
5 feasibility or location study, research, development,  
6 planning, or other investigative study undertaken by a  
7 construction agency concerning construction or potential  
8 construction.

9 "Construction support" means all equipment, supplies, and  
10 services that are necessary to the operation of a construction  
11 agency's construction program.

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

13 (30 ILCS 500/1-15.38 new)

14 Sec. 1-15.38. Designated procurement officer. "Designated  
15 procurement officer" means those individuals or their  
16 designees that have been delegated procurement authority  
17 pursuant to subsection (b) of Section 10-5 of this Code.

18 (30 ILCS 500/1-15.47 new)

19 Sec. 1-15.47. Master Contract. "Master contract" means a  
20 definite quantity, indefinite quantity, or requirements  
21 contract awarded in accordance with Sections 20-10, 20-15,  
22 20-16, 20-20, 20-25, 20-30, 20-35, 30-15, 35-17, 45-30, or  
23 45-35 of this Code against which subsequent orders may be  
24 placed to meet the needs of entities, including, but not

1 limited to, the purchasing agency. The subsequent orders may be  
2 placed against a master contract without additional source  
3 selection requirements. The terms of a master contract may  
4 limit the master contract's usage to a specific agency or  
5 agencies, or the terms of a master contract may allow the  
6 master contract to be used by other governmental units or  
7 qualified not-for-profit agencies to the extent permitted by  
8 the Governmental Joint Purchasing Act.

9 (30 ILCS 500/1-15.56 new)

10 Sec. 1-15.56. Procurement. "Procurement" means, unless  
11 otherwise excluded, the solicitation, advertisement, and award  
12 of a contract. For the purposes of this Code, an order for  
13 supplies or services off of a master contract is not a  
14 procurement.

15 (30 ILCS 500/1-15.70)

16 Sec. 1-15.70. Purchasing agency. "Purchasing agency" means  
17 a State agency that is authorized to enter into a contract (1)  
18 pursuant to this Code or its rules or (2) by delegation from  
19 the chief procurement officer or a designated procurement  
20 officer enters into a contract at the direction of a State  
21 purchasing officer authorized by a chief procurement officer or  
22 a chief 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 (30 ILCS 500/1-15.74 new)

2 Sec. 1-15.74. Request for qualifications. "Request for  
3 qualifications" means the process by which a purchasing agency  
4 requests information from offerors, including all documents,  
5 whether attached or incorporated by reference, used for  
6 soliciting qualifications.

7 (30 ILCS 500/1-15.107)

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

22 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/1-15.108)

1           Sec. 1-15.108. Subcontractor. "Subcontractor" means a  
2 person or entity that enters into a contractual agreement with  
3 a total value of \$50,000 or more with a contractor ~~person or~~  
4 ~~entity who has a contract subject to this Code~~ pursuant to  
5 which the person assumes obligation for performing specific  
6 work under the contract ~~or entity provides some or all of the~~  
7 ~~goods, services, real property, remuneration, or other~~  
8 ~~monetary forms of consideration that are the subject of the~~  
9 ~~primary State contract, and also includes, but is not limited~~  
10 ~~to, including~~ subleases from a lessee of a State contract. For  
11 purposes of this Code, a person ~~or entity~~ is not a  
12 "subcontractor" if that person only provides services ~~goods~~ or  
13 supplies necessary for ~~that are incidental to~~ the performance  
14 of a contract by a contractor ~~person who has a contract subject~~  
15 ~~to this Code.~~

16           (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

17           (30 ILCS 500/5-5)

18           Sec. 5-5. Procurement Policy Board.

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

21           (b) Authority and duties. The Board shall have the  
22 authority and responsibility to review, comment upon, and  
23 recommend, consistent with this Code, rules and practices  
24 governing the procurement, ~~management, control, and disposal~~  
25 of supplies, services, professional or artistic services,

1 construction, and real property and capital improvement leases  
2 procured by the State. The Board shall also have the authority  
3 to recommend a program for professional development and provide  
4 opportunities for training in procurement practices and  
5 policies to the chief procurement officer, the designated  
6 procurement officers, and their staffs in order to ensure that  
7 all procurement is conducted in an efficient, professional, and  
8 appropriately transparent manner.

9 Upon a three-fifths vote of its members, the Board may  
10 review an existing a contract. Upon a three-fifths vote of its  
11 members, the Board may recommend ~~propose~~ procurement rules for  
12 consideration by the chief procurement officer and designated  
13 procurement officers. These proposals shall be published in  
14 each volume of the Procurement Bulletin. Except as otherwise  
15 provided by law, the Board shall act upon the vote of a  
16 majority of its members who have been appointed and are  
17 serving.

18 (b-5) Reviews, studies, and hearings. The Board may review,  
19 study, and hold public hearings concerning the implementation  
20 and administration of this Code. The ~~Each~~ chief procurement  
21 officer, designated procurement officers ~~State purchasing~~  
22 ~~officer, procurement compliance monitor,~~ and State agencies  
23 ~~agency~~ shall cooperate with the Board, provide information to  
24 the Board, and be responsive to the Board in the Board's  
25 conduct of its reviews, studies, and hearings.

26 (c) Members. The Board shall consist of 5 members appointed

1 one each by the 4 legislative leaders and the Governor. Each  
2 member shall have demonstrated sufficient business or  
3 professional experience in the area of procurement to perform  
4 the functions of the Board. No member may be a member of the  
5 General Assembly.

6 (d) Terms. Of the initial appointees, the Governor shall  
7 designate one member, as Chairman, to serve a one-year term,  
8 the President of the Senate and the Speaker of the House shall  
9 each appoint one member to serve 3-year terms, and the Minority  
10 Leader of the House and the Minority Leader of the Senate shall  
11 each appoint one member to serve 2-year terms. Subsequent terms  
12 shall be 4 years. Members may be reappointed for succeeding  
13 terms.

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

17 (f) Staff support. Upon a three-fifths vote of its members,  
18 the Board may employ an executive director. Subject to  
19 appropriation, the Board also may employ a reasonable and  
20 necessary number of staff persons.

21 (g) Meetings. Meetings of the Board may be conducted  
22 telephonically, electronically, or through the use of other  
23 telecommunications. Written minutes of such meetings shall be  
24 created and available for public inspection and copying.

25 (h) (Blank). ~~Procurement recommendations. Upon a~~  
26 ~~three fifths vote of its members, the Board may review a~~

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

1 ~~contractor, or subcontractor. The requested hearing date and~~  
2 ~~time shall be determined by the Board, but in no event shall~~  
3 ~~the hearing occur later than 15 calendar days after the date of~~  
4 ~~the request.~~

5 (i) (Blank). ~~After providing notice and a hearing as~~  
6 ~~required by subsection (h), the Board shall refer any alleged~~  
7 ~~violations of this Code to the Executive Inspector General in~~  
8 ~~addition to or instead of issuing a recommendation to void a~~  
9 ~~contract.~~

10 (j) Response. Each State agency must respond promptly in  
11 writing to all inquiries and comments of the Procurement Policy  
12 Board.

13 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

14 (30 ILCS 500/10-5)

15 Sec. 10-5. Exercise of procurement authority.

16 (a) The chief procurement officer or his or her designees  
17 shall exercise all procurement authority created by this Code  
18 except as such authority is delegated either in this Code or by  
19 the chief procurement officer or his or her designees to a  
20 purchasing agency. The State purchasing officers appointed  
21 under this Code shall exercise procurement authority at the  
22 direction of their respective chief procurement officer.  
23 ~~Decisions of a State purchasing officer are subject to review~~  
24 ~~by the respective chief procurement officer.~~

25 (b) Procurement authority is delegated as follows:

1           (1) the Executive Director of the Capital Development  
2           Board or his or her designee is the designated procurement  
3           officer with authority for all procurements for  
4           construction, construction-related services, and  
5           construction support committed by law to the jurisdiction  
6           or responsibility of the Capital Development Board.

7           (2) the Secretary of Transportation or his or her  
8           designee is the designated procurement officer with  
9           authority for all procurements for all construction,  
10          construction-related services, construction support,  
11          operation of any facility, and the provision of any  
12          construction or construction-related service or activity  
13          committed by law to the jurisdiction or responsibility of  
14          the Department of Transportation, including the direct or  
15          reimbursable expenditure of all federal funds for which the  
16          Department of Transportation is responsible or accountable  
17          for the use thereof in accordance with federal law,  
18          regulation, or procedures.

19          (3) a representative designated by the Board of Higher  
20          Education is the designated procurement officer for all  
21          procurements made by public institutions of higher  
22          education.

23          (4) the Chairman of the Illinois State Toll Highway  
24          Authority or his or her designee is the designated  
25          procurement officer with authority for all procurements  
26          for all construction, construction-related services,

1 construction support, operation of any facility, and the  
2 provision of any construction or construction-related  
3 service or activity committed by law to the jurisdiction or  
4 responsibility of the Illinois State Toll Highway  
5 Authority.

6 (c) The chief procurement officer may limit the authority  
7 given under subsection (b) of this Section to procure general  
8 services supplies and services and construction support by  
9 administrative rulemaking in accordance with the Illinois  
10 Administrative Procedure Act.

11 (d) In addition to any other requirement or qualification  
12 required by State law, the chief procurement officer or his or  
13 her designee and each designated procurement officer or their  
14 designees must within 12 months of employment be a Certified  
15 Professional Public Buyer or a Certified Public Purchasing  
16 Officer, pursuant to certification by the Universal Public  
17 Purchasing Certification Council, and must reside in Illinois.

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 500/10-6 new)

21 Sec. 10-6. Rulemaking authority; agency policy.

22 (a) Rulemaking. The chief procurement officer and the  
23 designated procurement officers shall form a rulemaking  
24 committee that is chaired by the chief procurement officer. The  
25 rulemaking committee shall develop and adopt a single set of



1 joint rules to carry out the procurement authority set forth in  
2 this Code. The uniform set of rules may contain one or more  
3 subparts for various topics, including construction and  
4 construction-related services. The rulemaking authority  
5 mentioned in specific sections of this Code shall not be  
6 construed as prohibiting or limiting rulemaking authority of  
7 the chief procurement officer and designated procurement  
8 officers on other procurement topics within their authority  
9 under this Code.

10 The joint rules shall be adopted in accordance with the  
11 Illinois Administrative Procedure Act. Contractual provisions,  
12 specifications, and procurement descriptions are not rules and  
13 are not subject to the Illinois Administrative Procedure Act.

14 (b) Policy. The chief procurement officer and designated  
15 procurement officers shall promptly notify the Procurement  
16 Policy Board in writing of any proposed new procurement rule or  
17 policy or any proposed change in an existing procurement rule  
18 or policy.

19 (30 ILCS 500/15-1)

20 Sec. 15-1. Publisher. The ~~Each~~ chief procurement officer  
21 and each designated procurement officer, in consultation with  
22 the agencies under his or her jurisdiction, possesses the  
23 rights to and is the authority responsible for maintaining and  
24 publishing its own separate volume of the Illinois Procurement  
25 Bulletin. The chief procurement officer and each designated

1 procurement officer will provide a description of the agency or  
2 types of procurement in the title of the separate volumes of  
3 the Illinois Procurement Bulletin.

4 Each volume of the Illinois Procurement Bulletin shall be  
5 available electronically and may be available in print.  
6 References in this Code to the publication and distribution of  
7 the Illinois Procurement Bulletin include both its print and  
8 electronic formats.

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

10 (30 ILCS 500/15-20)

11 Sec. 15-20. Qualified bidders or offerors. Subscription to  
12 any volume of the Illinois Procurement Bulletin shall not be  
13 required to qualify as a bidder or offeror under this Code.

14 (Source: P.A. 98-1076, eff. 1-1-15.)

15 (30 ILCS 500/15-25)

16 Sec. 15-25. Bulletin content.

17 (a) Invitations for bids. Notice of each and every contract  
18 that is offered, including renegotiated contracts and change  
19 orders, shall be published in the applicable volume of the  
20 Illinois Procurement Bulletin. ~~All businesses listed on the~~  
21 ~~Department of Transportation Disadvantaged Business Enterprise~~  
22 ~~Directory, the Department of Central Management Services~~  
23 ~~Business Enterprise Program, and the Chief Procurement~~  
24 ~~Office's Small Business Vendors Directory shall be furnished~~

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

20 (a-5) All businesses listed on the Illinois Unified  
21 Certification Program Disadvantaged Business Enterprise  
22 Directory, the Business Enterprise Program of the Department of  
23 Central Management Services, and the Small Business Vendors  
24 Directory of the Department of Central Management Services  
25 shall be furnished written instructions and information on how  
26 to register for each volume of the Illinois Procurement

1 Bulletin. Such information shall be provided to each business  
2 within 30 calendar days after the business's notice of  
3 certification.

4 (b) Contracts let. Notice of each and every contract that  
5 is let, including renegotiated contracts and change orders,  
6 shall be posted ~~issued~~ electronically to those bidders  
7 submitting responses to the solicitations, ~~inclusive of the~~  
8 ~~unsuccessful bidders,~~ immediately upon contract let. Failure  
9 ~~of any chief procurement officer~~ to give such notice shall  
10 result in tolling the time for filing a bid protest up to 7  
11 calendar days.

12 For purposes of this subsection (b), "contracts let" means  
13 a construction agency's act of posting ~~advertising an~~  
14 ~~invitation for~~ bids, after the bid opening, for one or more  
15 construction projects.

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

1 contracts where a group of offerors is qualified as part of a  
2 pre-qualified pool in accordance with Article 35 of this Code,  
3 an upper limit value shall be published for the entire  
4 pre-qualified pool along with unit or hourly pricing for each  
5 individual offeror, the number of unsuccessful bidders, ~~or~~  
6 offerors, or contractors and any other disclosure specified in  
7 any Section of this Code. This notice must be posted in the  
8 online electronic Bulletin prior to execution of the contract.

9 For purposes of this subsection (b-5), "contract award"  
10 means the determination that a particular bidder or offeror has  
11 been selected from among other bidders or offerors to receive a  
12 contract, subject to the successful completion of final  
13 negotiations. "Contract award" is evidenced by the posting of a  
14 Notice of Award or a Notice of Intent to Award to the  
15 applicable ~~respective~~ volume of the Illinois Procurement  
16 Bulletin.

17 (c) Emergency purchase disclosure. The ~~Any~~ chief  
18 procurement officer or, if the procurement is under the  
19 authority of a designated procurement officer, the applicable  
20 designated procurement officer ~~or State purchasing officer~~  
21 exercising emergency purchase authority under this Code shall  
22 publish a written description and reasons and the total cost,  
23 if known, or an estimate if unknown and the name of the  
24 ~~responsible~~ chief procurement officer or designated  
25 procurement officer, whichever is applicable ~~and State~~  
26 ~~purchasing officer,~~ and the business or person contracted with

1 for all emergency purchases in the applicable volume of the  
2 Illinois Procurement ~~next timely, practicable~~ Bulletin. ~~This~~  
3 ~~notice must be posted in the online electronic Bulletin no~~  
4 later than 5 calendar days after the contract is awarded.  
5 Notice of a hearing to extend an emergency contract must be  
6 posted in the applicable volume of the online electronic  
7 Procurement Bulletin no later than 14 calendar days prior to  
8 the hearing.

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

20 (c-10) Renewals. Notice of each contract renewal shall be  
21 posted in the applicable volume of the online electronic  
22 Bulletin within 14 calendar days of the determination to renew  
23 the contract and the next available subsequent Bulletin. The  
24 notice shall include at least all of the information required  
25 in subsection (a) ~~(b)~~.

26 (c-15) Sole source procurements. Before entering into a

1 sole source contract, the ~~a~~ chief procurement officer or, if  
2 the procurement is under the authority of a designated  
3 procurement officer, the applicable designated procurement  
4 officer ~~exercising sole source procurement authority under~~  
5 ~~this Code~~ shall publish a written description of intent to  
6 enter into a sole source contract along with a description of  
7 the item to be procured and the intended sole source  
8 contractor. This notice must be posted in the applicable volume  
9 of the Illinois ~~online electronic~~ Procurement Bulletin before a  
10 sole source contract is awarded and at least 14 calendar days  
11 before the hearing if required by Section 20-25.

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

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

21 (f) The chief procurement officer and each designated  
22 procurement officer may include any additional information and  
23 content in his or her volume of the Illinois Procurement  
24 Bulletin as he or she deems necessary. ~~Each chief procurement~~  
25 ~~officer shall, in consultation with the agencies under his or~~  
26 ~~her jurisdiction, provide the Procurement Policy Board with the~~

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

4 (Source: P.A. 97-895, eff. 8-3-12; 98-1038, eff. 8-25-14;  
5 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/15-30)

7 Sec. 15-30. Electronic Bulletin clearinghouse.

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

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

24 (c) Each designated ~~The applicable chief~~ procurement  
25 officer shall provide the chief procurement officer



1 ~~Procurement Policy Board~~ the information and resources  
2 necessary, and in a manner, to effectuate the purpose of this  
3 Section.

4 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

5 (30 ILCS 500/15-35)

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

1 procurement or a designated procurement officer's vendor  
2 portal. This Section applies notwithstanding any laws to the  
3 contrary except for later enacted laws that specifically refer  
4 to this Section.

5 Nothing in this Section shall preclude a State agency from  
6 implementing its own pre-qualification, certification,  
7 disclosure, and registration requirements necessary to conduct  
8 and manage its program operation.

9 This Section does not apply to any contract for any project  
10 as to which federal funds are available for expenditure when  
11 its provisions may be in conflict with federal law or federal  
12 regulation.

13 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

14 (30 ILCS 500/15-36 new)

15 Sec. 15-36. Subscription to the chief procurement  
16 officer's vendor portal.

17 (a) Except as otherwise set forth in this Section, all  
18 bidders or offerors must subscribe to the chief procurement  
19 officer's online, electronic vendor portal on or before the  
20 time of contract execution.

21 (b) This Section shall not apply to bidders or offerors on  
22 procurements falling under the authority of a designated  
23 procurement officer.

24 (c) This Section is applicable to procurements occurring on  
25 or after the effective date of this amendatory Act of the 99th

1 General Assembly.

2 (30 ILCS 500/20-10)

3 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,  
4 and 98-1076)

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

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

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

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

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

24 (e) Bid acceptance and bid evaluation. Bids shall be  
25 unconditionally accepted without alteration or correction,

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

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

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

1 is under the authority of a designated procurement officer, the  
2 applicable designated procurement officer determines it is not  
3 in the best interest of the State and by written explanation  
4 determines another bidder shall receive the award. The  
5 explanation shall appear in the appropriate volume of the  
6 Illinois Procurement Bulletin. The written explanation must  
7 include:

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

9 (2) a determination that the anticipated cost will be  
10 fair and reasonable;

11 (3) a listing of all responsible and responsive  
12 bidders; and

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

15 ~~Each chief procurement officer may adopt guidelines to~~  
16 ~~implement the requirements of this subsection (g).~~

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

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

1 in the first solicitation.

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

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

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

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

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

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

17 The contract shall be awarded within 60 calendar days after  
18 the auction by written notice to the lowest responsible bidder,  
19 or all bids shall be rejected except as otherwise provided in  
20 this Code. Extensions of the date for the award may be made by  
21 mutual written consent of the chief procurement ~~State~~  
22 ~~purchasing~~ officer or, if the procurement is under the  
23 authority of a designated procurement officer, the applicable  
24 designated procurement officer and the lowest responsible  
25 bidder.

26 This subsection does not apply to (i) procurements of

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

5 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;  
6 98-1076, eff. 1-1-15.)

7 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,  
8 and 98-1076)

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

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

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

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

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



1 contract, the winning bid and the record of each unsuccessful  
2 bid shall be open to public inspection.

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

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

26 (g) Award. The contract shall be awarded with reasonable

1 promptness by written notice to the lowest responsible and  
2 responsive bidder whose bid meets the requirements and criteria  
3 set forth in the invitation for bids, except when the chief  
4 procurement a State purchasing officer or, if the procurement  
5 is under the authority of a designated procurement officer, the  
6 applicable designated procurement officer determines it is not  
7 in the best interest of the State and by written explanation  
8 determines another bidder shall receive the award. The  
9 explanation shall appear in the appropriate volume of the  
10 Illinois Procurement Bulletin. The written explanation must  
11 include:

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

13 (2) a determination that the anticipated cost will be  
14 fair and reasonable;

15 (3) a listing of all responsible and responsive  
16 bidders; and

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

19 ~~Each chief procurement officer may adopt guidelines to~~  
20 ~~implement the requirements of this subsection (g).~~

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

25 (h) Multi-step sealed bidding. When it is considered  
26 impracticable to initially prepare a purchase description to

1 support an award based on price, an invitation for bids may be  
2 issued requesting the submission of unpriced offers to be  
3 followed by an invitation for bids limited to those bidders  
4 whose offers have been qualified under the criteria set forth  
5 in the first solicitation.

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

18 (j) Reverse auction. Notwithstanding any other provision  
19 of this Section, the chief procurement officer or, if the  
20 procurement is under the authority of a designated procurement  
21 officer, the applicable designated procurement officer ~~and in~~  
22 ~~accordance with rules adopted by the chief procurement officer,~~  
23 ~~that chief procurement officer~~ may procure supplies or services  
24 through a competitive electronic auction bidding process after  
25 the chief procurement officer or applicable designated  
26 procurement officer determines that the use of such a process

1 will be in the best interest of the State. The chief  
2 procurement officer or applicable designated procurement  
3 officer shall publish that determination in his or her next  
4 volume of the Illinois Procurement Bulletin.

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

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

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

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

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

1 authority of a designated procurement officer, the applicable  
2 designated procurement officer and the lowest responsible  
3 bidder.

4 This subsection does not apply to (i) procurements of  
5 professional and artistic services, (ii) telecommunications  
6 services, communication services, and information services,  
7 and (iii) contracts for construction projects, including  
8 design professional services.

9 (Source: P.A. 97-96, eff. 7-13-11; 97-895, eff. 8-3-12;  
10 98-1076, eff. 1-1-15.)

11 (30 ILCS 500/20-16 new)

12 Sec. 20-16. Competitive procurements from a pre-qualified  
13 pool.

14 (a) Conditions for use. When provided for under this Code  
15 or under its rules, or for the procurement of categories of  
16 supplies or services, including information technology or  
17 telecommunications supplies or services, contracts may be  
18 entered into through a request for qualifications.

19 (b) Request for qualifications. Qualifications for  
20 categories of supplies or services shall be solicited through a  
21 request for qualifications process.

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

1       (d) Receipt of qualifications. A record of qualifications  
2       shall be prepared and shall be open for public inspection after  
3       creation of the pre-qualified pool.

4       (e) Evaluation factors. The request for qualifications  
5       shall contain the factors to be used in determining if an  
6       offeror is pre-qualified to provide the category of supplies or  
7       services. These factors include, but are not limited to, any  
8       necessary experience, any necessary technical knowledge, any  
9       required certification or accreditation, and financial  
10       stability.

11       (f) Discussion with responsible offerors and revisions of  
12       qualifications. As provided in the request for qualifications  
13       and under adopted rules, discussions may be conducted with  
14       responsible offerors who submit qualifications determined to  
15       be reasonably susceptible of being pre-qualified for the  
16       purpose of clarifying and assuring full understanding of and  
17       responsiveness for pre-qualification. Those offerors shall be  
18       accorded fair and equal treatment with respect to any  
19       opportunity for discussion and revision of qualifications.  
20       Revisions may be permitted after submission and before  
21       pre-qualification. In conducting discussions, there shall be  
22       no disclosure of any information derived from qualifications  
23       submitted by other offerors. If information is provided to any  
24       offeror by the State, it shall be provided to all offerors.

25       (g) Pre-qualified pool. Multiple offerors may be deemed  
26       pre-qualified in response to the request for qualifications.

1 Offerors shall be deemed pre-qualified in writing taking into  
2 consideration the evaluation factors set forth in the request  
3 for qualifications. The contract file shall contain the basis  
4 on which each offeror is determined to be pre-qualified.

5 (h) Submissions to the pre-qualified pool. Each time a  
6 purchasing agency procures supplies or services from the  
7 pre-qualified pool, the purchasing agency shall provide a  
8 written submission to each member of the pre-qualified pool  
9 that describes in detail the supplies or services the State  
10 desires to procure and the selection criteria the State will  
11 use to make an award. The pre-qualified pool shall have at  
12 least 3 calendar days to provide a proposal, which shall  
13 include the price for the supplies or services described in the  
14 submission, in response to the written submission.

15 (i) Discussion with the pre-qualified pool and revisions to  
16 proposals. As provided in the request for qualifications, the  
17 written submission to the pre-qualified pool, and under adopted  
18 rules, discussions may be conducted with members of the  
19 pre-qualified pool for the purpose of clarifying and assuring  
20 full understanding of and responsiveness to the written  
21 submission. Each member of the pre-qualified pool shall be  
22 accorded fair and equal treatment with respect to any  
23 opportunity for discussion and revision of proposals.  
24 Revisions may be permitted after submission and before award  
25 for the purpose of obtaining best and final offers. In  
26 conducting discussions there shall be no disclosure of any

1 information derived from proposals submitted by competitors in  
2 the pre-qualified pool. If any other information is disclosed  
3 to any member of the pre-qualified pool, it shall be provided  
4 to all members of the pre-qualified pool.

5 (j) Award. Award shall be made to the responsible  
6 pre-qualified member of the pool whose proposal is determined  
7 in writing to be the most advantageous to the State, taking  
8 into consideration the selection criteria set forth in the  
9 written submission to the pre-qualified pool. The contract file  
10 shall contain the basis on which each award is made. If an  
11 offeror other than the lowest price offeror is awarded the  
12 contract, the State shall publish in the Illinois Procurement  
13 Bulletin the reason for awarding to other than the lowest price  
14 offeror.

15 (k) Rules. Rules to effectuate this Section shall be  
16 adopted in accordance with Section 10-6 of this Code and shall  
17 set forth when a pre-qualified pool expires and a method for  
18 allowing additional offerors to become part of the  
19 pre-qualified pool after its creation, which shall include  
20 additions to the prequalified pool at least annually.

21 (l) This Section shall not apply to a construction agency  
22 in the procurement of construction or construction-related  
23 materials.

24 (30 ILCS 500/20-20)

25 Sec. 20-20. Small purchases.



1 (a) Amount. Any individual procurement of supplies or  
2 services other than professional or artistic services, not  
3 exceeding \$10,000 and any procurement of construction not  
4 exceeding \$30,000 may be made without competitive sealed  
5 bidding. Procurements shall not be artificially divided so as  
6 to constitute a small purchase under this Section.

7 (b) Adjustment. Each July 1, the small purchase maximum  
8 established in subsection (a) shall be adjusted for inflation  
9 as determined by the Consumer Price Index for All Urban  
10 Consumers as determined by the United States Department of  
11 Labor and rounded to the nearest \$100.

12 (c) ~~The Based upon rules proposed by the Board and rules~~  
13 ~~promulgated by the chief procurement officers, the small~~  
14 purchase maximum established in subsection (a) may be increased  
15 by rule modified.

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

17 (30 ILCS 500/20-25)

18 Sec. 20-25. Sole source procurements.

19 (a) In accordance with standards set by rule, contracts may  
20 be awarded without use of the specified method of source  
21 selection when there is only one economically feasible source  
22 for the item. At least 14 calendar days before entering into  
23 the sole source contract, the purchasing agency shall arrange  
24 to be published in the Illinois Procurement Bulletin a notice  
25 of intent to do so along with a description of the item to be

1 procured and the intended sole source contractor. The A State  
2 contract may be awarded ~~as a sole source procurement~~ unless an  
3 interested party submits a written request for a public hearing  
4 at which the chief procurement officer or, if the procurement  
5 is within the authority of a designated procurement officer,  
6 the applicable designated procurement officer and purchasing  
7 agency present written justification for the procurement  
8 method. Any interested party may present testimony. A sole  
9 source contract where a hearing was requested by an interested  
10 party may be awarded after the hearing is conducted with the  
11 approval of the chief procurement officer.

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

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

1 notice and all documents provided at the hearing shall be  
2 included in the subsequent Procurement Bulletin.

3 (d) By August 1 each year, the ~~each~~ chief procurement  
4 officer and designated procurement officers shall file reports  
5 ~~a report~~ with the General Assembly identifying each contract  
6 the officer sought under the sole source procurement method and  
7 providing the justification given for seeking sole source as  
8 the procurement method for each of those contracts.

9 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

10 (30 ILCS 500/20-30)

11 Sec. 20-30. Emergency purchases.

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

1 procurement officer or, if the procurement is within the  
2 authority of a designated procurement officer, the applicable  
3 designated procurement officer determines additional time is  
4 necessary and that the contract scope and duration are limited  
5 to the emergency. Prior to execution of the extension, the  
6 chief procurement officer or applicable designated procurement  
7 officer must hold a public hearing and provide written  
8 justification for all emergency contracts. Members of the  
9 public may present testimony. Emergency procurements shall be  
10 made with as much competition as is practicable under the  
11 circumstances. A written description of the basis for the  
12 emergency and reasons for the selection of the particular  
13 contractor shall be included in the contract file. For  
14 construction, construction-related, and construction support  
15 procurements, the 90 calendar day term and provisions for  
16 contracts are not applicable.

17 (b) Notice. Notice of all emergency procurements shall be  
18 ~~provided to the Procurement Policy Board and published in the~~  
19 applicable volume of the Illinois Procurement ~~online~~  
20 ~~electronic~~ Bulletin no later than 5 calendar days after the  
21 contract is awarded. Notice of intent to extend an emergency  
22 contract shall be ~~provided to the Procurement Policy Board and~~  
23 published in the applicable volume of the Illinois Procurement  
24 ~~online electronic~~ Bulletin at least 14 calendar days before the  
25 public hearing. Notice shall include at least a description of  
26 the need for the emergency purchase, the contractor, and if

1 applicable, the date, time, and location of the public hearing.  
2 A copy of this notice and all documents provided at the hearing  
3 shall be included in the subsequent applicable volume of the  
4 Illinois Procurement Bulletin. Before the next appropriate  
5 volume of the Illinois Procurement Bulletin, the purchasing  
6 agency shall publish in the Illinois Procurement Bulletin a  
7 copy of each written description and reasons and the total cost  
8 of each emergency procurement made during the previous month.  
9 When only an estimate of the total cost is known at the time of  
10 publication, the estimate shall be identified as an estimate  
11 and published. When the actual total cost is determined, it  
12 shall also be published in like manner before the 10th day of  
13 the next succeeding month.

14 (c) Affidavits. The A chief procurement officer or, if the  
15 procurement is within the authority of a designated procurement  
16 officer, the applicable designated procurement officer making  
17 a procurement under this Section shall file affidavits with ~~the~~  
18 ~~Procurement Policy Board~~ and the Auditor General within 10  
19 calendar days after the procurement setting forth the amount  
20 expended, the name of the contractor involved, and the  
21 conditions and circumstances requiring the emergency  
22 procurement. When only an estimate of the cost is available  
23 within 10 calendar days after the procurement, the actual cost  
24 shall be reported immediately after it is determined. At the  
25 end of each fiscal quarter, the Auditor General shall file with  
26 the Legislative Audit Commission and the Governor a complete

1 listing of all emergency procurements reported during that  
2 fiscal quarter. The Legislative Audit Commission shall review  
3 the emergency procurements so reported and, in its annual  
4 reports, advise the General Assembly of procurements that  
5 appear to constitute an abuse of this Section.

6 (d) Quick purchases. Rules may be adopted pursuant to  
7 Section 10-6 of this Code that extend ~~The chief procurement~~  
8 ~~officer may promulgate rules extending~~ the circumstances by  
9 which a purchasing agency may make purchases under this  
10 Section, including but not limited to the procurement of items  
11 available at a discount for a limited period of time.

12 (e) The changes to this Section made by this amendatory Act  
13 of the 96th General Assembly apply to procurements executed on  
14 or after its effective date.

15 (Source: P.A. 98-1076, eff. 1-1-15.)

16 (30 ILCS 500/20-35)

17 Sec. 20-35. Competitive selection procedures.

18 (a) Conditions for use. The services specified in Article  
19 35 shall be procured in accordance with this Section, except as  
20 authorized under Sections 20-25 and 20-30 of this Article.

21 (b) Statement of qualifications. Respondents shall submit  
22 statements of qualifications and expressions of interest. The  
23 chief procurement officer or, if the procurement is under the  
24 authority of a designated procurement officer, the applicable  
25 designated procurement officer shall specify a uniform format

1 for statements of qualifications. Persons may amend these  
2 statements at any time by filing a new statement.

3 (c) Public announcement and form of request for proposals.  
4 Public notice of the need for the procurement shall be given in  
5 the form of a request for proposals and published in the  
6 Illinois Procurement Bulletin at least 14 calendar days before  
7 the date set in the request for proposals for the opening of  
8 proposals. The request for proposals shall describe the  
9 services required, list the type of information and data  
10 required of each respondent, and state the relative importance  
11 of particular qualifications.

12 (d) Discussions. The purchasing agency may conduct  
13 discussions with any respondent who has submitted a response to  
14 determine the respondent's qualifications for further  
15 consideration. Discussions shall not disclose any information  
16 derived from proposals submitted by other respondents.

17 (e) Award. Award shall be made to the respondent determined  
18 in writing by the purchasing agency to be best qualified based  
19 on the evaluation factors set forth in the request for  
20 proposals and negotiation of compensation determined to be fair  
21 and reasonable.

22 (Source: P.A. 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/20-43)

24 Sec. 20-43. Authorized Bidder ~~Bidder or offeror~~ authorized to do  
25 business in Illinois. In addition to meeting any other

1 requirement of law or rule, a person (other than an individual  
2 acting as a sole proprietor) shall be ~~may qualify as a bidder~~  
3 ~~or offeror under this Code only if the person is~~ a legal entity  
4 authorized to transact business or conduct affairs in Illinois  
5 prior to the contract award. This Section shall not apply to  
6 construction contracts that are subject to the requirements of  
7 Sections 30-20 and 33-10 of this Code. The pre-qualification  
8 requirements of Sections 30-20 and 33-10 of this Code shall  
9 include the requirement that the bidder be registered with the  
10 Secretary of State ~~submitting the bid, offer, or proposal.~~

11 (Source: P.A. 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/20-45)

13 Sec. 20-45. Prequalification of suppliers. Rules shall be  
14 adopted in accordance with Section 10-6 of this Code ~~The chief~~  
15 ~~procurement officer shall promulgate rules~~ for the development  
16 of prequalified supplier lists for appropriate categories of  
17 purchases and the annual updating of those lists.

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

19 (30 ILCS 500/20-50)

20 Sec. 20-50. Specifications. Specifications shall be  
21 prepared in accordance with consistent standards that are  
22 developed by the purchasing agency. All specifications shall  
23 seek to promote overall economy for the purposes intended and  
24 encourage competition in satisfying the purchasing agency's



1 ~~needs and shall not be unduly restrictive promulgated by the~~  
2 ~~chief procurement officer and reviewed by the Board and the~~  
3 ~~Joint Committee on Administrative Rules. Those standards shall~~  
4 ~~include a prohibition against the use of brand-name only~~  
5 ~~products, except for products intended for retail sale or as~~  
6 ~~specified by rule. All specifications shall seek to promote~~  
7 ~~overall economy for the purposes intended and encourage~~  
8 ~~competition in satisfying the State's needs and shall not be~~  
9 ~~unduly restrictive.~~

10 Rules related to use of brand-name only products shall be  
11 adopted in accordance with Section 10-6 of this Code.

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

24 As used in this Section, "prohibited conduct" includes  
25 requested payments or other consideration by a third party to  
26 the university or State agency that is not part of the

1 solicitation or that is unrelated to the subject matter or  
2 purpose of the solicitation. "Prohibited conduct" does not  
3 include a payment from the vendor that is supported by  
4 additional consideration (such as exclusive rights to sell  
5 items or rights to advertise), other than the consideration of  
6 the State's awarding a contract to purchase of goods and  
7 services.

8 (Source: P.A. 98-1076, eff. 1-1-15.)

9 (30 ILCS 500/20-51 new)

10 Sec. 20-51. Construction specifications.

11 (a) Construction agencies may develop specifications for  
12 construction contracts, construction-related contracts, and  
13 construction support contracts that may require the delivery of  
14 material or products that will be used to satisfy the needs of  
15 a construction agency.

16 (b) Material and product specifications. Material and  
17 product specifications describe the technical or performance  
18 requirements necessary to complete the contemplated work.

19 (c) Brand-name only product specifications, including  
20 patented or proprietary products, will not be used unless a  
21 determination is made by the construction agency that:

22 (1) such products may be procured competitively with  
23 equally suitable non-brand-name products;

24 (2) such products are necessary for compatibility with  
25 existing facilities or equipment;

1           (3) no equally suitable alternative exists;  
2           (4) such products are to be used for research or for a  
3           distinctive type of application for experimental purposes;  
4           or  
5           (5) such products will create operational savings for a  
6           facility.

7           (d) When more than one product will fulfill the  
8           requirements for an item of work and the products are judged by  
9           the construction agency to be of satisfactory quality and  
10           equally acceptable on the basis of engineering analysis and  
11           estimated price, the contract specifications may contain or  
12           include by reference a qualified product list.

13           (30 ILCS 500/20-55)

14           Sec. 20-55. Types of contracts. Subject to the limitations  
15 of this Section and unless otherwise authorized by law, any  
16 type of contract that will promote the best interests of the  
17 State may be used, except that cost-plus-a-percentage-of-cost  
18 contracts are prohibited. A cost-reimbursement contract may be  
19 used only when a determination is made in writing that a  
20 cost-reimbursement contract is likely to be less costly to the  
21 State than any other type or that it is impracticable to obtain  
22 the item required except under that type of contract. The  
23 general form of contracts shall be determined by the chief  
24 procurement officer or, if the procurement is under the  
25 authority of a designated procurement officer, the applicable

1 designated procurement officer.

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

3 (30 ILCS 500/20-60)

4 Sec. 20-60. Duration of contracts.

5 (a) Maximum duration. A contract, other than a contract  
6 entered into pursuant to the State University Certificates of  
7 Participation Act or pursuant to other express statutory  
8 authority permitting a longer duration, may be entered into for  
9 any period of time deemed to be in the best interests of the  
10 State but not exceeding 10 years inclusive, beginning January  
11 1, 2010, of proposed contract renewals. The length of a lease  
12 for real property or capital improvements shall be in  
13 accordance with the provisions of Section 40-25. A contract for  
14 bond or mortgage insurance awarded by the Illinois Housing  
15 Development Authority, however, may be entered into for any  
16 period of time less than or equal to the maximum period of time  
17 that the subject bond or mortgage may remain outstanding.

18 (b) Subject to appropriation. All contracts made or entered  
19 into shall recite that they are subject to termination and  
20 cancellation in any year for which the General Assembly fails  
21 to make an appropriation to make payments under the terms of  
22 the contract.

23 (c) (Blank). ~~The chief procurement officer shall file a~~  
24 ~~proposed extension or renewal of a contract with the~~  
25 ~~Procurement Policy Board prior to entering into any extension~~

1 ~~or renewal if the cost associated with the extension or renewal~~  
2 ~~exceeds \$249,999. The Procurement Policy Board may object to~~  
3 ~~the proposed extension or renewal within 30 calendar days and~~  
4 ~~require a hearing before the Board prior to entering into the~~  
5 ~~extension or renewal. If the Procurement Policy Board does not~~  
6 ~~object within 30 calendar days or takes affirmative action to~~  
7 ~~recommend the extension or renewal, the chief procurement~~  
8 ~~officer may enter into the extension or renewal of a contract.~~  
9 ~~This subsection does not apply to any emergency procurement,~~  
10 ~~any procurement under Article 40, or any procurement exempted~~  
11 ~~by Section 1-10(b) of this Code. If any State agency contract~~  
12 ~~is paid for in whole or in part with federal aid funds, grants,~~  
13 ~~or loans and the provisions of this subsection would result in~~  
14 ~~the loss of those federal aid funds, grants, or loans, then the~~  
15 ~~contract is exempt from the provisions of this subsection in~~  
16 ~~order to remain eligible for those federal aid funds, grants,~~  
17 ~~or loans, and the State agency shall file notice of this~~  
18 ~~exemption with the Procurement Policy Board prior to entering~~  
19 ~~into the proposed extension or renewal. Nothing in this~~  
20 ~~subsection permits a chief procurement officer to enter into an~~  
21 ~~extension or renewal in violation of subsection (a). By August~~  
22 ~~1 each year, the Procurement Policy Board shall file a report~~  
23 ~~with the General Assembly identifying for the previous fiscal~~  
24 ~~year (i) the proposed extensions or renewals that were filed~~  
25 ~~with the Board and whether the Board objected and (ii) the~~  
26 ~~contracts exempt from this subsection.~~

1 (Source: P.A. 95-344, eff. 8-21-07; 96-15, eff. 6-22-09;  
2 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the  
3 effective date of changes made by P.A. 96-795); 96-920, eff.  
4 7-1-10; 96-1478, eff. 8-23-10.)

5 (30 ILCS 500/20-65)

6 Sec. 20-65. Right to audit records.

7 (a) Maintenance of books and records. Every contract and  
8 subcontract shall require the contractor or subcontractor, as  
9 applicable, to maintain books and records relating to the  
10 performance of the contract or subcontract and necessary to  
11 support amounts charged to the State under the contract or  
12 subcontract. The books and records shall be maintained by the  
13 contractor for a period of 3 years from the later of the date  
14 of final payment under the contract or completion of the  
15 contract and by the subcontractor for a period of 3 years from  
16 the later of the date of final payment under the subcontract or  
17 completion of the subcontract. However, the 3-year period shall  
18 be extended for the duration of any audit in progress at the  
19 time of that period's expiration.

20 (b) Audit. Every contract and subcontract shall provide  
21 that all books and records required to be maintained under  
22 subsection (a) shall be available for review and audit by the  
23 Auditor General, the chief procurement officer, the applicable  
24 designated procurement officer, if any, internal auditor, and  
25 the purchasing agency. Every contract and subcontract shall

1 require the contractor and subcontractor, as applicable, to  
2 cooperate fully with any audit.

3 (c) Failure to maintain books and records. Failure to  
4 maintain the books and records required by this Section shall  
5 establish a presumption in favor of the State for the recovery  
6 of any funds paid by the State for which required books and  
7 records are not available.

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

10 (30 ILCS 500/20-70)

11 Sec. 20-70. Finality of determinations. Except as  
12 otherwise provided in this Code, determinations made by a chief  
13 procurement officer or, if the procurement is within the  
14 authority of a designated procurement officer, the applicable  
15 designated procurement officer, ~~State purchasing officer,~~ or a  
16 purchasing agency under this Code are final and conclusive  
17 unless they are clearly erroneous, arbitrary, capricious, or  
18 contrary to law.

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

21 (30 ILCS 500/20-75)

22 Sec. 20-75. Disputes and protests. The chief procurement  
23 officer and the designated procurement officers shall jointly  
24 ~~by rule~~ establish rules ~~procedures~~ to be followed in resolving

1 protested solicitations and awards and contract controversies,  
2 for debarment or suspension of contractors, and for resolving  
3 other procurement-related disputes.

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

6 (30 ILCS 500/20-80)

7 Sec. 20-80. Contract files.

8 (a) Written determinations. All written determinations  
9 required under this Article shall be placed in the contract  
10 file maintained by the chief procurement officer or, if the  
11 procurement is under the authority of a designated procurement  
12 officer, the applicable designated procurement officer.

13 (b) Filing with Comptroller. Whenever a grant, defined  
14 pursuant to accounting standards established by the  
15 Comptroller, or a contract liability, except for: (1) contracts  
16 paid from personal services, ~~or~~ (2) contracts between the State  
17 and its employees to defer compensation in accordance with  
18 Article 24 of the Illinois Pension Code, or (3) contracts that  
19 are not paid by the Comptroller, exceeding \$20,000 is incurred  
20 by any State agency, a copy of the contract, purchase order,  
21 grant, or lease shall be filed electronically with the  
22 Comptroller within 30 calendar days thereafter. ~~Beginning~~  
23 ~~January 1, 2013, the Comptroller may require that contracts and~~  
24 ~~grants required to be filed with the Comptroller under this~~  
25 ~~Section shall be filed electronically, unless the agency is~~



1 ~~incapable of filing the contract or grant electronically~~  
2 ~~because it does not possess the necessary technology or~~  
3 ~~equipment.~~ Any State agency that is incapable of electronically  
4 filing its contracts or grants shall submit a written statement  
5 to the Governor and to the Comptroller attesting to the reasons  
6 for its inability to comply. This statement shall include a  
7 discussion of what the State agency needs in order to  
8 effectively comply with this Section. ~~Prior to requiring~~  
9 ~~electronic filing, the Comptroller shall consult with the~~  
10 ~~Governor as to the feasibility of establishing mutually~~  
11 ~~agreeable technical standards for the electronic document~~  
12 ~~imaging, storage, and transfer of contracts and grants, taking~~  
13 ~~into consideration the technology available to that agency,~~  
14 ~~best practices, and the technological capabilities of State~~  
15 ~~agencies.~~ Nothing in this amendatory Act of the 97th General  
16 Assembly shall be construed to impede the implementation of an  
17 Enterprise Resource Planning (ERP) system. For each State  
18 contract for ~~goods,~~ supplies, or services awarded on or after  
19 July 1, 2010, the contracting agency shall provide the  
20 applicable rate and unit of measurement of the ~~goods,~~ supplies,  
21 or services on the contract obligation document as required by  
22 the Comptroller. If the contract obligation document that is  
23 submitted to the Comptroller contains the rate and unit of  
24 measurement of the goods, supplies, or services, the  
25 Comptroller shall provide that information on his or her  
26 official website. Any cancellation or modification to any such

1 contract liability shall be filed with the Comptroller within  
2 30 calendar days of its execution.

3 (c) Late filing affidavit. When a contract, purchase order,  
4 grant, or lease required to be filed by this Section has not  
5 been filed within 30 calendar days of execution, the  
6 Comptroller shall refuse to issue a warrant for payment  
7 thereunder until the agency files with the Comptroller the  
8 contract, purchase order, grant, or lease and an affidavit,  
9 signed by the chief executive officer of the agency or his or  
10 her designee, setting forth an explanation of why the contract  
11 liability was not filed within 30 calendar days of execution. A  
12 copy of this affidavit shall be filed with the Auditor General.

13 (d) Timely execution of contracts. Except as set forth in  
14 subsection (b) of Section 20-80 of this Code, no ~~No~~ voucher  
15 shall be submitted to the Comptroller for a warrant to be drawn  
16 for the payment of money from the State treasury or from other  
17 funds held by the State Treasurer on account of any contract  
18 unless the contract is reduced to writing before the services  
19 are performed and filed with the Comptroller. Contractors  
20 ~~Vendors~~ shall not be paid for any supplies ~~goods~~ that were  
21 received or services that were rendered before the contract was  
22 reduced to writing and signed by all necessary parties. A chief  
23 procurement officer or, if the procurement falls under the  
24 authority of a designated procurement officer, the applicable  
25 designated procurement officer shall ~~may~~ request an exception  
26 to this subsection by submitting a written statement to the

1 Comptroller and Treasurer setting forth the circumstances and  
2 reasons why the contract could not be reduced to writing before  
3 the supplies were received or services were performed. A waiver  
4 of this subsection must be approved by the Comptroller and  
5 Treasurer and such approval shall not be unreasonably withheld.  
6 This Section shall not apply to emergency purchases if notice  
7 of the emergency purchase ~~is filed with the Procurement Policy~~  
8 ~~Board and~~ published in the appropriate volume of the Bulletin  
9 as required by this Code.

10 (e) Method of source selection. When a contract is filed  
11 with the Comptroller under this Section, the Comptroller's file  
12 shall identify the method of source selection used in obtaining  
13 the contract.

14 (Source: P.A. 97-932, eff. 8-10-12; 98-1076, eff. 1-1-15.)

15 (30 ILCS 500/20-85)

16 Sec. 20-85. Federal requirements. A State agency receiving  
17 federal-aid funds, grants, or loans shall have authority to  
18 adopt its procedures, rules, project statements, drawings,  
19 maps, surveys, plans, specifications, contract terms,  
20 estimates, bid forms, bond forms, and other documents or  
21 practices to comply with the regulations, policies, and  
22 procedures of the designated authority, administration, or  
23 department of the United States, in order to remain eligible  
24 for such federal-aid funds, grants, or loans. The chief  
25 procurement officer, designated procurement officers, and

1 Board shall not exercise authority or adopt rules preempting  
2 federal requirements.

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

4 (30 ILCS 500/20-110)

5 Sec. 20-110. Printing cost offsets. Rules may be adopted in  
6 accordance with Section 10-6 of this Code ~~The chief procurement~~  
7 ~~officer may promulgate rules~~ permitting the exchange of  
8 advertising rights in or receipt of free copies of printed  
9 products procured under this Article as a means of reducing  
10 printing costs. The rules shall specify the appropriate method  
11 of source selection to be used to competitively acquire  
12 printing cost offsets.

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

14 (30 ILCS 500/20-120)

15 Sec. 20-120. Subcontractors.

16 (a) Any contract granted under this Code shall state  
17 whether the services of a subcontractor will be used. The  
18 contract shall include the names and addresses of all known  
19 subcontractors with subcontracts with an annual value of more  
20 than \$50,000, the general type of work to be performed by these  
21 subcontractors, and the expected amount of money each will  
22 receive under the contract. Upon the request of the chief  
23 procurement officer or, if the procurement is under the  
24 authority of a designated procurement officer, the applicable

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

20 (b) If at any time during the term of a contract, a  
21 contractor adds or changes any subcontractors, he or she shall  
22 promptly notify, in writing, the chief procurement officer, or,  
23 if the procurement is under the authority of a designated  
24 procurement officer, the applicable designated procurement  
25 officer ~~State purchasing officer, or their designee~~ of the  
26 names and addresses of each new or replaced subcontractor and

1 the general type of work to be performed. Upon the request of  
2 the chief procurement officer appointed pursuant to paragraph  
3 (2) of subsection (a) of Section 10-20, the contractor shall  
4 provide the chief procurement officer a copy of any new or  
5 amended subcontract so identified within 15 calendar days after  
6 the request is made.

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

11 (d) This Section applies to procurements solicited on or  
12 after the effective date of this amendatory Act of the 96th  
13 General Assembly. The changes made to this Section by this  
14 amendatory Act of the 97th General Assembly apply to  
15 procurements solicited on or after the effective date of this  
16 amendatory Act of the 97th General Assembly.

17 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

18 (30 ILCS 500/20-155)

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

20 (a) The ~~Each~~ chief procurement officer and designated  
21 procurement officers are responsible for developing ~~appointed~~  
22 ~~pursuant to Section 10-20 shall have the sole authority in~~  
23 ~~their respective jurisdiction to develop~~ and distributing  
24 ~~distribute~~ uniform documents for the solicitation, review, and  
25 acceptance of all bids, offers, and responses and the award of

1 contracts pursuant to this Code for those procurements within  
2 their respective procurement authority. Purchasing agencies ~~if~~  
3 ~~a chief procurement officer appointed pursuant to Section 10-20~~  
4 ~~exercises the authority to develop and distribute uniform~~  
5 ~~documents for the solicitation, review and acceptance of all~~  
6 ~~bids, offers and responses and the award of contracts, then the~~  
7 ~~State agency~~ shall use the uniform documents.

8 (b) After award of a contract and subject to provisions of  
9 the Freedom of Information Act, the purchasing ~~procuring~~ agency  
10 shall make available for public inspection and copying all  
11 pre-award, post-award, administration, and close-out documents  
12 relating to that particular contract.

13 (c) A procurement file shall be maintained for all  
14 contracts, regardless of the method of procurement. The  
15 procurement file shall contain the basis on which the award is  
16 made, all submitted bids and proposals, all evaluation  
17 materials, score sheets and all other documentation related to  
18 or prepared in conjunction with evaluation, negotiation, and  
19 the award process. The procurement file shall contain a written  
20 determination, signed by the chief procurement officer or the  
21 designated procurement ~~State purchasing~~ officer, setting forth  
22 the reasoning for the contract award decision. The procurement  
23 file shall not include trade secrets or other competitively  
24 sensitive, confidential, or proprietary information. The  
25 procurement file shall be open to public inspection within 7  
26 calendar days following award of the contract.

1 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

2 (30 ILCS 500/20-160)

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

5 (a) For purposes of this Section, the terms "business  
6 entity", "contract", "State contract", "contract with a State  
7 agency", "State agency", "affiliated entity", and "affiliated  
8 person" have the meanings ascribed to those terms in Section  
9 50-37.

10 (b) Every ~~bid and offer submitted to and every~~ contract  
11 executed by the State on or after January 1, 2009 (the  
12 effective date of Public Act 95-971) and every submission to a  
13 vendor portal shall contain (1) a certification by the bidder,  
14 offeror, vendor, or contractor that either (i) the bidder,  
15 offeror, vendor, or contractor is not required to register as a  
16 business entity with the State Board of Elections pursuant to  
17 this Section or (ii) the bidder, offeror, vendor, or contractor  
18 has registered as a business entity with the State Board of  
19 Elections and acknowledges a continuing duty to update the  
20 registration and (2) a statement that the contract is voidable  
21 under Section 50-60 for the bidder's, offeror's, vendor's, or  
22 contractor's failure to comply with this Section.

23 (c) Each business entity (i) whose aggregate bids and  
24 proposals on State contracts annually total more than \$50,000,  
25 (ii) whose aggregate bids and proposals on State contracts



1 combined with the business entity's aggregate annual total  
2 value of State contracts exceed \$50,000, or (iii) whose  
3 contracts with State agencies, in the aggregate, annually total  
4 more than \$50,000 shall register with the State Board of  
5 Elections in accordance with Section 9-35 of the Election Code.  
6 A business entity required to register under this subsection  
7 due to item (i) or (ii) has a continuing duty to ensure that  
8 the registration is accurate during the period beginning on the  
9 date of registration and ending on the day after the date the  
10 contract is awarded; any change in information must be reported  
11 to the State Board of Elections 5 business days following such  
12 change or no later than a day before the contract is awarded,  
13 whichever date is earlier. A business entity required to  
14 register under this subsection due to item (iii) has a  
15 continuing duty to ensure that the registration is accurate in  
16 accordance with subsection (e).

17 (d) Any business entity, not required under subsection (c)  
18 to register, whose aggregate bids and proposals on State  
19 contracts annually total more than \$50,000, or whose aggregate  
20 bids and proposals on State contracts combined with the  
21 business entity's aggregate annual total value of State  
22 contracts exceed \$50,000, shall register with the State Board  
23 of Elections in accordance with Section 9-35 of the Election  
24 Code prior to submitting to a State agency the bid or proposal  
25 whose value causes the business entity to fall within the  
26 monetary description of this subsection. A business entity

1 required to register under this subsection has a continuing  
2 duty to ensure that the registration is accurate during the  
3 period beginning on the date of registration and ending on the  
4 day after the date the contract is awarded. Any change in  
5 information must be reported to the State Board of Elections  
6 within 5 business days following such change or no later than a  
7 day before the contract is awarded, whichever date is earlier.

8 (e) A business entity whose contracts with State agencies,  
9 in the aggregate, annually total more than \$50,000 must  
10 maintain its registration under this Section and has a  
11 continuing duty to ensure that the registration is accurate for  
12 the duration of the term of office of the incumbent  
13 officeholder awarding the contracts or for a period of 2 years  
14 following the expiration or termination of the contracts,  
15 whichever is longer. A business entity, required to register  
16 under this subsection, has a continuing duty to report any  
17 changes on a quarterly basis to the State Board of Elections  
18 within 14 calendar days following the last day of January,  
19 April, July, and October of each year. Any update pursuant to  
20 this paragraph that is received beyond that date is presumed  
21 late and the civil penalty authorized by subsection (e) of  
22 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be  
23 assessed.

24 Also, if a business entity required to register under this  
25 subsection has a pending bid or offer, any change in  
26 information shall be reported to the State Board of Elections

1 within 7 calendar days following such change or no later than a  
2 day before the contract is awarded, whichever date is earlier.

3 (f) A business entity's continuing duty under this Section  
4 to ensure the accuracy of its registration includes the  
5 requirement that the business entity notify the State Board of  
6 Elections of any change in information, including but not  
7 limited to changes of affiliated entities or affiliated  
8 persons.

9 (g) For any bid or offer for a contract with a State agency  
10 by a business entity required to register under this Section,  
11 the chief procurement officer shall verify that the business  
12 entity is required to register under this Section and is in  
13 compliance with the registration requirements on or prior to  
14 the date the contract is awarded ~~bid or offer is due~~. A State  
15 agency ~~chief procurement officer~~ shall not enter into a  
16 contract with ~~accept a bid or offer if~~ the business entity that  
17 is not in compliance with these ~~the~~ registration requirements  
18 ~~as of the date bids or offers are due~~.

19 (h) A registration, and any changes to a registration, must  
20 include the business entity's verification of accuracy and  
21 subjects the business entity to the penalties of the laws of  
22 this State for perjury.

23 In addition to any penalty under Section 9-35 of the  
24 Election Code, intentional, willful, or material failure to  
25 disclose information required for registration shall render  
26 the contract, bid, offer, or other procurement relationship

1 voidable by the chief procurement officer if he or she deems it  
2 to be in the best interest of the State of Illinois.

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

5 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;  
6 98-1076, eff. 1-1-15.)

7 (30 ILCS 500/25-15)

8 Sec. 25-15. Method of source selection.

9 (a) Competitive sealed bidding. Except as provided in  
10 subsection (b) and Sections 20-15, 20-16, 20-20, 20-25, ~~and~~  
11 20-30, 20-35, 30-15, and 40-20, all State contracts for  
12 supplies and services shall be awarded by competitive sealed  
13 bidding in accordance with Section 20-10.

14 (b) Other methods. The chief procurement officer, in  
15 conjunction with the designated procurement officers, may  
16 establish by rule (i) categories of purchases, including  
17 non-governmental joint purchases, that may be made without  
18 competitive sealed bidding and (ii) the most competitive  
19 alternate method of source selection that shall be used for  
20 each category of purchase.

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

22 (30 ILCS 500/25-30)

23 Sec. 25-30. More favorable terms. A supply or service  
24 contract may include, if determined by the chief procurement

1 ~~officer a State purchasing officer~~ to be in the best interests  
2 of the State, a clause requiring that if more favorable terms  
3 are granted by the contractor to any similar state or local  
4 governmental agency in any state in a contemporaneous agreement  
5 let under the same or similar financial terms and circumstances  
6 for comparable supplies or services, the more favorable terms  
7 shall be applicable under the contract.

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

9 (30 ILCS 500/25-35)

10 Sec. 25-35. Purchase of coal and postage stamps.

11 (a) Delivery of necessary supplies. To avoid interruption  
12 or impediment of delivery of necessary supplies, commodities,  
13 and coal, the chief procurement officer ~~State purchasing~~  
14 ~~officers~~ may make purchases of or contracts for supplies and  
15 commodities after April 30 of a fiscal year when delivery of  
16 the supplies and commodities is to be made after June 30 of  
17 that fiscal year and payment for which is to be made from  
18 appropriations for the next fiscal year.

19 (b) Postage. All postage stamps purchased from State funds  
20 must be perforated for identification purposes. A General  
21 Assembly member may furnish the U.S. Post Office with a warrant  
22 so as to allow for the creation or continuation of a bulk rate  
23 mailing fund in the name of the General Assembly member or may  
24 furnish a postage meter company or post office with a warrant  
25 so as to facilitate the purchase of a postage meter and its

1 stamps. Any postage meter so purchased must also contain a  
2 stamp that shall state "Official State Mail".

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

4 (30 ILCS 500/25-45)

5 Sec. 25-45. Executive agency energy conservation and  
6 saving measures ~~Energy conservation program.~~

7 (a) Definitions. As used in this Section:

8 "Board" means the Capital Development Board.

9 "Contracting authority" means the Department, the Board,  
10 or other such agencies as may be delegated to execute certain  
11 of its statutory procurement functions through  
12 intergovernmental agreements specifically developed for the  
13 purpose of securing energy conservation services.

14 "Department" means the Department of Central Management  
15 Services acting in its capacity as the statutory owner and  
16 manager of all properties owned and operated by the State of  
17 Illinois on behalf of agencies, boards, and commissions  
18 functioning under the executive authority of the Governor.

19 "Energy conservation measure" means any improvement,  
20 repair, alteration, or betterment of any executive agency  
21 facility or any equipment, fixture, or furnishing to be added  
22 to or used in an executive agency facility, that is designed to  
23 reduce energy consumption or operating costs, and may include,  
24 but is not limited to, one or more of the following:

25 (1) Insulation of the building structure or systems

1       within the building.

2       (2) Storm windows or doors, caulking or weather  
3       stripping, multiglazed windows or doors, heat-absorbing or  
4       heat-reflective glazed and coated window or door systems,  
5       additional glazing, reductions in glass area, or other  
6       window and door system modifications that reduce energy  
7       consumption.

8       (3) Automated or computerized energy control systems.

9       (4) Heating, ventilating, or air conditioning system,  
10      modifications, or replacements.

11      (5) Replacement or modification of lighting fixtures  
12      to increase the energy efficiency of the lighting system  
13      without increasing the overall illumination of a building,  
14      unless an increase in illumination is necessary to conform  
15      to the applicable State or local building code for the  
16      lighting system after the proposed modifications are made.

17      (6) Energy recovery systems.

18      (7) Energy conservation measures that provide  
19      long-term operating cost reductions.

20      "Executive agency facility" means a building owned and  
21      operated by the State of Illinois through an agency, board, or  
22      commission statutorily functioning under the executive  
23      authority of the Governor and under the general property  
24      management authority of the Department of Central Management  
25      Services.

26      "Guaranteed energy savings contract" means a contract for:

1 (i) the implementation of an energy audit, data collection, and  
2 other related analyses preliminary to the undertaking of energy  
3 conservation measures; (ii) the evaluation and recommendation  
4 of energy conservation measures; (iii) the implementation of  
5 one or more energy conservation measures; or (iv) the  
6 implementation of project monitoring and data collection to  
7 verify post installation energy consumption and energy related  
8 operating costs. The contract shall provide that all payments,  
9 except obligations on termination of the contract before its  
10 expiration, are to be made over time and that the savings are  
11 guaranteed to the extent necessary to pay the costs of the  
12 energy conservation measures. "Energy savings" may include  
13 energy reduction and offsetting sources of renewable energy  
14 funds, including renewable energy credits and carbon credits.

15 "Qualified provider" means a person whose employees are  
16 experienced and trained in the design, implementation, or  
17 installation of energy conservation measures. The minimum  
18 training required for any person or employee under this Section  
19 shall be the satisfactory completion of at least 40 hours of  
20 course instruction dealing with energy conservation measures.  
21 A qualified provider to whom the contract is awarded shall give  
22 a sufficient bond to the executive agency or for its faithful  
23 performance.

24 (b) Before entering into a guaranteed energy savings  
25 contract, the contracting authority shall issue a request for  
26 proposals in accordance with Article 30 of this Code requesting



1 competitive sealed offers for innovative solutions and  
2 conservation measures. A request for proposals shall be  
3 published in the appropriate volume of the Illinois Procurement  
4 Bulletin under the authority of the designated procurement  
5 officer for the Capital Development Board under Section 10-5 of  
6 this Code for at least 30 days before offers are due. The  
7 request for proposals shall, at a minimum, include all of the  
8 following:

9 (1) The name and address of the executive agency.

10 (2) The name, address, title, and phone number of an  
11 executive agency contact person who will respond to  
12 questions regarding the request for proposals.

13 (3) Notice indicating that the contracting authority  
14 is requesting qualified providers to propose energy  
15 conservation measures through a guaranteed energy savings  
16 contract.

17 (4) The date, time, and place where offers must be  
18 received.

19 (5) The evaluation criteria for evaluating offers.

20 (6) Any other stipulations and clarifications the  
21 contracting authority or executive agency facility may  
22 require.

23 (7) A written disclosure that identifies any energy  
24 services contractor that participated in the preparation  
25 of specifications. If no energy services contractor  
26 participated in the preparation of specifications, then

1 the request for proposals must include a disclosure that no  
2 energy services contractor participated in the preparation  
3 of the specifications.

4 (c) The evaluation of offers shall analyze the estimates of  
5 all costs of installations, modifications, or remodeling,  
6 including, but not limited to, costs of a pre-installation  
7 energy audit or analysis, design, engineering, installation,  
8 maintenance, repairs, debt service, conversions to a different  
9 energy or fuel source, or post-installation project  
10 monitoring, data collection, and reporting. The evaluation  
11 shall include a detailed analysis of whether either the energy  
12 consumed or the operating costs, or both, will be reduced. If a  
13 licensed architect or registered professional engineer on the  
14 executive agency's or contracting authority's staff is  
15 unavailable to serve as an evaluator, then the evaluation shall  
16 include a registered professional engineer or architect, who is  
17 retained by the executive agency or contracting authority. A  
18 licensed architect or registered professional engineer  
19 participating on an evaluation team under this Section must not  
20 have any financial or contractual relationship with an offeror  
21 or other source that would constitute a conflict of interest.  
22 The contracting authority or executive agency facility may pay  
23 a reasonable fee for evaluation of the proposal or include the  
24 fee as part of the payments made under subsection (f).

25 (d) Any contracting agency shall coordinate with the Board  
26 to ensure that there are no conflicts with the proposals and

1 current or upcoming Board projects.

2 (e) After evaluating the proposals, a contracting  
3 authority for an executive agency facility may enter into a  
4 guaranteed energy savings contract with the best-qualified  
5 offeror if the contracting authority finds that the amount it  
6 would spend on the energy conservation measures recommended in  
7 the proposal would not exceed the amount to be saved in either  
8 energy or operational costs, or both, within a 20-year period  
9 from the date of installation if the recommendations in the  
10 proposal are followed. Contracts let or awarded must be  
11 published in the volume of the Illinois Procurement Bulletin  
12 under the authority of the chief procurement officer for the  
13 Capital Development Board or as otherwise prescribed by  
14 agreement between the Capital Development Board and the  
15 contracting authority.

16 (f) The guaranteed energy savings contract shall include  
17 the contractor's guarantee that either the energy or  
18 operational cost savings, or both, will meet or exceed within  
19 20 years the costs of the energy conservation measures. The  
20 contractor shall reimburse the State for any shortfall of  
21 guaranteed energy savings projected in the contract. A  
22 contractor shall provide a sufficient bond, as determined by  
23 the State, to the contracting authority for the installation  
24 and the faithful performance of all the measures included in  
25 the contract. The guaranteed energy savings contract may  
26 provide for payments over a period of time, not to exceed 20

1 years from the date of final installation of the energy  
2 conservation measures.

3 (g) The contracting authority may enter into an installment  
4 payment contract or lease purchase agreement with a contractor  
5 for services solicited under this Section or with a third  
6 party, as authorized by law, for the funding or financing of  
7 the purchase and installation of energy conservation measures.  
8 The State of Illinois may issue certificates evidencing the  
9 indebtedness incurred pursuant to the contracts. Each contract  
10 or agreement entered into by a contracting authority pursuant  
11 to this Section shall be authorized by official action of the  
12 contracting authority. The authority granted in this Section is  
13 in addition to any other authority granted by law. If an energy  
14 audit is performed by an energy services contractor for an  
15 executive agency facility within the 3 years immediately  
16 preceding the request for proposals, then the contracting  
17 authority must publish as a reference document in the  
18 solicitation for energy conservation measures:

19 (1) an executive summary of the energy audit, provided  
20 that the contracting authority and executive agency  
21 facility may exclude any proprietary or trademarked  
22 information or practices; or

23 (2) the energy audit, provided that the contracting  
24 authority and executive agency facility may redact any  
25 proprietary or trademarked information or practices.

26 An executive agency facility or contracting authority may

1 not withhold the disclosure of information related to: (i) the  
2 executive agency facility's consumption of energy, (ii) the  
3 physical condition of the executive agency's facilities, and  
4 (iii) any limitations prescribed by the executive agency  
5 facility or contracting authority.

6 (h) Guaranteed energy savings contracts may extend beyond  
7 the fiscal year in which they become effective. The agency  
8 responsible for payments under such a contract shall include in  
9 its annual budget and appropriations measures for each  
10 subsequent fiscal year any amounts payable under guaranteed  
11 energy savings contracts during that fiscal year.

12 (i) In cooperation with the contracting authority, the  
13 executive agency facility shall document the operational and  
14 energy cost savings specified in the guaranteed energy savings  
15 contract and designate and appropriate that amount for an  
16 annual payment of the contract. If the annual energy savings  
17 are less than projected under the guaranteed energy savings  
18 contract the contractor shall pay the difference as provided in  
19 subsection (f) of this Section.

20 (j) An executive agency facility or contracting authority  
21 may use funds designated for operating or capital expenditures  
22 for any guaranteed energy savings contract including purchases  
23 using installment payment contracts or lease purchase  
24 agreements. An executive agency facility or contracting  
25 authority that enters into such a contract or agreement may  
26 covenant in the contract or agreement that payments made under

1 the contract or agreement shall be payable from the first funds  
2 legally available in each fiscal year.

3 (k) Operating and maintenance funds and other amounts  
4 appropriated for distribution to or reimbursement of an  
5 executive agency facility or contracting authority shall not be  
6 reduced as a result of energy savings realized from a  
7 guaranteed energy savings contract or a lease purchase  
8 agreement for the purchase and installation of energy  
9 conservation measures.

10 (l) Other State laws and related administrative  
11 requirements apply to this Article, including, but not limited  
12 to, the following laws and related administrative  
13 requirements: the Illinois Human Rights Act, the Prevailing  
14 Wage Act, the Public Construction Bond Act, the Employment of  
15 Illinois Workers on Public Works Act, the Freedom of  
16 Information Act, the Open Meetings Act, the Illinois  
17 Architecture Practice Act of 1989, the Professional  
18 Engineering Practice Act of 1989, the Structural Engineering  
19 Practice Act of 1989, the Local Government Professional  
20 Services Selection Act, and the Contractor Unified License and  
21 Permit Bond Act.

22 (m) In order to protect the integrity of historic  
23 buildings, no provision of this Section shall be interpreted to  
24 require the implementation of energy conservation measures  
25 that conflict with respect to any property eligible for,  
26 nominated to, or entered on the National Register of Historic

1 Places, pursuant to the federal National Historic Preservation  
2 Act of 1966, or the Illinois Register of Historic Places,  
3 pursuant to the Illinois Historic Preservation Act.

4 ~~State purchasing officers may enter into energy conservation~~  
5 ~~program contracts that provide for utility cost savings. The~~  
6 ~~chief procurement officer shall promulgate and adopt rules for~~  
7 ~~the implementation of this Section.~~

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

9 (30 ILCS 500/25-65)

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

18 In awarding the contract or evaluating the bid or offer,  
19 the chief procurement officer or, if the procurement is under  
20 the authority of a designated procurement officer, the  
21 applicable designated procurement officer may consider such  
22 disclosure and the economic impact to the State of Illinois and  
23 its residents.

24 If the chief procurement officer or applicable designated  
25 procurement officer awards a contract to a vendor based upon

1 disclosure that work will be performed in the United States and  
2 during the term of the contract the contractor or a  
3 subcontractor proceeds to shift work outside of the United  
4 States, the contractor shall be deemed in breach of contract,  
5 unless the chief procurement officer or applicable designated  
6 procurement officer shall have first determined in writing that  
7 circumstances require the shift of work or that termination of  
8 the contract would not be in the State's best interest.

9 Nothing in this Section is intended to contravene any  
10 existing treaty, law, agreement, or regulation of the United  
11 States.

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



1 copies of the report in the manner provided by Section 3.1 of  
2 the General Assembly Organization Act.

3 (Source: P.A. 98-1076, eff. 1-1-15.)

4 (30 ILCS 500/25-81 new)

5 Sec. 25-81. Governmental contracts. The chief procurement  
6 officer or, if the procurement is under the authority of a  
7 designated procurement officer, the designated procurement  
8 officer may authorize, when in the best interest of the State,  
9 a State agency to procure supplies and services without any  
10 method of source selection otherwise required by this Code from  
11 a vendor with a current contract with any other governmental  
12 unit as defined in Section 1 of the Governmental Joint  
13 Purchasing Act or from a governmental procurement cooperative  
14 or procurement consortium. The intended contract must have been  
15 procured pursuant to competitive selection procedures which  
16 meet the approval of the chief procurement officer or, if the  
17 procurement is under the authority of a designated procurement  
18 officer, the applicable designated procurement officer.  
19 Details of the determination and intent to use a federal  
20 government contract shall be published in the appropriate  
21 volume of the Illinois Procurement Bulletin for a period of 14  
22 days prior to execution of the new contract. Contracts  
23 resulting from this process shall contain all statutory  
24 provisions required by Illinois law.

1 (30 ILCS 500/30-35)

2 Sec. 30-35. Expenditure in excess of contract price.

3 (a) ~~Germaneness.~~ No funds in excess of the contract price  
4 may be obligated or expended unless the additional work to be  
5 performed or materials to be furnished is germane to the  
6 original contract. If germane to the contract ~~Even if germane~~  
7 ~~to the original contract, no additional expenditures or~~  
8 ~~obligations may, in their total combined amounts, be in excess~~  
9 ~~of the percentages of the original contract amount set forth in~~  
10 ~~subsection (b) unless they have received the prior written~~  
11 ~~approval of the construction agency. In the event that the~~  
12 ~~total of the combined additional expenditures or obligations~~  
13 ~~exceeds the percentages of the original contract amount set~~  
14 ~~forth in subsection (b),~~ the construction agency shall  
15 investigate all the additional expenditures or obligations in  
16 excess of the original contract amount and shall in writing  
17 approve or disapprove subsequent expenditures or obligations  
18 and state in detail the reasons for the approval or  
19 disapproval.

20 (b) (Blank). ~~Written determination required. When the~~  
21 ~~contract amount is no more than \$75,000, the percentage shall~~  
22 ~~be 9% (maximum \$6,750). When the contract amount is between~~  
23 ~~\$75,001 and \$200,000, the percentage shall be 7% of the amount~~  
24 ~~above \$75,000 plus \$6,750, but not to exceed 7% of \$200,000~~  
25 ~~(maximum \$14,000). When the contract amount is between \$200,001~~  
26 ~~and \$500,000, the percentage shall be 5% of the amount above~~

1 ~~\$200,000 plus \$14,000, but not to exceed 5% of \$500,000~~  
2 ~~(maximum \$25,000). When the contract amount is in excess of~~  
3 ~~\$500,000, the percentage shall be 3% of the amount above~~  
4 ~~\$500,000 plus \$25,000.~~

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

6 (30 ILCS 500/35-5)

7 Sec. 35-5. Application. All professional and artistic  
8 services authorized under a separate Act may ~~shall~~ be procured  
9 in accordance with the provisions of this Article.

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

11 (30 ILCS 500/35-10)

12 Sec. 35-10. Authority. The chief procurement officer and  
13 each designated procurement officer ~~Each State purchasing~~  
14 ~~officer, under the supervision of his or her respective chief~~  
15 ~~procurement officer,~~ has the authority to select, according to  
16 the provisions of this Article, his or her own professional and  
17 artistic services.

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

19 (30 ILCS 500/35-15)

20 Sec. 35-15. Prequalification.

21 (a) The chief procurement officer or, if the procurement is  
22 under the authority of a designated procurement officer, the  
23 applicable designated procurement officer ~~for matters other~~

1 ~~than construction and the higher education chief procurement~~  
2 ~~officer~~ shall each develop appropriate and reasonable  
3 prequalification standards and categories of professional and  
4 artistic services.

5 (b) The prequalifications and categorizations shall be  
6 ~~submitted to the Procurement Policy Board and~~ published for  
7 public comment prior to their submission to the Joint Committee  
8 on Administrative Rules for approval.

9 (c) The chief procurement officer or, if the procurement is  
10 under the authority of a designated procurement officer, the  
11 applicable designated procurement ~~for matters other than~~  
12 ~~construction and the higher education chief procurement~~  
13 officer shall each also assemble and maintain a comprehensive  
14 list of prequalified and categorized businesses and persons.

15 (d) Prequalification shall not be used to bar or prevent  
16 any qualified business or person from ~~for~~ bidding or responding  
17 to invitations for bid or proposal.

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

19 (30 ILCS 500/35-20)

20 Sec. 35-20. Uniformity in procurement.

21 (a) The chief procurement officer and each designated  
22 procurement officer ~~for matters other than construction and the~~  
23 ~~higher education chief procurement officer~~ shall utilize ~~each~~  
24 ~~develop, cause to be printed, and distribute~~ uniform documents  
25 for the solicitation, review, and acceptance of all

1 professional and artistic services that are procured under  
2 their respective procurement authority.

3 (b) ~~The All~~ chief procurement officer and each designated  
4 procurement officer ~~officers, State purchasing officers, and~~  
5 ~~their designees~~ shall use the appropriate uniform procedures  
6 and forms to procure ~~specified in this Code for all~~  
7 professional and artistic services pursuant to this Article.

8 (c) These forms shall include in detail, in writing, at  
9 least:

- 10 (1) a description of the goal to be achieved;
- 11 (2) the services to be performed;
- 12 (3) the need for the service;
- 13 (4) the qualifications that are necessary; and
- 14 (5) a plan for post-performance review.

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

16 (30 ILCS 500/35-25)

17 Sec. 35-25. Uniformity in contract.

18 (a) The chief procurement officer and each designated ~~for~~  
19 ~~matters other than construction and the higher education chief~~  
20 procurement officer shall utilize ~~each develop, cause to be~~  
21 ~~printed, and distribute~~ uniform documents for the contracting  
22 of professional and artistic services that are procured under  
23 their respective procurement authority.

24 (b) All chief procurement officers, and each designated  
25 procurement officer, ~~State purchasing officers, and their~~

1 ~~designees~~ shall use the appropriate uniform contracts and forms  
2 in contracting for all professional and artistic services.

3 (c) These contracts and forms shall include in detail, in  
4 writing, at least:

5 (1) the detail listed in subsection (c) of Section  
6 35-20;

7 (2) the duration of the contract, with a schedule of  
8 delivery, when applicable;

9 (3) the method for charging and measuring cost (hourly,  
10 per day, etc.);

11 (4) the rate of remuneration; and

12 (5) the maximum price or, for contracts where a group  
13 of offerors is qualified as part of prequalified pool, unit  
14 or hourly pricing for the individual offerors.

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

16 (30 ILCS 500/35-30)

17 Sec. 35-30. Awards.

18 (a) Except as otherwise provided in this Section, all ~~All~~  
19 State contracts for professional and artistic services that are  
20 entered into pursuant to this Article ~~, except as provided in~~  
21 ~~this Section,~~ shall be awarded using the competitive request  
22 for proposal process outlined in this Section.

23 (b) (Blank). ~~For each contract offered, the chief~~  
24 ~~procurement officer, State purchasing officer, or his or her~~  
25 ~~designee shall use the appropriate standard solicitation forms~~

1 ~~available from the chief procurement officer for matters other~~  
2 ~~than construction or the higher education chief procurement~~  
3 ~~officer.~~

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

16 (d) All interested respondents shall return their  
17 responses to the chief procurement officer or, if the  
18 procurement is under the authority of a designated procurement  
19 officer, the applicable designated procurement officer ~~for~~  
20 ~~matters other than construction or the higher education chief~~  
21 ~~procurement officer~~, whichever is appropriate, which shall  
22 open and record them. The chief procurement officer or, if the  
23 procurement is under the authority of a designated procurement  
24 officer, the applicable designated procurement officer ~~for~~  
25 ~~matters other than construction or higher education chief~~  
26 ~~procurement officer~~ then shall forward the responses, together

1 with any information it has available about the qualifications  
2 and other State work of the respondents for evaluation by the  
3 purchasing agency.

4 (e) After evaluation, ranking, and selection, the  
5 ~~responsible~~ chief procurement officer or, if the procurement is  
6 under the authority of a designated procurement officer, the  
7 applicable designated procurement officer, ~~State purchasing~~  
8 ~~officer, or his or her designee shall notify the chief~~  
9 ~~procurement officer for matters other than construction or the~~  
10 ~~higher education chief procurement officer, whichever is~~  
11 ~~appropriate, of the successful respondent and shall forward a~~  
12 ~~copy of the signed contract for the chief procurement officer~~  
13 ~~for matters other than construction or higher education chief~~  
14 ~~procurement officer's file. The chief procurement officer for~~  
15 ~~matters other than construction or higher education chief~~  
16 ~~procurement officer shall publish the names of the responsible~~  
17 procurement decision-maker, the agency letting the contract,  
18 the successful respondent or respondents, a contract  
19 reference, and value of the ~~let~~ contract in the next  
20 appropriate volume of the applicable Illinois Procurement  
21 Bulletin.

22 (f) For all professional and artistic contracts that are  
23 procured in accordance with this Section ~~with annualized value~~  
24 ~~that exceeds \$25,000,~~ evaluation and ranking by price is ~~are~~  
25 required. The ~~Any~~ chief procurement officer or, if the  
26 procurement is under the authority of a designated procurement



1 officer, the applicable designated procurement officer ~~or~~  
2 ~~State purchasing officer, but not their designees,~~ may select a  
3 respondent other than the respondent with the lowest ~~lowest~~  
4 ~~respondent by price.~~ In any case, ~~when the contract exceeds the~~  
5 ~~\$25,000 threshold and~~ the lowest price respondent is not  
6 selected, the chief procurement officer or, if the procurement  
7 is under the authority of a designated procurement officer, the  
8 applicable designated procurement ~~or the State purchasing~~  
9 officer shall forward together ~~with~~ the contract notice, which  
10 shall contain the name of the respondent with the lowest price  
11 ~~who the low respondent by price was~~ and a written decision as  
12 to why another respondent was selected ~~to the chief procurement~~  
13 ~~officer for matters other than construction or the higher~~  
14 ~~education chief procurement officer, whichever is appropriate.~~  
15 The chief procurement officer or, if the procurement is under  
16 the authority of a designated procurement officer, the  
17 applicable designated procurement officer, whichever is  
18 appropriate, ~~for matters other than construction or higher~~  
19 ~~education chief procurement officer~~ shall publish as provided  
20 in subsection (e) of Section 35-30, but shall also include in  
21 the publication notice of the chief procurement officer's or  
22 designated procurement ~~or State purchasing~~ officer's written  
23 decision.

24 (g) The chief procurement officer or, if the procurement is  
25 under the authority of a designated procurement officer, the  
26 applicable designated procurement officer ~~for matters other~~

1 ~~than construction and higher education chief procurement~~  
2 ~~officer~~ may ~~each~~ refine, but not contradict, this Section by  
3 promulgating rules in accordance with Section 10-6 of this Code  
4 ~~for submission to the Procurement Policy Board and then to the~~  
5 ~~Joint Committee on Administrative Rules~~. Any refinement shall  
6 be based on the principles and procedures of the federal  
7 Architect-Engineer Selection Law, Public Law 92-582 Brooks  
8 Act, and the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act; except that pricing shall  
10 be an integral part of the selection process.

11 (Source: P.A. 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/35-35)

13 Sec. 35-35. Exceptions.

14 (a) Exceptions to Section 35-30 are allowed for sole source  
15 procurements, emergency procurements, and at the discretion of  
16 the chief procurement officer or, if the procurement is under  
17 the authority of a designated procurement officer, the  
18 applicable designated procurement officer ~~the State purchasing~~  
19 ~~officer, but not their designees~~, for professional and artistic  
20 contracts that are nonrenewable, one year or less in duration,  
21 and have a value of less than \$20,000.

22 (b) All exceptions granted under this Article must still be  
23 submitted to the chief procurement officer or, if the  
24 procurement is under the authority of a designated procurement  
25 officer, the applicable designated procurement officer ~~for~~

1 ~~matters other than construction or the higher education chief~~  
2 ~~procurement officer, whichever is appropriate,~~ and published  
3 as provided for in subsection (f) of Section 35-30, shall name  
4 the authorizing chief procurement officer or, if the  
5 procurement is under the authority of a designated procurement  
6 officer, the applicable designated procurement officer ~~State~~  
7 ~~purchasing officer,~~ and shall include a brief explanation of  
8 the reason for the exception.

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

10 (30 ILCS 500/35-40)

11 Sec. 35-40. Subcontractors.

12 (a) Any contract granted under this Article shall state  
13 whether the services of a subcontractor will be used. The  
14 contract shall include the names and addresses of all  
15 subcontractors with an annual value of more than \$50,000, the  
16 general type of work to be performed by these subcontractors,  
17 and the expected amount of money each will receive under the  
18 contract. Upon the request of the chief procurement officer or,  
19 if the procurement is under the authority of a designated  
20 procurement officer, the applicable designated procurement  
21 officer ~~appointed pursuant to paragraph (2) of subsection (a)~~  
22 ~~of Section 10-20,~~ the contractor shall provide the chief  
23 procurement officer or applicable designated procurement  
24 officer a copy of a subcontract so identified within 15  
25 calendar days after the request is made. A subcontractor, or

1 contractor on behalf of a subcontractor, may identify  
2 information that is deemed proprietary or confidential. If the  
3 chief procurement officer or applicable designated procurement  
4 officer determines the information is not relevant to the  
5 primary contract, the chief procurement officer or applicable  
6 designated procurement officer may excuse the inclusion of the  
7 information. If the chief procurement officer or applicable  
8 designated procurement officer determines the information is  
9 proprietary or could harm the business interest of the  
10 subcontractor, the chief procurement officer or applicable  
11 designated procurement officer may, in his or her discretion,  
12 redact the information. Redacted information shall not become  
13 part of the public record.

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

1 amended subcontract so identified within 15 calendar days after  
2 the request is made.

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

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

11 (Source: P.A. 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/40-15)

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

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

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

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

22 (2) (Blank).

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

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

1 (5) Renewal or extension of a lease; provided that: (i)  
2 the chief procurement officer or, if the procurement is  
3 under the authority of a designated procurement officer,  
4 the applicable designated procurement officer determines  
5 in writing that the renewal or extension is in the best  
6 interest of the State; (ii) (blank); ~~the chief procurement~~  
7 ~~officer submits his or her written determination and the~~  
8 ~~renewal or extension to the Board;~~ (iii) (blank); ~~or the~~  
9 ~~Board does not object in writing to the renewal or~~  
10 ~~extension within 30 calendar days after its submission; and~~  
11 (iv) the chief procurement officer or applicable  
12 designated procurement officer publishes the renewal or  
13 extension in the appropriate volume of the Procurement  
14 Bulletin.

15 (c) Leases with governmental units. Leases with other  
16 governmental units may be negotiated without using the request  
17 for information process when deemed by the chief procurement  
18 officer or, if the procurement is under the authority of a  
19 designated procurement officer, the applicable designated  
20 procurement officer to be in the best interest of the State.

21 (Source: P.A. 98-1076, eff. 1-1-15.)

22 (30 ILCS 500/40-20)

23 Sec. 40-20. Request for information.

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

1 (b) Form. A request for information shall be issued and  
2 shall include:

- 3 (1) the type of property to be leased;  
4 (2) the proposed uses of the property;  
5 (3) the duration of the lease;  
6 (4) the preferred location of the property; and  
7 (5) a general description of the configuration  
8 desired.

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

17 (d) Response. The request for information response shall  
18 consist of written information sufficient to show that the  
19 respondent can meet minimum criteria set forth in the request.  
20 The chief procurement officer or, if the procurement is under  
21 the authority of a designated procurement officer, the  
22 applicable designated procurement officer ~~State purchasing~~  
23 ~~officers~~ may enter into discussions with respondents for the  
24 purpose of clarifying State needs and the information supplied  
25 by the respondents. On the basis of the information supplied  
26 and discussions, if any, the chief procurement officer or, if

1 the procurement is under the authority of a designated  
2 procurement officer, the applicable designated procurement ~~a~~  
3 ~~State purchasing~~ officer shall make a written determination  
4 identifying the responses that meet the minimum criteria set  
5 forth in the request for information. Negotiations shall be  
6 entered into with all qualified respondents for the purpose of  
7 securing a lease that is in the best interest of the State. A  
8 written report of the negotiations shall be retained in the  
9 lease files and shall include the reasons for the final  
10 selection. All leases shall be reduced to writing; one copy  
11 shall be filed with the Comptroller in accordance with the  
12 provisions of Section 20-80, and one copy shall be filed with  
13 the Board.

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

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



1 ~~\$100,000 or more, the Procurement Policy Board shall have 30~~  
2 ~~calendar days to review the proposed lease. If the Board does~~  
3 ~~not object in writing within 30 calendar days, then the~~  
4 ~~proposed lease shall become effective according to its terms as~~  
5 ~~submitted. The leasing agency shall make any and all materials~~  
6 ~~available to the Board to assist in the review process.~~

7 (Source: P.A. 98-1076, eff. 1-1-15.)

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 the chief procurement  
16 officer or, if the procurement is under the authority of a  
17 designated procurement officer, the applicable designated  
18 procurement ~~a State purchasing~~ officer determines in writing  
19 that renewal is in the best interest of the State and notice of  
20 the exercise of the option is published in the appropriate  
21 volume of the Procurement Bulletin at least 60 calendar days  
22 prior to the exercise of the option.

23 (c) Subject to appropriation. All leases shall recite that  
24 they are subject to termination and cancellation in any year  
25 for which the General Assembly fails to make an appropriation

1 to make payments under the terms of the lease.

2 (d) Holdover. Beginning January 1, 2010, no lease may  
3 continue on a month-to-month or other holdover basis for a  
4 total of more than 6 months. Beginning July 1, 2010, the  
5 Comptroller shall withhold payment of leases beyond this  
6 holdover period.

7 (Source: P.A. 98-1076, eff. 1-1-15.)

8 (30 ILCS 500/40-30)

9 Sec. 40-30. Purchase option. Leases ~~Initial leases~~ of all  
10 space in entire, free-standing buildings shall include an  
11 option to purchase exercisable by the State, unless the  
12 purchasing officer determines that inclusion of such purchase  
13 option is not in the State's best interest and makes that  
14 determination in writing along with the reasons for making that  
15 determination and publishes the written determination in the  
16 appropriate volume of the Procurement Bulletin. Leases from  
17 governmental units and not-for-profit entities are exempt from  
18 the requirements of this Section.

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

20 (30 ILCS 500/40-35)

21 Sec. 40-35. Rent without occupancy. Except when deemed by  
22 the chief procurement officer or, if the procurement is under  
23 the authority of a designated procurement officer, the  
24 applicable designated procurement officer ~~Board~~ to be in the

1 best interest of the State, no State agency may incur rental  
2 obligations before occupying the space rented.

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

4 (30 ILCS 500/40-55)

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

16 (Source: P.A. 98-1076, eff. 1-1-15.)

17 (30 ILCS 500/45-10)

18 Sec. 45-10. Resident preference ~~bidders and offerors~~.

19 (a) (Blank). ~~Amount of preference. When a contract is to be~~  
20 ~~awarded to the lowest responsible bidder or offeror, a resident~~  
21 ~~bidder or offeror shall be allowed a preference as against a~~  
22 ~~non-resident bidder or offeror from any state that gives or~~  
23 ~~requires a preference to bidders or offerors from that state.~~  
24 ~~The preference shall be equal to the preference given or~~

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

7 (a-5) As used in this Section, "Illinois business" means  
8 any of the following:

9 (1) a business whose principal place of business is  
10 located in Illinois;

11 (2) a business that pays a majority of its payroll in  
12 dollar volume to Illinois residents; or

13 (3) a business that employs Illinois residents as a  
14 majority of its employees.

15 (b) (Blank). ~~Residency. A resident bidder or offeror is a~~  
16 ~~person authorized to transact business in this State and having~~  
17 ~~a bona fide establishment for transacting business within this~~  
18 ~~State where it was actually transacting business on the date~~  
19 ~~when any bid for a public contract is first advertised or~~  
20 ~~announced. A resident bidder or offeror includes a foreign~~  
21 ~~corporation duly authorized to transact business in this State~~  
22 ~~that has a bona fide establishment for transacting business~~  
23 ~~within this State where it was actually transacting business on~~  
24 ~~the date when any bid for a public contract is first advertised~~  
25 ~~or announced.~~

26 (b-5) Invitation for bids.

1           (1) When a purchasing agency issues an invitation for  
2           bids pursuant to Section 20-10 of this Code, the chief  
3           procurement officer or, if the procurement is under the  
4           authority of a designated procurement officer, the  
5           applicable designated procurement officer shall award the  
6           contract to the lowest responsive and responsible bidder  
7           after the following preferences are applied to an Illinois  
8           business:

9                   (A) a decrease of 5% of the total proposed price by  
10                  the vendor, resulting in a lower final price for a  
11                  purchase expected by the purchasing agency to be less  
12                  than \$100,000;

13                   (B) a decrease of 3% of the total proposed price by  
14                  the vendor, resulting in a lower final price for a  
15                  purchase expected by the purchasing agency to be at  
16                  least \$100,000, but less than \$500,000; and

17                   (C) a decrease of 1% of the total proposed price by  
18                  the vendor, resulting in a lower final price for a  
19                  purchase expected by the purchasing agency to be at  
20                  least \$500,000.

21           (2) If a bidder qualifies as an Illinois business under  
22           this Section, and meets the responsiveness and  
23           responsibility requirements of the invitation for bids,  
24           the preference shall be applied to the Illinois business's  
25           bid.

26           (3) If, after applying the preference, the Illinois

1 business proposal becomes the lowest bidder, the chief  
2 procurement officer or, if the procurement is under the  
3 authority of a designated procurement officer, the  
4 applicable designated procurement officer shall award the  
5 contract to that bidder.

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

10 (c-5) Request for proposals.

11 (1) Pursuant to subsection (b-5) of this Section, when  
12 a purchasing agency issues a request for proposals pursuant  
13 to Section 20-15, 5% of the total scoring points shall be  
14 awarded to an offeror that qualifies as an Illinois  
15 business.

16 (2) If an offeror qualifies as an Illinois business  
17 under this Section and meets the responsiveness and  
18 responsibility requirements of the request for proposals,  
19 the additional preference shall be applied to the Illinois  
20 business's proposal.

21 (3) If after applying the preference, the Illinois  
22 business's proposal becomes the highest ranked proposal,  
23 the chief procurement officer or, if the procurement is  
24 under the authority of a designated procurement officer,  
25 the applicable designated procurement officer, shall award  
26 the contract to that offeror.

1       (d) A business that wants to claim a preference provided  
2 under this Section must perform the following:

3           (1) State in the business's bid or proposal that the  
4 business claims the preference provided by this Section.

5           (2) Provide the following information in response to  
6 the invitation for bids or the request for proposals:

7           (A) The location of the business's principal place  
8 of business. If the business claims the preference as  
9 an Illinois business as described in item (1) of  
10 subsection (a-5) of this Section, a statement  
11 explaining the reasons the business considers the  
12 location named as the business's principal place of  
13 business.

14           (B) If the business claims the preference as an  
15 Illinois business as described in item (2) of  
16 subsection (a-5) of this Section, the business must  
17 provide proof of the amount of the business's total  
18 payroll and the amount of the business's payroll paid  
19 to Illinois residents.

20           (C) If the business claims the preference as an  
21 Illinois business as described in item (3) of  
22 subsection (a-5) of this Section, the business must  
23 provide proof of the number of the business's employees  
24 and the number of the business's employees who are  
25 Illinois residents.

26       (Source: P.A. 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/45-15)

2 Sec. 45-15. Soybean oil-based ink. Contracts requiring the  
3 procurement of printing services shall specify the use of  
4 soybean oil-based ink unless the chief procurement officer or,  
5 if the procurement is under the authority of a designated  
6 procurement officer, the applicable designated procurement  
7 officer ~~a State purchasing officer~~ determines that another type  
8 of ink is required to assure high quality and reasonable  
9 pricing of the printed product.

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

11 (30 ILCS 500/45-30)

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



1 participating in Illinois Correctional Industries programs  
2 shall be purchased from Illinois Correctional Industries. The  
3 chief procurement officer ~~appointed pursuant to paragraph (4)~~  
4 ~~of subsection (a) of Section 10-20~~ shall develop and distribute  
5 to the various purchasing and using agencies a listing of all  
6 Illinois Correctional Industries products and procedures for  
7 implementing this Section.

8 (Source: P.A. 98-1076, eff. 1-1-15.)

9 (30 ILCS 500/45-35)

10 Sec. 45-35. Facilities for persons with severe  
11 disabilities.

12 (a) Qualification. Supplies and services may be procured  
13 without advertising or calling for bids from any qualified  
14 not-for-profit agency for persons with severe disabilities  
15 that:

16 (1) complies with Illinois laws governing private  
17 not-for-profit organizations;

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

1 or at a group home, as defined under Section 2.16 of the  
2 Child Care Act of 1969; and

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

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

9 (c) Committee. There is created within the Department of  
10 Central Management Services a committee to facilitate the  
11 purchase of products and services of persons so severely  
12 disabled by a physical, developmental, or mental disability or  
13 a combination of any of those disabilities that they cannot  
14 engage in normal competitive employment. This committee is  
15 called the State Use Committee. The committee shall consist of  
16 the Director of the Department of Central Management Services  
17 or his or her designee, the Director of the Department of Human  
18 Services or his or her designee, one public member representing  
19 private business who is knowledgeable of the employment needs  
20 and concerns of persons with developmental disabilities, one  
21 public member representing private business who is  
22 knowledgeable of the needs and concerns of rehabilitation  
23 facilities, one public member who is knowledgeable of the  
24 employment needs and concerns of persons with developmental  
25 disabilities, one public member who is knowledgeable of the  
26 needs and concerns of rehabilitation facilities, and 2 public

1 members from a statewide association that represents  
2 community-based rehabilitation facilities, all appointed by  
3 the Governor. The public members shall serve 2 year terms,  
4 commencing upon appointment and every 2 years thereafter. A  
5 public member may be reappointed, and vacancies shall be filled  
6 by appointment for the completion of the term. In the event  
7 there is a vacancy on the Committee, the Governor must make an  
8 appointment to fill that vacancy within 30 calendar days after  
9 the notice of vacancy. The members shall serve without  
10 compensation but shall be reimbursed for expenses at a rate  
11 equal to that of State employees on a per diem basis by the  
12 Department of Central Management Services. All members shall be  
13 entitled to vote on issues before the committee.

14 The committee shall have the following powers and duties:

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

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

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

24 (4) To prepare a report for the Governor and General  
25 Assembly no later than December 31 of each year. The  
26 requirement for reporting to the General Assembly shall be

1 satisfied by following the procedures set forth in Section  
2 3.1 of the General Assembly Organization Act.

3 (5) To prepare a publication that lists all supplies  
4 and services currently available from any qualified  
5 not-for-profit agency for persons with severe  
6 disabilities. This list and any revisions shall be  
7 distributed to all purchasing agencies.

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

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

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

21 (9) To develop a 5-year plan for increasing the number  
22 of products and services purchased from qualified  
23 not-for-profit agencies for persons with severe  
24 disabilities, including the feasibility of developing  
25 mandatory set-aside contracts. This 5-year plan must be  
26 developed no later than 180 calendar days after the

1 effective date of this amendatory Act of the 96th General  
2 Assembly.

3 (c-5) Conditions for Use. The ~~Each~~ chief procurement  
4 officer or, if the procurement is under the authority of a  
5 designated procurement officer, the applicable designated  
6 procurement officer shall, in consultation with the State Use  
7 Committee, determine which articles, materials, services, food  
8 stuffs, and supplies that are produced, manufactured, or  
9 provided by persons with severe disabilities in qualified  
10 not-for-profit agencies shall be given preference by  
11 purchasing agencies procuring those items.

12 (d) Former committee. The committee created under  
13 subsection (c) shall replace the committee created under  
14 Section 7-2 of the Illinois Purchasing Act, which shall  
15 continue to operate until the appointments under subsection (c)  
16 are made.

17 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

18 (30 ILCS 500/45-40)

19 Sec. 45-40. Gas mileage.

20 (a) Specification. Contracts for the purchase or lease of  
21 new passenger automobiles, other than station wagons, vans,  
22 four-wheel drive vehicles, emergency vehicles, and police and  
23 fire vehicles, shall specify the procurement of a model that,  
24 according to the most current mileage study published by the  
25 U.S. Environmental Protection Agency, can achieve at least the

1 minimum average fuel economy in miles per gallon imposed upon  
2 manufacturers of vehicles under Title V of The Motor Vehicle  
3 Information and Cost Savings Act.

4 (b) Exemptions. The chief procurement officer or, if the  
5 procurement is under the authority of a designated procurement  
6 officer, the designated procurement ~~State purchasing~~ officer  
7 may exempt procurements from the requirement of subsection (a)  
8 when there is a demonstrated need, submitted in writing, for an  
9 automobile that does not meet the minimum average fuel economy  
10 standards. Rules ~~The chief procurement officer shall~~  
11 ~~promulgate rules~~ for determining need consistent with the  
12 intent of this Section shall be adopted in accordance with  
13 Section 10-6 of this Code.

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

15 (30 ILCS 500/45-45)

16 Sec. 45-45. Small businesses.

17 (a) Set-asides. The ~~Each~~ chief procurement officer and each  
18 designated procurement officer for those procurements that are  
19 under their respective authority have ~~has~~ authority to  
20 designate as small business set-asides a fair proportion of  
21 construction, supply, and service contracts for award to small  
22 businesses in Illinois. Advertisements for bids or offers for  
23 those contracts shall specify designation as small business  
24 set-asides. In awarding the contracts, only bids or offers from  
25 qualified small businesses shall be considered.

1 (b) Small business. "Small business" means a business that  
2 is independently owned and operated and that is not dominant in  
3 its field of operation. The chief procurement officer and each  
4 designated procurement officer shall establish a detailed  
5 definition by rule, using in addition to the foregoing criteria  
6 other criteria, including the number of employees and the  
7 dollar volume of business. When computing the size status of a  
8 potential contractor, annual sales and receipts of the  
9 potential contractor and all of its affiliates shall be  
10 included. The maximum number of employees and the maximum  
11 dollar volume that a small business may have under the rules  
12 promulgated under Section 10-6 of this Code ~~by the chief~~  
13 ~~procurement officer~~ may vary from industry to industry to the  
14 extent necessary to reflect differing characteristics of those  
15 industries, subject to the following limitations:

16 (1) No wholesale business is a small business if its  
17 annual sales for its most recently completed fiscal year  
18 exceed \$13,000,000.

19 (2) No retail business or business selling services is  
20 a small business if its annual sales and receipts exceed  
21 \$8,000,000.

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

24 (4) No construction business is a small business if its  
25 annual sales and receipts exceed \$14,000,000.

26 (c) Fair proportion. For the purpose of subsection (a), for

1 State agencies of the executive branch, a fair proportion of  
2 construction contracts shall be no less than 25% nor more than  
3 40% of the annual total contracts for construction.

4 (d) Withdrawal of designation. A small business set-aside  
5 designation may be withdrawn by the purchasing agency when  
6 deemed in the best interests of the State. Upon withdrawal, all  
7 bids or offers shall be rejected, and the bidders or offerors  
8 shall be notified of the reason for rejection. The contract  
9 shall then be awarded in accordance with this Code without the  
10 designation of small business set-aside.

11 (e) Small business specialist. The chief procurement  
12 officer and each designated procurement officer shall  
13 designate an individual ~~a State purchasing officer who will be~~  
14 ~~responsible for engaging an experienced contract negotiator~~ to  
15 serve as its small business specialist. The small business  
16 specialists shall collectively work together to accomplish the  
17 following duties ~~, whose duties shall include:~~

18 (1) Compiling and maintaining a comprehensive list of  
19 potential small contractors. In this duty, he or she shall  
20 cooperate with the Federal Small Business Administration  
21 in locating potential sources for various products and  
22 services.

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

25 (3) Examining requests from State agencies for the  
26 purchase of property or services to help determine which



1 invitations to bid are to be designated small business  
2 set-asides.

3 (4) Making recommendations to the chief procurement  
4 officer for the simplification of specifications and terms  
5 in order to increase the opportunities for small business  
6 participation.

7 (5) Assisting in investigations by purchasing agencies  
8 to determine the responsibility of bidders or offerors on  
9 small business set-asides.

10 (f) Small business annual report. Each small business  
11 specialist ~~The State purchasing officer~~ designated under  
12 subsection (e) shall annually before December 1 report in  
13 writing to the General Assembly concerning the awarding of  
14 contracts to small businesses. The report shall include the  
15 total value of awards made in the preceding fiscal year under  
16 the designation of small business set-aside. The report shall  
17 also include the total value of awards made to businesses owned  
18 by minorities, females, and persons with disabilities, as  
19 defined in the Business Enterprise for Minorities, Females, and  
20 Persons with Disabilities Act, in the preceding fiscal year  
21 under the designation of small business set-aside.

22 The requirement for reporting to the General Assembly shall  
23 be satisfied by filing copies of the report as required by  
24 Section 3.1 of the General Assembly Organization Act.

25 (Source: P.A. 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/45-57)

2 Sec. 45-57. Veterans.

3 (a) Set-aside goal. It is the goal of the State to promote  
4 and encourage the continued economic development of small  
5 businesses owned and controlled by qualified veterans and that  
6 qualified service-disabled veteran-owned small businesses  
7 (referred to as SDVOSB) and veteran-owned small businesses  
8 (referred to as VOSB) participate in the State's procurement  
9 process as both prime contractors and subcontractors. Not less  
10 than 3% of the total dollar amount of State contracts, as  
11 defined by the Director of Central Management Services, shall  
12 be established as a goal to be awarded to SDVOSB and VOSB. That  
13 portion of a contract under which the contractor subcontracts  
14 with a SDVOSB or VOSB may be counted toward the goal of this  
15 subsection. The Department of Central Management Services  
16 shall adopt rules to implement compliance with this subsection  
17 by all State agencies.

18 (b) Fiscal year reports. By each September 1, each  
19 designated procurement ~~chief procurement~~ officer shall report  
20 to the chief procurement officer ~~Department of Central~~  
21 ~~Management Services~~ on all of the following for the immediately  
22 preceding fiscal year, and by each March 1 the Department of  
23 Central Management Services shall compile and report that  
24 information to the General Assembly:

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

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

4           (c) Yearly review and recommendations. Each year, ~~the each~~  
5           chief procurement officer and each designated procurement  
6           officer shall review the progress of all State agencies under  
7           its jurisdiction in meeting the goal described in subsection  
8           (a), with input from statewide veterans' service organizations  
9           and from the business community, including businesses owned by  
10          qualified veterans, and shall make recommendations to be  
11          included in the Department of Central Management Services'  
12          report to the General Assembly regarding continuation,  
13          increases, or decreases of the percentage goal. The  
14          recommendations shall be based upon the number of businesses  
15          that are owned by qualified veterans and on the continued need  
16          to encourage and promote businesses owned by qualified  
17          veterans.

18          (d) Governor's recommendations. To assist the State in  
19          reaching the goal described in subsection (a), the Governor  
20          shall recommend to the General Assembly changes in programs to  
21          assist businesses owned by qualified veterans.

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

23                 "Armed forces of the United States" means the United States  
24                 Army, Navy, Air Force, Marine Corps, Coast Guard, or service in  
25                 active duty as defined under 38 U.S.C. Section 101. Service in  
26                 the Merchant Marine that constitutes active duty under Section

1 401 of federal Public Act 95-202 shall also be considered  
2 service in the armed forces for purposes of this Section.

3 "Certification" means a determination made by the Illinois  
4 Department of Veterans' Affairs and the Department of Central  
5 Management Services that a business entity is a qualified  
6 service-disabled veteran-owned small business or a qualified  
7 veteran-owned small business for whatever purpose. A SDVOSB or  
8 VOSB owned and controlled by females, minorities, or persons  
9 with disabilities, as those terms are defined in Section 2 of  
10 the Business Enterprise for Minorities, Females, and Persons  
11 with Disabilities Act, may also select and designate whether  
12 that business is to be certified as a "female-owned business",  
13 "minority-owned business", or "business owned by a person with  
14 a disability", as defined in Section 2 of the Business  
15 Enterprise for Minorities, Females, and Persons with  
16 Disabilities Act.

17 "Control" means the exclusive, ultimate, majority, or sole  
18 control of the business, including but not limited to capital  
19 investment and all other financial matters, property,  
20 acquisitions, contract negotiations, legal matters,  
21 officer-director-employee selection and comprehensive hiring,  
22 operation responsibilities, cost-control matters, income and  
23 dividend matters, financial transactions, and rights of other  
24 shareholders or joint partners. Control shall be real,  
25 substantial, and continuing, not pro forma. Control shall  
26 include the power to direct or cause the direction of the

1 management and policies of the business and to make the  
2 day-to-day as well as major decisions in matters of policy,  
3 management, and operations. Control shall be exemplified by  
4 possessing the requisite knowledge and expertise to run the  
5 particular business, and control shall not include simple  
6 majority or absentee ownership.

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

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

20 "Qualified veteran-owned small business" or "VOSB" means a  
21 small business (i) that is at least 51% owned by one or more  
22 qualified veterans living in Illinois or, in the case of a  
23 corporation, at least 51% of the stock of which is owned by one  
24 or more qualified veterans living in Illinois; (ii) that has  
25 its home office in Illinois; and (iii) for which items (i) and  
26 (ii) are factually verified annually by the Department of

1 Central Management Services.

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

5 "Small business" means a business that has annual gross  
6 sales of less than \$75,000,000 as evidenced by the federal  
7 income tax return of the business. A firm with gross sales in  
8 excess of this cap may apply to the Department of Central  
9 Management Services for certification for a particular  
10 contract if the firm can demonstrate that the contract would  
11 have significant impact on SDVOSB or VOSB as suppliers or  
12 subcontractors or in employment of veterans or  
13 service-disabled veterans.

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

17 "Time of hostilities with a foreign country" means any  
18 period of time in the past, present, or future during which a  
19 declaration of war by the United States Congress has been or is  
20 in effect or during which an emergency condition has been or is  
21 in effect that is recognized by the issuance of a Presidential  
22 proclamation or a Presidential executive order and in which the  
23 armed forces expeditionary medal or other campaign service  
24 medals are awarded according to Presidential executive order.

25 "Veteran" means a person who (i) has been a member of the  
26 armed forces of the United States or, while a citizen of the

1 United States, was a member of the armed forces of allies of  
2 the United States in time of hostilities with a foreign country  
3 and (ii) has served under one or more of the following  
4 conditions: (a) the veteran served a total of at least 6  
5 months; (b) the veteran served for the duration of hostilities  
6 regardless of the length of the engagement; (c) the veteran was  
7 discharged on the basis of hardship; or (d) the veteran was  
8 released from active duty because of a service connected  
9 disability and was discharged under honorable conditions.

10 (f) Certification program. The Illinois Department of  
11 Veterans' Affairs and the Department of Central Management  
12 Services shall work together to devise a certification  
13 procedure to assure that businesses taking advantage of this  
14 Section are legitimately classified as qualified  
15 service-disabled veteran-owned small businesses or qualified  
16 veteran-owned small businesses.

17 (g) Penalties.

18 (1) Administrative penalties. The chief procurement  
19 officers appointed pursuant to Section 10-20 shall suspend  
20 any person who commits a violation of Section 17-10.3 or  
21 subsection (d) of Section 33E-6 of the Criminal Code of  
22 2012 relating to this Section from bidding on, or  
23 participating as a contractor, subcontractor, or supplier  
24 in, any State contract or project for a period of not less  
25 than 3 years, and, if the person is certified as a  
26 service-disabled veteran-owned small business or a

1 veteran-owned small business, then the Department shall  
2 revoke the business's certification for a period of not  
3 less than 3 years. An additional or subsequent violation  
4 shall extend the periods of suspension and revocation for a  
5 period of not less than 5 years. The suspension and  
6 revocation shall apply to the principals of the business  
7 and any subsequent business formed or financed by, or  
8 affiliated with, those principals.

9 (2) Reports of violations. Each State agency shall  
10 report any alleged violation of Section 17-10.3 or  
11 subsection (d) of Section 33E-6 of the Criminal Code of  
12 2012 relating to this Section to the chief procurement  
13 officers or a designated procurement officer ~~appointed~~  
14 ~~pursuant to Section 10-20~~. The chief procurement officer or  
15 designated procurement officer ~~officers appointed pursuant~~  
16 ~~to Section 10-20~~ shall subsequently report all such alleged  
17 violations to the Attorney General, who shall determine  
18 whether to bring a civil action against any person for the  
19 violation.

20 (3) List of suspended persons. The chief procurement  
21 officer and designated procurement ~~officers appointed~~  
22 ~~pursuant to Section 10-20~~ shall monitor the status of all  
23 reported violations of Section 17-10.3 or subsection (d) of  
24 Section 33E-6 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012 relating to this Section and shall maintain  
26 and make available to all State agencies a central listing



1 of all persons that committed violations resulting in  
2 suspension.

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

8 (5) Duty to check list. Each State agency shall check  
9 the central listing provided by the chief procurement  
10 officer and designated procurement officers appointed  
11 pursuant to Section 10-20 under paragraph (3) of this  
12 subsection to verify that a person being awarded a contract  
13 by that State agency, or to be used as a subcontractor or  
14 supplier on a contract being awarded by that State agency,  
15 is not under suspension pursuant to paragraph (1) of this  
16 subsection.

17 (Source: P.A. 97-260, eff. 8-5-11; 97-1150, eff. 1-25-13;  
18 98-307, eff. 8-12-13; 98-1076, eff. 1-1-15.)

19 (30 ILCS 500/45-67)

20 Sec. 45-67. Encouragement to hire qualified veterans. The A  
21 chief procurement officer or, if the procurement is under the  
22 authority of a designated procurement officer, the applicable  
23 designated procurement officer may, as part of any  
24 solicitation, encourage potential contractors to consider  
25 hiring qualified veterans and to notify them of any available

1 financial incentives or other advantages associated with  
2 hiring such persons. In establishing internal guidelines in  
3 furtherance of this Section, the Department of Central  
4 Management Services may work with an interagency advisory  
5 committee consisting of representatives from the Department of  
6 Veterans Affairs, the Department of Employment Security, the  
7 Department of Commerce and Economic Opportunity, and the  
8 Department of Revenue and consisting of 8 members of the  
9 General Assembly, 2 of whom are appointed by the Speaker of the  
10 House of Representatives, 2 of whom are appointed by the  
11 President of the Senate, 2 of whom are appointed by the  
12 Minority Leader of the House of Representatives, and 2 of whom  
13 are appointed by the Minority Leader of the Senate.

14 For the purposes of this Section, "qualified veteran" means  
15 an Illinois resident who: (i) was a member of the Armed Forces  
16 of the United States, a member of the Illinois National Guard,  
17 or a member of any reserve component of the Armed Forces of the  
18 United States; (ii) served on active duty in connection with  
19 Operation Desert Storm, Operation Enduring Freedom, or  
20 Operation Iraqi Freedom; and (iii) was honorably discharged.

21 The Department of Central Management Services must report  
22 to the Governor and to the General Assembly by December 31 of  
23 each year on the activities undertaken by the chief procurement  
24 officer, designated procurement officer, ~~officers~~ and the  
25 Department of Central Management Services to encourage  
26 potential contractors to consider hiring qualified veterans.

1 The report must include the number of vendors who have hired  
2 qualified veterans. Each designated procurement officer must  
3 provide the Department of Central Management Services with the  
4 information needed to provide the report to the Governor and  
5 the General Assembly.

6 (Source: P.A. 98-1076, eff. 1-1-15.)

7 (30 ILCS 500/45-70)

8 Sec. 45-70. Encouragement to hire ex-offenders. The ~~A~~ chief  
9 procurement officer or, if the procurement is under the  
10 authority of a designated procurement officer, the applicable  
11 designated procurement officer may, as part of any  
12 solicitation, encourage potential contractors to consider  
13 hiring Illinois residents discharged from any Illinois adult  
14 correctional center, in appropriate circumstances, and to  
15 notify them of any available financial incentives or other  
16 advantages associated with hiring such persons. In  
17 establishing internal guidelines in furtherance of this  
18 Section, the Department of Central Management Services may work  
19 with an interagency advisory committee consisting of  
20 representatives from the Department of Corrections, the  
21 Department of Employment Security, the Department of Juvenile  
22 Justice, the Department of Commerce and Economic Opportunity,  
23 and the Department of Revenue and consisting of 8 members of  
24 the General Assembly, 2 of whom are appointed by the Speaker of  
25 the House of Representatives, 2 of whom are appointed by the

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

4 The Department of Central Management Services must report  
5 to the Governor and to the General Assembly by December 31 of  
6 each year on the activities undertaken by chief procurement  
7 officers and each designated procurement officers and the  
8 Department of Central Management Services to encourage  
9 potential contractors to consider hiring Illinois residents  
10 who have been discharged from an Illinois adult correctional  
11 center. The report must include the number of vendors who have  
12 hired Illinois residents who have been discharged from any  
13 Illinois adult correctional center. Each designated  
14 procurement officer must provide the Department of Central  
15 Management Services with the information needed to provide the  
16 report to the Governor and the General Assembly.

17 (Source: P.A. 98-1076, eff. 1-1-15.)

18 (30 ILCS 500/50-1)

19 Sec. 50-1. Purpose. It is the express duty of the all chief  
20 procurement officers, designated procurement ~~State purchasing~~  
21 officers, and their designees to maximize the value of the  
22 expenditure of public moneys in procuring goods, services, and  
23 contracts for the State of Illinois and to act in a manner that  
24 maintains the integrity and public trust of State government.  
25 In discharging this duty, they are charged to use all available

1 information, reasonable efforts, and reasonable actions to  
2 protect, safeguard, and maintain the procurement process of the  
3 State of Illinois.

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

5 (30 ILCS 500/50-2)

6 Sec. 50-2. Continuing disclosure; false certification.  
7 Every person that has entered into a ~~multi-year~~ contract for  
8 more than one year in duration for the initial term or for any  
9 renewal term and ~~every subcontractor with a multi-year~~  
10 ~~subcontract~~ shall certify, by January ~~July~~ 1 of each fiscal  
11 year covered by the contract after the initial fiscal year, to  
12 the ~~responsible~~ chief procurement officer or, if the  
13 procurement is under the authority of a designated procurement  
14 officer, the applicable designated procurement officer of any  
15 changes that affect its ability ~~whether it continues~~ to satisfy  
16 the requirements of this Article pertaining to eligibility for  
17 a contract award. If a contractor or subcontractor continues to  
18 meet all requirements of this Article, it shall not be required  
19 to submit any certification or if the work under the contract  
20 has been substantially completed before contract expiration  
21 but the contract has not yet expired. If a contractor or  
22 subcontractor is not able to truthfully certify that it  
23 continues to meet all requirements, it shall provide with its  
24 certification a detailed explanation of the circumstances  
25 leading to the change in certification status. A contractor or

1 subcontractor that makes a false statement material to any  
2 given certification required under this Article is, in addition  
3 to any other penalties or consequences prescribed by law,  
4 subject to liability under the Illinois False Claims Act for  
5 submission of a false claim.

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); 96-1304, eff. 7-27-10.)

8 (30 ILCS 500/50-5)

9 Sec. 50-5. Bribery.

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

12 (1) has been convicted under the laws of Illinois or  
13 any other state of bribery or attempting to bribe an  
14 officer or employee of the State of Illinois or any other  
15 state in that officer's or employee's official capacity; or

16 (2) has made an admission of guilt of that conduct that  
17 is a matter of record but has not been prosecuted for that  
18 conduct.

19 (b) Businesses. No business shall be barred from  
20 contracting with any unit of State or local government, or  
21 subcontracting under such a contract, as a result of a  
22 conviction under this Section of any employee or agent of the  
23 business if the employee or agent is no longer employed by the  
24 business and:

25 (1) the business has been finally adjudicated not

1 guilty; or

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

10 (c) Conduct on behalf of business. For purposes of this  
11 Section, when an official, agent, or employee of a business  
12 committed the bribery or attempted bribery on behalf of the  
13 business and in accordance with the direction or authorization  
14 of a responsible official of the business, the business shall  
15 be chargeable with the conduct.

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

1 officer may declare the related contract void if any  
2 certifications required by this Section are false. If the false  
3 certification is made by a subcontractor, then the contractor's  
4 submitted bid or offer and the executed contract may not be  
5 declared void, unless the contractor refuses to terminate the  
6 subcontract upon the State's request after a finding that the  
7 subcontract's certification was false. A bidder, offeror,  
8 potential contractor, contractor, or subcontractor who makes a  
9 false statement, material to the certification, commits a Class  
10 3 felony.

11 (Source: P.A. 97-895, eff. 8-3-12; 97-1150, eff. 1-25-13;  
12 98-1076, eff. 1-1-15.)

13 (30 ILCS 500/50-10)

14 Sec. 50-10. Felons.

15 (a) Unless otherwise provided, no person or business  
16 convicted of a felony shall do business with the State of  
17 Illinois or any State agency, or enter into a subcontract, from  
18 the date of conviction until 5 years after the date of  
19 completion of the sentence for that felony, unless no person  
20 held responsible by a prosecutorial office for the facts upon  
21 which the conviction was based continues to have any  
22 involvement with the business. For the purposes of this  
23 subsection (a), "completion of sentence" means completion of  
24 all sentencing requirements related to the felony conviction or  
25 admission and includes, but is not limited to, the following:



1 incarceration, mandatory supervised release, probation, court  
2 supervision, work release, house arrest, or commitment to a  
3 mental facility.

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

22 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/50-10.5)

24 Sec. 50-10.5. Prohibited bidders, offerors, potential  
25 contractors, and contractors.

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

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

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

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

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

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

11 (e) No person or business shall bid, offer, make a  
12 submission to a vendor portal, or enter into a contract under  
13 this Code if the person or business assisted an employee of the  
14 State of Illinois, who, by the nature of his or her duties, has  
15 the authority to participate personally and substantially in  
16 the decision to award a State contract, by reviewing, drafting,  
17 directing, or preparing any invitation for bids, a request for  
18 proposal, or request for information or provided similar  
19 assistance except as part of a publicly issued opportunity to  
20 review drafts of all or part of these documents.

21 This subsection does not prohibit a person or business from  
22 submitting a bid or offer or entering into a contract if the  
23 person or business: (i) initiates a communication with an  
24 employee to provide general information about products,  
25 services, or industry best practices, ~~and, if applicable, that~~  
26 ~~communication is documented in accordance with Section 50-39 or~~

1 (ii) responds to a communication initiated by an employee of  
2 the State for the purposes of providing information to evaluate  
3 new products, trends, services, or technologies, or (iii) asks  
4 for clarification regarding a contract solicitation so long as  
5 there is no competitive advantage to the person or business.

6 Nothing in this Section prohibits a vendor developing  
7 technology, goods, or services from bidding or offering to  
8 supply that technology or those goods or services if the  
9 subject demonstrated to the State represents industry trends  
10 and innovation and is not specifically designed to meet the  
11 State's needs.

12 Nothing in this Section prohibits a person performing  
13 construction related services from initiating contact with a  
14 business that performs construction for the purpose of  
15 obtaining market costs or production time to determine the  
16 estimated cost to complete the construction project.

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

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

1 procurement need.

2 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

3 (30 ILCS 500/50-11)

4 Sec. 50-11. Debt delinquency.

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

1 general partnership interest is a voting security.

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

21 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

22 (30 ILCS 500/50-12)

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

24 (a) No person shall enter into a contract with a State  
25 agency or enter into a subcontract under this Code unless the

1 person and all affiliates of the person collect and remit  
2 Illinois Use Tax on all sales of tangible personal property  
3 into the State of Illinois in accordance with the provisions of  
4 the Illinois Use Tax Act regardless of whether the person or  
5 affiliate is a "retailer maintaining a place of business within  
6 this State" as defined in Section 2 of the Use Tax Act. For  
7 purposes of this Section, the term "affiliate" means any entity  
8 that (1) directly, indirectly, or constructively controls  
9 another entity, (2) is directly, indirectly, or constructively  
10 controlled by another entity, or (3) is subject to the control  
11 of a common entity. For purposes of this subsection (a), an  
12 entity controls another entity if it owns, directly or  
13 individually, more than 10% of the voting securities of that  
14 entity. As used in this subsection (a), the term "voting  
15 security" means a security that (1) confers upon the holder the  
16 right to vote for the election of members of the board of  
17 directors or similar governing body of the business or (2) is  
18 convertible into, or entitles the holder to receive upon its  
19 exercise, a security that confers such a right to vote. A  
20 general partnership interest is a voting security.

21 (b) Every bid and offer submitted to the State, every  
22 submission to a vendor portal, every contract executed by the  
23 State and every subcontract subject to Section 20-120 of this  
24 Code shall contain a certification by the bidder, offeror,  
25 potential contractor, contractor, or subcontractor,  
26 respectively, that the bidder, offeror, respondent, potential

1 contractor, contractor, or subcontractor is not barred from  
2 bidding for or entering into a contract under subsection (a) of  
3 this Section and acknowledges that the chief procurement  
4 officer or, if the procurement is under the authority of a  
5 designated procurement officer, the applicable designated  
6 procurement officer may declare the related contract void if  
7 any of the certifications completed pursuant to this subsection  
8 (b) are false. If the false certification is made by a  
9 subcontractor, then the contractor's submitted bid or offer and  
10 the executed contract may not be declared void, unless the  
11 contractor refuses to terminate the subcontract upon the  
12 State's request after a finding that the subcontract's  
13 certification was false.

14 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

15 (30 ILCS 500/50-20)

16 Sec. 50-20. Exemptions. The ~~appropriate~~ chief procurement  
17 officer or, if the procurement is under the authority of a  
18 designated procurement officer, the applicable designated  
19 procurement officer may file a request with the Executive  
20 Ethics Commission to exempt named individuals from the  
21 prohibitions of Section 50-13 when, in his or her judgment, the  
22 public interest in having the individual in the service of the  
23 State outweighs the public policy evidenced in that Section.  
24 The Executive Ethics Commission may grant an exemption after a  
25 public hearing at which any person may present testimony. The



1 chief procurement officer or, if the procurement is under the  
2 authority of a designated procurement officer, the applicable  
3 designated procurement officer shall publish notice of the  
4 date, time, and location of the hearing in the online  
5 electronic Bulletin at least 14 calendar days prior to the  
6 hearing and provide notice to the individual subject to the  
7 waiver ~~and the Procurement Policy Board~~. The Executive Ethics  
8 Commission shall also provide public notice of the date, time,  
9 and location of the hearing on its website. If the Commission  
10 grants an exemption, the exemption is effective only if it is  
11 filed with the Secretary of State and the Comptroller prior to  
12 the execution of any contract and includes a statement setting  
13 forth the name of the individual and all the pertinent facts  
14 that would make that Section applicable, setting forth the  
15 reason for the exemption, and declaring the individual exempted  
16 from that Section. Notice of each exemption shall be published  
17 in the Illinois Procurement Bulletin. A contract for which a  
18 waiver has been issued but has not been filed in accordance  
19 with this Section is voidable by the State. The changes to this  
20 Section made by this amendatory Act of the 96th General  
21 Assembly shall apply to exemptions granted on or after its  
22 effective date.

23 (Source: P.A. 98-1076, eff. 1-1-15.)

24 (30 ILCS 500/50-21)

25 Sec. 50-21. Bond issuances.

1           (a) A State agency shall not enter into a contract with  
2 respect to the issuance of bonds or other securities by the  
3 State or a State agency with any entity that uses an  
4 independent consultant.

5           As used in this subsection, "independent consultant" means  
6 a person used by the entity to obtain or retain securities  
7 business through direct or indirect communication by the person  
8 with a State official or employee on behalf of the entity when  
9 the communication is undertaken by the person in exchange for  
10 or with the understanding of receiving payment from the entity  
11 or another person. "Independent consultant" does not include  
12 (i) a finance professional employed by the entity or (ii) a  
13 person whose sole basis of compensation from the entity is the  
14 actual provision of legal, accounting, or engineering advice,  
15 services, or assistance in connection with the securities  
16 business that the entity seeks to obtain or retain.

17           (b) Prior to entering into a contract with a State agency  
18 with respect to the issuance of bonds or other securities by  
19 the State or a State agency, a contracting party subject to the  
20 Municipal Securities Rulemaking Board's Rule G-37, or a  
21 successor rule, shall include a certification that the  
22 contracting entity is and shall remain for the duration of the  
23 contract in compliance with the Rule's requirements for  
24 reporting political contributions. Subsequent failure to  
25 remain in compliance shall make the contract voidable by the  
26 State.

1 (c) If a federal agency finds that an entity has knowingly  
2 violated in Illinois the Municipal Securities Rulemaking  
3 Board's Rule G-37 (or any successor rule) with respect to the  
4 making of prohibited political contributions or payments, then  
5 the chief procurement officer or, if the procurement is under  
6 the authority of a designated procurement officer, the  
7 applicable designated procurement officer shall impose a  
8 penalty that is at least twice the fine assessed against that  
9 entity by the federal agency. The chief procurement officer or  
10 designated procurement officer shall also bar that entity from  
11 participating in any State agency contract with respect to the  
12 issuance of bonds or other securities for a period of one year.  
13 The one-year period shall begin upon the expiration of any  
14 debarment period imposed by a federal agency. If no debarment  
15 is imposed by a federal agency, then the one-year period shall  
16 begin on the date the chief procurement officer or applicable  
17 designated procurement officer is advised of the violation.

18 If a federal agency finds that an entity has knowingly  
19 violated in Illinois the Municipal Securities Rulemaking  
20 Board's Rule G-38 (or any successor rule) with respect to the  
21 prohibition on obtaining or retaining municipal securities  
22 business, then the chief procurement officer or applicable  
23 designated procurement officer shall bar that entity from  
24 participating in any State agency contract with respect to the  
25 issuance of bonds or other securities for a period of one year.  
26 The one-year period shall begin upon the expiration of any

1 debarment period imposed by a federal agency. If no debarment  
2 is imposed by a federal agency, then the one-year period shall  
3 begin on the date the chief procurement officer or designated  
4 procurement officer is advised of the violation.

5 (d) Nothing in this Section shall be construed to apply  
6 retroactively, but shall apply prospectively on and after the  
7 effective date of this amendatory Act of the 96th General  
8 Assembly.

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

11 (30 ILCS 500/50-30)

12 Sec. 50-30. Revolving door prohibition.

13 (a) Chief procurement officers and designated  
14 procurement officers ~~, State purchasing officers, procurement~~  
15 ~~compliance monitors, their designees~~ whose principal duties  
16 are directly related to State procurement, and executive  
17 officers confirmed by the Senate are expressly prohibited for a  
18 period of 2 years after terminating an affected position from  
19 engaging in any procurement activity relating to the State  
20 agency most recently employing them in an affected position for  
21 a period of at least 6 months. The prohibition includes but is  
22 not limited to: lobbying the procurement process; specifying;  
23 bidding; proposing bid, proposal, or contract documents; on  
24 their own behalf or on behalf of any firm, partnership,  
25 association, or corporation. This subsection applies only to

1 persons who terminate an affected position on or after January  
2 15, 1999.

3 (b) In addition to any other provisions of this Code,  
4 employment of former State employees is subject to the State  
5 Officials and Employees Ethics Act.

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

8 (30 ILCS 500/50-35)

9 Sec. 50-35. Financial disclosure and potential conflicts  
10 of interest.

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

1 authority of a designated procurement officer, the applicable  
2 designated procurement officer. Each disclosure under this  
3 Section shall be signed and made under penalty of perjury by an  
4 authorized officer or employee on behalf of the bidder,  
5 offeror, potential contractor, contractor, or subcontractor,  
6 ~~and must be filed with the Procurement Policy Board.~~

7 (b) Disclosure shall be made by ~~include~~ any individual with  
8 an ownership or distributive income share that is in excess of  
9 5%, or an amount greater than 60% of the annual salary of the  
10 Governor, of the disclosing entity or its parent entity,  
11 whichever is less, unless the bidder, offeror, potential  
12 contractor, contractor, or subcontractor (i) is a publicly  
13 traded entity subject to Federal 10K reporting, in which case  
14 it may submit its 10K disclosure in place of the prescribed  
15 disclosure, or (ii) is a privately held entity that is exempt  
16 from Federal 10k reporting but has more than 100 shareholders,  
17 in which case it may submit the information that Federal 10k  
18 reporting companies are required to report under 17 CFR 229.401  
19 and list the names of any person or entity holding a direct ~~any~~  
20 ownership share that is in excess of 5% in place of the  
21 prescribed disclosure. The form of disclosure shall be  
22 prescribed by the applicable chief procurement officer or, if  
23 the procurement is under the authority of a designated  
24 procurement officer, the applicable designated procurement  
25 officer and must include at least the names and ~~addresses~~  
26 ~~and dollar or proportionate share of ownership~~ of each person

1 identified in this Section, their instrument of ownership ~~or~~  
2 ~~beneficial relationship~~, and notice of any ~~potential conflict~~  
3 ~~of interest resulting from the current ownership or beneficial~~  
4 ~~relationship of each individual identified in this Section~~  
5 ~~having in addition any~~ of the following relationships for each  
6 person or entity so identified:

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

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

12 (3) Elective status; the holding of elective office of  
13 the State of Illinois, the government of the United States,  
14 any unit of local government authorized by the Constitution  
15 of the State of Illinois or the statutes of the State of  
16 Illinois currently or in the previous 3 years.

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

20 (5) Appointive office; the holding of any appointive  
21 government office of the State of Illinois, the United  
22 States of America, or any unit of local government  
23 authorized by the Constitution of the State of Illinois or  
24 the statutes of the State of Illinois, which office  
25 entitles the holder to compensation in excess of expenses  
26 incurred in the discharge of that office currently or in

1 the previous 3 years.

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

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

7 (8) Relationship to anyone who is or was a registered  
8 lobbyist in the previous 2 years; spouse, father, mother,  
9 son, or daughter.

10 (9) Compensated employment, currently or in the  
11 previous 3 years, by any registered election or re-election  
12 committee registered with the Secretary of State or any  
13 county clerk in the State of Illinois, or any political  
14 action committee registered with either the Secretary of  
15 State or the Federal Board of Elections.

16 (10) Relationship to anyone; spouse, father, mother,  
17 son, or daughter; who is or was a compensated employee in  
18 the last 2 years of any registered election or re-election  
19 committee registered with the Secretary of State or any  
20 county clerk in the State of Illinois, or any political  
21 action committee registered with either the Secretary of  
22 State or the Federal Board of Elections.

23 (b-1) The disclosure required under this Section must also  
24 include the name and address of each lobbyist required to  
25 register under the Lobbyist Registration Act and other agent of  
26 the bidder, offeror, potential contractor, contractor, or



1 subcontractor who is not identified under subsections (a) and  
2 (b) and who has communicated, is communicating, or may  
3 communicate with any State officer or employee concerning the  
4 bid or offer. The disclosure under this subsection is a  
5 continuing obligation and must be promptly supplemented for  
6 accuracy throughout the process and throughout the term of the  
7 contract if the bid or offer is successful.

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

19 (c) The disclosure in subsection (b) is not intended to  
20 prohibit or prevent any contract. The disclosure is meant to  
21 fully and publicly disclose any potential conflict to the chief  
22 procurement officers, designated procurement ~~State purchasing~~  
23 officers, their designees, and executive officers so they may  
24 adequately discharge their duty to protect the State.

25 (d) When a relationship or interest reported pursuant to  
26 this Section could reasonably be perceived as unfairly or

1 unduly influencing the award of a contract, ~~potential for a~~  
2 ~~conflict of interest is identified, discovered, or reasonably~~  
3 ~~suspected,~~ the chief procurement officer or, if the procurement  
4 is under the authority of a designated procurement officer, the  
5 applicable designated procurement officer ~~or State procurement~~  
6 ~~officer shall send the contract to the Procurement Policy~~  
7 ~~Board. In accordance with the objectives of subsection (c), if~~  
8 ~~the Procurement Policy Board finds evidence of a potential~~  
9 ~~conflict of interest not originally disclosed by the bidder,~~  
10 ~~offeror, potential contractor, contractor, or subcontractor,~~  
11 ~~the Board shall provide written notice to the bidder, offeror,~~  
12 ~~potential contractor, contractor, or subcontractor that is~~  
13 ~~identified, discovered, or reasonably suspected of having a~~  
14 ~~potential conflict of interest. The bidder, offeror, potential~~  
15 ~~contractor, contractor, or subcontractor shall have 15~~  
16 ~~calendar days to respond in writing to the Board, and a hearing~~  
17 ~~before the Board will be granted upon request by the bidder,~~  
18 ~~offeror, potential contractor, contractor, or subcontractor,~~  
19 ~~at a date and time to be determined by the Board, but which in~~  
20 ~~no event shall occur later than 15 calendar days after the date~~  
21 ~~of the request. Upon consideration, the Board shall recommend,~~  
22 in writing, whether to allow or void the contract, bid, offer,  
23 or subcontract weighing the best interest of the State of  
24 Illinois. All recommendations shall be submitted to the  
25 Executive Ethics Commission. The Executive Ethics Commission  
26 may ~~must~~ hold a public hearing within 30 calendar days after

1 receiving the chief procurement officer's or designated  
2 procurement officer's Board's recommendation if the chief  
3 procurement officer or applicable designated procurement  
4 officer Procurement Policy Board makes a recommendation to (i)  
5 void a contract or (ii) void a bid or offer and the chief  
6 procurement officer selected or intends to award the contract  
7 to the bidder, offeror, or potential contractor. ~~A chief~~  
8 ~~procurement officer is prohibited from awarding a contract~~  
9 ~~before a hearing if the Board recommendation does not support a~~  
10 ~~bid or offer.~~ The recommendation and proceedings of any  
11 hearing, if applicable, shall be available to the public.

12 (e) These thresholds and disclosure do not relieve the  
13 chief procurement officer, designated procurement officers ~~the~~  
14 ~~State purchasing officer~~, or their designees from reasonable  
15 care and diligence for any contract, bid, offer, or submission  
16 to a vendor portal. The chief procurement officer, the  
17 designated procurement officers ~~State purchasing officer~~, or  
18 their designees shall be responsible for using any reasonably  
19 known and publicly available information to discover any  
20 undisclosed potential conflict of interest and act to protect  
21 the best interest of the State of Illinois.

22 (f) Inadvertent or accidental failure to fully disclose  
23 shall render the contract, bid, offer, proposal, subcontract,  
24 or relationship voidable by the chief procurement officer or,  
25 if the procurement is under the authority of a designated  
26 procurement officer, the applicable designated procurement

1 officer if he or she deems it in the best interest of the State  
2 of Illinois and, at his or her discretion, may be cause for  
3 barring from future contracts, bids, offers, proposals,  
4 subcontracts, or relationships with the State for a period of  
5 up to 2 years.

6 (g) Intentional, willful, or material failure to disclose  
7 shall render the contract, bid, offer, proposal, subcontract,  
8 or relationship voidable by the chief procurement officer or,  
9 if the procurement is under the authority of a designated  
10 procurement officer, the applicable designated procurement  
11 officer if he or she deems it in the best interest of the State  
12 of Illinois and shall result in debarment from future  
13 contracts, bids, offers, proposals, subcontracts, or  
14 relationships for a period of not less than 2 years and not  
15 more than 10 years. Reinstatement after 2 years and before 10  
16 years must be reviewed and commented on in writing by the  
17 Governor of the State of Illinois, or by an executive ethics  
18 board or commission he or she might designate. The comment  
19 shall be returned to the ~~responsible~~ chief procurement officer  
20 or designated procurement officer who must rule in writing  
21 whether and when to reinstate.

22 (h) In addition, all disclosures shall note any other  
23 current or pending contracts, bids, offers, proposals,  
24 subcontracts, leases, or other ongoing procurement  
25 relationships the bidder, offeror, potential contractor,  
26 contractor, or subcontractor has with any other unit of State

1 government and shall clearly identify the unit and the  
2 contract, offer, proposal, lease, or other relationship.

3 (i) (Blank). ~~The bidder, offeror, potential contractor, or~~  
4 ~~contractor has a continuing obligation to supplement the~~  
5 ~~disclosure required by this Section throughout the bidding~~  
6 ~~process during the term of any contract, and during the vendor~~  
7 ~~portal registration process.~~

8 (Source: P.A. 97-490, eff. 8-22-11; 97-895, eff. 8-3-12;  
9 98-1076, eff. 1-1-15.)

10 (30 ILCS 500/50-36)

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

12 (a) As used in this Section:

13 "Business operations" means engaging in commerce in any  
14 form in Iran, including, but not limited to, acquiring,  
15 developing, maintaining, owning, selling, possessing, leasing,  
16 or operating equipment, facilities, personnel, products,  
17 services, personal property, real property, or any other  
18 apparatus of business or commerce.

19 "Company" means any sole proprietorship, organization,  
20 association, corporation, partnership, joint venture, limited  
21 partnership, limited liability partnership, limited liability  
22 company, or other entity or business association, including all  
23 wholly owned subsidiaries, majority-owned subsidiaries, parent  
24 companies, or affiliates of those entities or business  
25 associations, that exists for the purpose of making profit.

1 "Mineral-extraction activities" include exploring,  
2 extracting, processing, transporting, or wholesale selling or  
3 trading of elemental minerals or associated metal alloys or  
4 oxides (ore), including gold, copper, chromium, chromite,  
5 diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

6 "Oil-related activities" include, but are not limited to,  
7 owning rights to oil blocks; exporting, extracting, producing,  
8 refining, processing, exploring for, transporting, selling, or  
9 trading of oil; and constructing, maintaining, or operating a  
10 pipeline, refinery, or other oil-field infrastructure. The  
11 mere retail sale of gasoline and related consumer products is  
12 not considered an oil-related activity.

13 "Petroleum resources" means petroleum, petroleum  
14 byproducts, or natural gas.

15 "Substantial action" means adopting, publicizing, and  
16 implementing a formal plan to cease scrutinized business  
17 operations within one year and to refrain from any such new  
18 business operations.

19 (b) Each bid or offer submitted for a State contract, other  
20 than a small purchase defined in Section 20-20, shall include a  
21 disclosure of whether or not the bidder, offeror, or any of its  
22 corporate parents or subsidiaries, within the 24 months before  
23 submission of the bid or offer had business operations that  
24 involved contracts with or provision of supplies or services to  
25 the Government of Iran, companies in which the Government of  
26 Iran has any direct or indirect equity share, consortiums or

1 projects commissioned by the Government of Iran, or companies  
2 involved in consortiums or projects commissioned by the  
3 Government of Iran and:

4 (1) more than 10% of the company's revenues produced in  
5 or assets located in Iran involve oil-related activities or  
6 mineral-extraction activities; less than 75% of the  
7 company's revenues produced in or assets located in Iran  
8 involve contracts with or provision of oil-related or  
9 mineral-extraction products or services to the Government  
10 of Iran or a project or consortium created exclusively by  
11 that government; and the company has failed to take  
12 substantial action; or

13 (2) the company has, on or after August 5, 1996, made  
14 an investment of \$20 million or more, or any combination of  
15 investments of at least \$10 million each that in the  
16 aggregate equals or exceeds \$20 million in any 12-month  
17 period, that directly or significantly contributes to the  
18 enhancement of Iran's ability to develop petroleum  
19 resources of Iran.

20 (c) A bid or offer that does not include the disclosure  
21 required by subsection (b) may be given a period after the bid  
22 or offer is submitted to cure non-disclosure. The A chief  
23 procurement officer or, if the procurement is under the  
24 authority of a designated procurement officer, the applicable  
25 designated procurement officer may consider the disclosure  
26 when evaluating the bid or offer or awarding the contract.

1           (d) The ~~Each~~ chief procurement officer or, if the  
2 procurement is under the authority of a designated procurement  
3 officer, the applicable designated procurement officer shall  
4 provide the State Comptroller with the name of each entity  
5 disclosed under subsection (b) as doing business or having done  
6 business in Iran. The State Comptroller shall post that  
7 information on his or her official website.

8 (Source: P.A. 98-1076, eff. 1-1-15.)

9 (30 ILCS 500/50-37)

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

11 (a) As used in this Section:

12           The terms "contract", "State contract", and "contract  
13 with a State agency" each mean any contract, as defined in  
14 this Code, between a business entity and a State agency let  
15 or awarded pursuant to this Code. The terms "contract",  
16 "State contract", and "contract with a State agency" do not  
17 include cost reimbursement contracts; purchase of care  
18 agreements as defined in Section 1-15.68 of this Code;  
19 contracts for projects eligible for full or partial  
20 federal-aid funding reimbursements ~~authorized by the~~  
21 ~~Federal Highway Administration~~; grants, including but are  
22 not limited to grants for job training or transportation;  
23 and grants, loans, or tax credit agreements for economic  
24 development purposes.

25           "Contribution" means a contribution as defined in



1 Section 9-1.4 of the Election Code.

2 "Declared candidate" means a person who has filed a  
3 statement of candidacy and petition for nomination or  
4 election in the principal office of the State Board of  
5 Elections.

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

20 "Officeholder" means the Governor, Lieutenant  
21 Governor, Attorney General, Secretary of State,  
22 Comptroller, or Treasurer. The Governor shall be  
23 considered the officeholder responsible for awarding all  
24 contracts by all officers and employees of, and potential  
25 contractors and others doing business with, executive  
26 branch State agencies under the jurisdiction of the

1 Executive Ethics Commission and not within the  
2 jurisdiction of the Attorney General, the Secretary of  
3 State, the Comptroller, or the Treasurer.

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

6 "Affiliated person" means (i) any person with any  
7 ownership interest or distributive share of the bidding or  
8 contracting business entity in excess of 7.5%, (ii)  
9 executive employees of the bidding or contracting business  
10 entity, and (iii) the spouse of any such persons.

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

14 "Affiliated entity" means (i) any corporate parent and  
15 each operating subsidiary of the bidding or contracting  
16 business entity, (ii) each operating subsidiary of the  
17 corporate parent of the bidding or contracting business  
18 entity, (iii) any organization recognized by the United  
19 States Internal Revenue Service as a tax-exempt  
20 organization described in Section 501(c) of the Internal  
21 Revenue Code of 1986 (or any successor provision of federal  
22 tax law) established by the bidding or contracting business  
23 entity, any affiliated entity of that business entity, or  
24 any affiliated person of that business entity, or (iv) any  
25 political committee for which the bidding or contracting  
26 business entity, or any 501(c) organization described in

1 item (iii) related to that business entity, is the  
2 sponsoring entity. "Affiliated entity" does not include an  
3 entity prohibited by federal law from making contributions  
4 or expenditures in connection with a federal, state, or  
5 local election.

6 "Business entity" means any entity doing business for  
7 profit, whether organized as a corporation, partnership,  
8 sole proprietorship, limited liability company or  
9 partnership, or otherwise.

10 "Executive employee" means (i) the President,  
11 Chairman, or Chief Executive Officer of a business entity  
12 and any other individual that fulfills equivalent duties as  
13 the President, Chairman of the Board, or Chief Executive  
14 Officer of a business entity; and (ii) any employee of a  
15 business entity whose compensation is determined directly,  
16 in whole or in part, by the award or payment of contracts  
17 by a State agency to the entity employing the employee. A  
18 regular salary that is paid irrespective of the award or  
19 payment of a contract with a State agency shall not  
20 constitute "compensation" under item (ii) of this  
21 definition. "Executive employee" does not include any  
22 person prohibited by federal law from making contributions  
23 or expenditures in connection with a federal, state, or  
24 local election.

25 (b) Any business entity whose contracts with State  
26 agencies, in the aggregate, annually total more than \$50,000,

1 and any affiliated entities or affiliated persons of such  
2 business entity, are prohibited from making any contributions  
3 to any political committees established to promote the  
4 candidacy of (i) the officeholder responsible for awarding the  
5 contracts or (ii) any other declared candidate for that office.  
6 This prohibition shall be effective for the duration of the  
7 term of office of the incumbent officeholder awarding the  
8 contracts or for a period of 2 years following the expiration  
9 or termination of the contracts, whichever is longer.

10 (c) Any business entity whose aggregate pending bids and  
11 offers on State contracts total more than \$50,000, or whose  
12 aggregate pending bids and offers on State contracts combined  
13 with the business entity's aggregate annual total value of  
14 State contracts exceed \$50,000, and any affiliated entities or  
15 affiliated persons of such business entity, are prohibited from  
16 making any contributions to any political committee  
17 established to promote the candidacy of the officeholder  
18 responsible for awarding the contract on which the business  
19 entity has submitted a bid or offer during the period beginning  
20 on the date the invitation for bids, request for proposals, or  
21 any other procurement opportunity is issued and ending on the  
22 day after the date the contract is awarded.

23 (c-5) For the purposes of the prohibitions under  
24 subsections (b) and (c) of this Section, (i) any contribution  
25 made to a political committee established to promote the  
26 candidacy of the Governor or a declared candidate for the

1 office of Governor shall also be considered as having been made  
2 to a political committee established to promote the candidacy  
3 of the Lieutenant Governor, in the case of the Governor, or the  
4 declared candidate for Lieutenant Governor having filed a joint  
5 petition, or write-in declaration of intent, with the declared  
6 candidate for Governor, as applicable, and (ii) any  
7 contribution made to a political committee established to  
8 promote the candidacy of the Lieutenant Governor or a declared  
9 candidate for the office of Lieutenant Governor shall also be  
10 considered as having been made to a political committee  
11 established to promote the candidacy of the Governor, in the  
12 case of the Lieutenant Governor, or the declared candidate for  
13 Governor having filed a joint petition, or write-in declaration  
14 of intent, with the declared candidate for Lieutenant Governor,  
15 as applicable.

16 (d) All contracts between State agencies and a business  
17 entity that violate subsection (b) or (c) shall be voidable  
18 under Section 50-60. If a business entity violates subsection  
19 (b) 3 or more times within a 36-month period, then all  
20 contracts between State agencies and that business entity shall  
21 be void, and that business entity shall not bid or respond to  
22 any invitation to bid or request for proposals from any State  
23 agency or otherwise enter into any contract with any State  
24 agency for 3 years from the date of the last violation. A  
25 notice of each violation and the penalty imposed shall be  
26 published in both the Procurement Bulletin and the Illinois

1 Register.

2 (e) Any political committee that has received a  
3 contribution in violation of subsection (b) or (c) shall pay an  
4 amount equal to the value of the contribution to the State no  
5 more than 30 calendar days after notice of the violation  
6 concerning the contribution appears in the Illinois Register.  
7 Payments received by the State pursuant to this subsection  
8 shall be deposited into the general revenue fund.

9 (Source: P.A. 97-411, eff. 8-16-11; 98-1076, eff. 1-1-15.)

10 (30 ILCS 500/50-38)

11 Sec. 50-38. Lobbying restrictions.

12 (a) A person or business that is let or awarded a contract  
13 is not entitled to receive any payment, compensation, or other  
14 remuneration from the State to compensate the person or  
15 business for any expenses related to travel, lodging, or meals  
16 that are paid by the person or business to any officer, agent,  
17 employee, consultant, independent contractor, director,  
18 partner, manager, or shareholder.

19 (b) Any bidder, offeror, potential contractor, or  
20 contractor on a State contract that hires a person required to  
21 register under the Lobbyist Registration Act to assist in  
22 obtaining a contract shall (i) disclose all costs, fees,  
23 compensation, reimbursements, and other remunerations paid or  
24 to be paid to the lobbyist related to the contract, (ii) not  
25 bill or otherwise cause the State of Illinois to pay for any of

1 the lobbyist's costs, fees, compensation, reimbursements, or  
2 other remuneration, and (iii) sign a verification certifying  
3 that none of the lobbyist's costs, fees, compensation,  
4 reimbursements, or other remuneration were billed to the State.  
5 This information, along with all supporting documents, shall be  
6 filed with the agency awarding the contract and with the  
7 Secretary of State. The chief procurement officer or, if the  
8 procurement is under the authority of a designated procurement  
9 officer, the applicable designated procurement officer shall  
10 post this information, together with the contract award notice,  
11 in the appropriate volume of the Illinois ~~online~~ Procurement  
12 Bulletin.

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

20 (Source: P.A. 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/50-40)

22 Sec. 50-40. Reporting anticompetitive practices. When, for  
23 any reason, any vendor, bidder, offeror, potential contractor,  
24 contractor, chief procurement officer, designated procurement  
25 ~~State purchasing~~ officer, designee, elected official, or State

1 employee suspects collusion or other anticompetitive practice  
2 among any bidders, offerors, potential contractors,  
3 contractors, or employees of the State, a notice of the  
4 relevant facts shall be transmitted to the Attorney General and  
5 the chief procurement officer or applicable designated  
6 procurement officer.

7 (Source: P.A. 98-1076, eff. 1-1-15.)

8 (30 ILCS 500/50-45)

9 Sec. 50-45. Confidentiality. If the ~~Any~~ chief procurement  
10 officer, designated procurement officers ~~State purchasing~~  
11 ~~officer~~, their designees ~~designee~~, or executive officers  
12 ~~officer~~ who willfully uses or allows the use of specifications,  
13 competitive solicitation documents, proprietary competitive  
14 information, contracts, or selection information to compromise  
15 the fairness or integrity of the procurement or contract  
16 process he or she shall be subject to immediate dismissal,  
17 regardless of the Personnel Code, any contract, or any  
18 collective bargaining agreement, and may in addition be subject  
19 to criminal prosecution.

20 (Source: P.A. 98-1076, eff. 1-1-15.)

21 (30 ILCS 500/50-60)

22 Sec. 50-60. Voidable contracts.

23 (a) If any contract or amendment thereto is entered into or  
24 purchase or expenditure of funds is made at any time in



1 violation of this Code or any other law, the contract or  
2 amendment thereto may be declared void by the chief procurement  
3 officer or, if the procurement is under the authority of a  
4 designated procurement officer, the applicable designated  
5 procurement officer or may be ratified and affirmed, provided  
6 the chief procurement officer or applicable designated  
7 procurement officer determines that ratification is in the best  
8 interests of the State. If the contract is ratified and  
9 affirmed, it shall be without prejudice to the State's rights  
10 to any appropriate damages.

11 (b) If, during the term of a contract, the chief  
12 procurement officer or, if the procurement is under the  
13 authority of a designated procurement officer, the applicable  
14 designated procurement officer determines that the contractor  
15 is delinquent in the payment of debt as set forth in Section  
16 50-11 of this Code, the chief procurement officer or applicable  
17 designated procurement officer may declare the contract void if  
18 it determines that voiding the contract is in the best  
19 interests of the State. The Debt Collection Bureau shall adopt  
20 rules for the implementation of this subsection (b).

21 (c) If, during the term of a contract, the chief  
22 procurement officer or, if the procurement is under the  
23 authority of a designated procurement officer, the applicable  
24 designated procurement officer determines that the contractor  
25 is in violation of Section 50-10.5 of this Code, the chief  
26 procurement officer or applicable designated procurement

1 officer shall declare the contract void.

2 (d) If, during the term of a contract, the contracting  
3 agency learns from an annual certification or otherwise  
4 determines that the contractor no longer qualifies to enter  
5 into State contracts by reason of Section 50-5, 50-10, 50-12,  
6 50-14, or 50-14.5 of this Article, the chief procurement  
7 officer or, if the procurement is under the authority of a  
8 designated procurement officer, the applicable designated  
9 procurement officer may declare the contract void if it  
10 determines that voiding the contract is in the best interests  
11 of the State.

12 (e) If, during the term of a contract, the chief  
13 procurement officer or, if the procurement is under the  
14 authority of a designated procurement officer, the applicable  
15 designated procurement officer learns from an annual  
16 certification or otherwise determines that a subcontractor  
17 subject to Section 20-120 no longer qualifies to enter into  
18 State contracts by reason of Section 50-5, 50-10, 50-10.5,  
19 50-11, 50-12, 50-14, or 50-14.5 of this Article, the chief  
20 procurement officer or, if the procurement is under the  
21 authority of a designated procurement officer, the applicable  
22 designated procurement officer may declare the related  
23 contract void if it determines that voiding the contract is in  
24 the best interests of the State. However, the related contract  
25 shall not be declared void unless the contractor refuses to  
26 terminate the subcontract upon the State's request after a

1 finding that the subcontractor no longer qualifies to enter  
2 into State contracts by reason of one of the Sections listed in  
3 this subsection.

4 (f) The changes to this Section made by Public Act 96-795  
5 apply to actions taken by the chief procurement officer or, if  
6 the procurement is under the authority of a designated  
7 procurement officer, the applicable designated procurement  
8 officer on or after July 1, 2010.

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

12 (30 ILCS 500/50-65)

13 Sec. 50-65. Suspension. Any contractor or subcontractor  
14 may be suspended for violation of this Code or for failure to  
15 conform to specifications or terms of delivery. Suspension  
16 shall be for cause and may be for a period of up to 10 years at  
17 the discretion of the ~~applicable~~ chief procurement officer or,  
18 if the procurement is under the authority of a designated  
19 procurement officer, the applicable designated procurement  
20 officer. ~~Contractors or subcontractors may be debarred in~~  
21 ~~accordance with rules promulgated by the chief procurement~~  
22 ~~officer or as otherwise provided by law.~~

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 (30 ILCS 500/50-75)

2 Sec. 50-75. Other violations.

3 (a) If the ~~Any~~ chief procurement officer, designated  
4 procurement officers ~~State purchasing officer,~~ or their  
5 designees ~~designee who~~ willfully violates or allows the  
6 violation of this Code he or she shall be subject to immediate  
7 dismissal, regardless of the Personnel Code, any contract, or  
8 any collective bargaining agreement.

9 (b) Except as otherwise provided in this Code, whoever  
10 violates this Code or the rules promulgated under it is guilty  
11 of a Class A misdemeanor.

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

13 (30 ILCS 500/50-80 new)

14 Sec. 50-80. Audits. The Auditor General shall perform, no  
15 less frequently than biennially, separate performance audits,  
16 as the term is defined in Section 1-14 of the Illinois State  
17 Auditing Act, of the procurements under the authority of the  
18 chief procurement officer and each designated procurement  
19 officer to assess whether sound procurement practices are being  
20 followed. Additionally, the Auditor General may, at any time,  
21 review a specific procurement or category of procurements to  
22 ensure compliance with this Code.

23 (30 ILCS 500/1-15.13 rep.)

24 (30 ILCS 500/1-15.105 rep.)

- 1 (30 ILCS 500/5-25 rep.)
- 2 (30 ILCS 500/5-30 rep.)
- 3 (30 ILCS 500/10-10 rep.)
- 4 (30 ILCS 500/10-15 rep.)
- 5 (30 ILCS 500/10-20 rep.)
- 6 (30 ILCS 500/20-5 rep.)
- 7 (30 ILCS 500/20-150 rep.)
- 8 (30 ILCS 500/25-10 rep.)
- 9 (30 ILCS 500/25-200 rep.)
- 10 (30 ILCS 500/35-150 rep.)
- 11 (30 ILCS 500/40-10 rep.)
- 12 (30 ILCS 500/40-150 rep.)
- 13 (30 ILCS 500/50-39 rep.)
- 14 (30 ILCS 500/53-150 rep.)

15 Section 25. The Illinois Procurement Code is amended by  
16 repealing Sections 1-15.13, 1-15.105, 5-25, 5-30, 10-10,  
17 10-15, 10-20, 20-5, 20-150, 25-10, 25-200, 35-150, 40-10,  
18 40-150, 50-39, and 53-150.

19 Section 30. The Architectural, Engineering, and Land  
20 Surveying Qualifications Based Selection Act is amended by  
21 changing Section 45 as follows:

22 (30 ILCS 535/45) (from Ch. 127, par. 4151-45)

23 Sec. 45. Small contracts. The provisions of Sections 25,  
24 30, and 35 do not apply to architectural, engineering, and land

1 surveying contracts with an estimated basic professional  
2 services fee of less than \$75,000 ~~\$25,000~~.

3 (Source: P.A. 92-861, eff. 1-3-03.)

4 Section 35. The Criminal Code of 2012 is amended by  
5 changing Sections 33E-2 and 33E-9 as follows:

6 (720 ILCS 5/33E-2) (from Ch. 38, par. 33E-2)

7 Sec. 33E-2. Definitions. In this Act:

8 (a) "Public contract" means any contract for goods,  
9 services or construction let to any person with or without bid  
10 by any unit of State or local government.

11 (b) "Unit of State or local government" means the State,  
12 any unit of state government or agency thereof, any county or  
13 municipal government or committee or agency thereof, or any  
14 other entity which is funded by or expends tax dollars or the  
15 proceeds of publicly guaranteed bonds.

16 (c) "Change order" means a change in a contract term other  
17 than as specifically provided for in the contract which  
18 authorizes or necessitates any increase ~~or decrease~~ in the cost  
19 of the contract or the time to completion.

20 (d) "Person" means any individual, firm, partnership,  
21 corporation, joint venture or other entity, but does not  
22 include a unit of State or local government.

23 (e) "Person employed by any unit of State or local  
24 government" means any employee of a unit of State or local

1 government and any person defined in subsection (d) who is  
2 authorized by such unit of State or local government to act on  
3 its behalf in relation to any public contract.

4 (f) "Sheltered market" has the meaning ascribed to it in  
5 Section 8b of the Business Enterprise for Minorities, Females,  
6 and Persons with Disabilities Act; except that, with respect to  
7 State contracts set aside for award to service-disabled  
8 veteran-owned small businesses and veteran-owned small  
9 businesses pursuant to Section 45-57 of the Illinois  
10 Procurement Code, "sheltered market" means procurements  
11 pursuant to that Section.

12 (g) "Kickback" means any money, fee, commission, credit,  
13 gift, gratuity, thing of value, or compensation of any kind  
14 which is provided, directly or indirectly, to any prime  
15 contractor, prime contractor employee, subcontractor, or  
16 subcontractor employee for the purpose of improperly obtaining  
17 or rewarding favorable treatment in connection with a prime  
18 contract or in connection with a subcontract relating to a  
19 prime contract.

20 (h) "Prime contractor" means any person who has entered  
21 into a public contract.

22 (i) "Prime contractor employee" means any officer,  
23 partner, employee, or agent of a prime contractor.

24 (i-5) "Stringing" means knowingly structuring a contract  
25 or job order to avoid the contract or job order being subject  
26 to competitive bidding requirements.

1           (j) "Subcontract" means a contract or contractual action  
2 entered into by a prime contractor or subcontractor for the  
3 purpose of obtaining goods or services of any kind under a  
4 prime contract.

5           (k) "Subcontractor" (1) means any person, other than the  
6 prime contractor, who offers to furnish or furnishes any goods  
7 or services of any kind under a prime contract or a subcontract  
8 entered into in connection with such prime contract; and (2)  
9 includes any person who offers to furnish or furnishes goods or  
10 services to the prime contractor or a higher tier  
11 subcontractor.

12           (l) "Subcontractor employee" means any officer, partner,  
13 employee, or agent of a subcontractor.

14           (Source: P.A. 97-260, eff. 8-5-11.)

15           (720 ILCS 5/33E-9) (from Ch. 38, par. 33E-9)

16           Sec. 33E-9. Change orders. Any change order authorized  
17 under this Section shall be made in writing. Any person  
18 employed by and authorized by any unit of State or local  
19 government to approve a change order to any public contract who  
20 knowingly grants that approval without first obtaining from the  
21 unit of State or local government on whose behalf the contract  
22 was signed, or from a designee authorized by that unit of State  
23 or local government, a determination in writing that (1) the  
24 circumstances said to necessitate the change in performance  
25 were not reasonably foreseeable at the time the contract was



1 signed, or (2) the change is germane to the original contract  
2 as signed, or (3) the change order is in the best interest of  
3 the unit of State or local government and authorized by law,  
4 commits a Class 4 felony. The written determination and the  
5 written change order resulting from that determination shall be  
6 preserved in the contract's file which shall be open to the  
7 public for inspection. This Section shall only apply to a  
8 change order or series of change orders which authorize or  
9 necessitate an increase ~~or decrease~~ in either the cost of a  
10 public contract by a total of \$50,000 ~~\$10,000~~ or more or the  
11 time of completion by a total of 90 ~~30~~ days or more.

12 (Source: P.A. 86-150; 87-618.)

13 Section 40. The Illinois Human Rights Act is amended by  
14 changing Section 2-101 as follows:

15 (775 ILCS 5/2-101) (from Ch. 68, par. 2-101)

16 Sec. 2-101. Definitions. The following definitions are  
17 applicable strictly in the context of this Article.

18 (A) Employee.

19 (1) "Employee" includes:

20 (a) Any individual performing services for  
21 remuneration within this State for an employer;

22 (b) An apprentice;

23 (c) An applicant for any apprenticeship.

24 For purposes of subsection (D) of Section 2-102 of this

1 Act, "employee" also includes an unpaid intern. An unpaid  
2 intern is a person who performs work for an employer under  
3 the following circumstances:

4 (i) the employer is not committed to hiring the  
5 person performing the work at the conclusion of the  
6 intern's tenure;

7 (ii) the employer and the person performing the  
8 work agree that the person is not entitled to wages for  
9 the work performed; and

10 (iii) the work performed:

11 (I) supplements training given in an  
12 educational environment that may enhance the  
13 employability of the intern;

14 (II) provides experience for the benefit of  
15 the person performing the work;

16 (III) does not displace regular employees;

17 (IV) is performed under the close supervision  
18 of existing staff; and

19 (V) provides no immediate advantage to the  
20 employer providing the training and may  
21 occasionally impede the operations of the  
22 employer.

23 (2) "Employee" does not include:

24 (a) Domestic servants in private homes;

25 (b) Individuals employed by persons who are not  
26 "employers" as defined by this Act;

1 (c) Elected public officials or the members of  
2 their immediate personal staffs;

3 (d) Principal administrative officers of the State  
4 or of any political subdivision, municipal corporation  
5 or other governmental unit or agency;

6 (e) A person in a vocational rehabilitation  
7 facility certified under federal law who has been  
8 designated an evaluatee, trainee, or work activity  
9 client.

10 (B) Employer.

11 (1) "Employer" includes:

12 (a) Any person employing 15 or more employees  
13 within Illinois during 20 or more calendar weeks within  
14 the calendar year of or preceding the alleged  
15 violation;

16 (b) Any person employing one or more employees when  
17 a complainant alleges civil rights violation due to  
18 unlawful discrimination based upon his or her physical  
19 or mental disability unrelated to ability, pregnancy,  
20 or sexual harassment;

21 (c) The State and any political subdivision,  
22 municipal corporation or other governmental unit or  
23 agency, without regard to the number of employees;

24 (d) Any party to a public contract without regard  
25 to the number of employees;

26 (e) A joint apprenticeship or training committee

1 without regard to the number of employees.

2 (2) "Employer" does not include any religious  
3 corporation, association, educational institution,  
4 society, or non-profit nursing institution conducted by  
5 and for those who rely upon treatment by prayer through  
6 spiritual means in accordance with the tenets of a  
7 recognized church or religious denomination with respect  
8 to the employment of individuals of a particular religion  
9 to perform work connected with the carrying on by such  
10 corporation, association, educational institution, society  
11 or non-profit nursing institution of its activities.

12 (C) Employment Agency. "Employment Agency" includes both  
13 public and private employment agencies and any person, labor  
14 organization, or labor union having a hiring hall or hiring  
15 office regularly undertaking, with or without compensation, to  
16 procure opportunities to work, or to procure, recruit, refer or  
17 place employees.

18 (D) Labor Organization. "Labor Organization" includes any  
19 organization, labor union, craft union, or any voluntary  
20 unincorporated association designed to further the cause of the  
21 rights of union labor which is constituted for the purpose, in  
22 whole or in part, of collective bargaining or of dealing with  
23 employers concerning grievances, terms or conditions of  
24 employment, or apprenticeships or applications for  
25 apprenticeships, or of other mutual aid or protection in  
26 connection with employment, including apprenticeships or

1 applications for apprenticeships.

2 (E) Sexual Harassment. "Sexual harassment" means any  
3 unwelcome sexual advances or requests for sexual favors or any  
4 conduct of a sexual nature when (1) submission to such conduct  
5 is made either explicitly or implicitly a term or condition of  
6 an individual's employment, (2) submission to or rejection of  
7 such conduct by an individual is used as the basis for  
8 employment decisions affecting such individual, or (3) such  
9 conduct has the purpose or effect of substantially interfering  
10 with an individual's work performance or creating an  
11 intimidating, hostile or offensive working environment.

12 (F) Religion. "Religion" with respect to employers  
13 includes all aspects of religious observance and practice, as  
14 well as belief, unless an employer demonstrates that he is  
15 unable to reasonably accommodate an employee's or prospective  
16 employee's religious observance or practice without undue  
17 hardship on the conduct of the employer's business.

18 (G) Public Employer. "Public employer" means the State, an  
19 agency or department thereof, unit of local government, school  
20 district, instrumentality or political subdivision.

21 (H) Public Employee. "Public employee" means an employee of  
22 the State, agency or department thereof, unit of local  
23 government, school district, instrumentality or political  
24 subdivision. "Public employee" does not include public  
25 officers or employees of the General Assembly or agencies  
26 thereof.

1 (I) Public Officer. "Public officer" means a person who is  
2 elected to office pursuant to the Constitution or a statute or  
3 ordinance, or who is appointed to an office which is  
4 established, and the qualifications and duties of which are  
5 prescribed, by the Constitution or a statute or ordinance, to  
6 discharge a public duty for the State, agency or department  
7 thereof, unit of local government, school district,  
8 instrumentality or political subdivision.

9 (J) Eligible Bidder. "Eligible bidder" means a person who,  
10 prior to contract award ~~a bid opening~~, has filed with the  
11 Department a properly completed, sworn and currently valid  
12 employer report form, pursuant to the Department's  
13 regulations. The provisions of this Article relating to  
14 eligible bidders apply only to bids on contracts with the State  
15 and its departments, agencies, boards, and commissions, and the  
16 provisions do not apply to bids on contracts with units of  
17 local government or school districts.

18 (K) Citizenship Status. "Citizenship status" means the  
19 status of being:

20 (1) a born U.S. citizen;

21 (2) a naturalized U.S. citizen;

22 (3) a U.S. national; or

23 (4) a person born outside the United States and not a  
24 U.S. citizen who is not an unauthorized alien and who is  
25 protected from discrimination under the provisions of  
26 Section 1324b of Title 8 of the United States Code, as now

1           or hereafter amended.

2           (Source: P.A. 98-1037, eff. 1-1-15; 98-1050, eff. 1-1-15;  
3           99-78, eff. 7-20-15.)

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

11          Section 99. Effective date. This Act takes effect January  
12          1, 2017.

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2		Statutes amended in order of appearance
3	5 ILCS 350/1	from Ch. 127, par. 1301
4	20 ILCS 5/5-115	was 20 ILCS 5/5.13e
5	30 ILCS 5/3-2	from Ch. 15, par. 303-2
6	30 ILCS 5/3-3	from Ch. 15, par. 303-3
7	30 ILCS 500/1-5	
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