



1 interests of the State to award a contract to the lowest  
2 responsible and responsive bidder.

3       When a disagreement between the Audit Commission and an  
4 agency under the Governor's jurisdiction arises in the  
5 process of the Audit Commission's review of audit reports  
6 relating to such agency, the Audit Commission shall promptly  
7 advise the Governor of such areas of disagreement. The  
8 Governor shall respond to the Audit Commission within a  
9 reasonable period of time, and in no event later than 60  
10 days, expressing his views concerning such areas of  
11 disagreement and indicating the corrective action taken by  
12 his office with reference thereto or, if no action is taken,  
13 indicating the reasons therefor.

14       The Audit Commission also promptly shall advise all other  
15 responsible officials of the Executive, Judicial and  
16 Legislative branches of the State government of areas of  
17 disagreement arising in the process of the Commission's  
18 review of their respective audit reports. With reference to  
19 his particular office, each such responsible official shall  
20 respond to the Audit Commission within a reasonable period of  
21 time, and in no event later than 60 days, expressing his view  
22 concerning such areas of disagreement and indicating the  
23 corrective action taken with reference thereto or stating the  
24 reasons that no action has been taken.

25       The Commission shall report its activities to the General  
26 Assembly including such remedial measures as it deems to be  
27 necessary. The report of the Commission shall be made to the  
28 General Assembly not less often than annually and not later  
29 than March 1 in each year.

30       The requirement for reporting to the General Assembly  
31 shall be satisfied by filing copies of the report with the  
32 Speaker, the Minority Leader and the Clerk of the House of  
33 Representatives and the President, the Minority Leader and  
34 the Secretary of the Senate and the Legislative Research

1 Unit, as required by Section 3.1 of "An Act to revise the law  
2 in relation to the General Assembly", approved February 25,  
3 1874, as amended, and filing such additional copies with the  
4 State Government Report Distribution Center for the General  
5 Assembly as is required under paragraph (t) of Section 7 of  
6 the State Library Act.

7 In addition, the Commission has the powers and duties  
8 provided for in the "Illinois State Auditing Act", enacted by  
9 the 78th General Assembly, and, if the provisions of that Act  
10 are conflict with those of this Act, that Act prevails.

11 (Source: P.A. 84-1438.)

12 Section 10. The Illinois State Auditing Act is amended  
13 by changing Section 3-1 as follows:

14 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

15 (Text of Section before amendment by P.A. 91-935)

16 Sec. 3-1. Jurisdiction of Auditor General. The Auditor  
17 General has jurisdiction over all State agencies to make post  
18 audits and investigations authorized by or under this Act or  
19 the Constitution.

20 The Auditor General has jurisdiction over local  
21 government agencies and private agencies only:

22 (a) to make such post audits authorized by or under  
23 this Act as are necessary and incidental to a post audit  
24 of a State agency or of a program administered by a State  
25 agency involving public funds of the State, but this  
26 jurisdiction does not include any authority to review  
27 local governmental agencies in the obligation, receipt,  
28 expenditure or use of public funds of the State that are  
29 granted without limitation or condition imposed by law,  
30 other than the general limitation that such funds be used  
31 for public purposes;

32 (b) to make investigations authorized by or under

1 this Act or the Constitution; and

2 (c) to make audits of the records of local  
3 government agencies to verify actual costs of  
4 state-mandated programs when directed to do so by the  
5 Legislative Audit Commission at the request of the State  
6 Board of Appeals under the State Mandates Act.

7 At the end of each fiscal quarter, the Auditor General  
8 must file with the Legislative Audit Commission and the  
9 Governor a complete listing of all contracts awarded to a  
10 bidder other than the lowest responsible and responsive  
11 bidder that are reported to him or her under subsection (g)  
12 of Section 20-10 of the Illinois Procurement Code during that  
13 fiscal quarter. The Legislative Audit Commission must review  
14 those contracts and, in its annual reports, advise the  
15 General Assembly of contracts that appear to constitute an  
16 abuse of subsection (g) of Section 20-10 of the Illinois  
17 Procurement Code. The Auditor General must conduct an audit  
18 of the procurement practices of a State agency when directed  
19 to do so by the Legislative Audit Commission or by 3 members  
20 of the Commission as provided in Section 3 of the Legislative  
21 Audit Commission Act.

22 In addition to the foregoing, the Auditor General may  
23 conduct an audit of the Metropolitan Pier and Exposition  
24 Authority, the Regional Transportation Authority, the  
25 Suburban Bus Division, the Commuter Rail Division and the  
26 Chicago Transit Authority and any other subsidized carrier  
27 when authorized by the Legislative Audit Commission. Such  
28 audit may be a financial, management or program audit, or any  
29 combination thereof.

30 The audit shall determine whether they are operating in  
31 accordance with all applicable laws and regulations. Subject  
32 to the limitations of this Act, the Legislative Audit  
33 Commission may by resolution specify additional  
34 determinations to be included in the scope of the audit.

1 The Auditor General may also conduct an audit, when  
2 authorized by the Legislative Audit Commission, of any  
3 hospital which receives 10% or more of its gross revenues  
4 from payments from the State of Illinois, Department of  
5 Public Aid, Medical Assistance Program.

6 The Auditor General is authorized to conduct financial  
7 and compliance audits of the Illinois Distance Learning  
8 Foundation and the Illinois Conservation Foundation.

9 As soon as practical after the effective date of this  
10 amendatory Act of 1995, the Auditor General shall conduct a  
11 compliance and management audit of the City of Chicago and  
12 any other entity with regard to the operation of Chicago  
13 O'Hare International Airport, Chicago Midway Airport and  
14 Merrill C. Meigs Field. The audit shall include, but not be  
15 limited to, an examination of revenues, expenses, and  
16 transfers of funds; purchasing and contracting policies and  
17 practices; staffing levels; and hiring practices and  
18 procedures. When completed, the audit required by this  
19 paragraph shall be distributed in accordance with Section  
20 3-14.

21 The Auditor General shall conduct a financial and  
22 compliance and program audit of distributions from the  
23 Municipal Economic Development Fund during the immediately  
24 preceding calendar year pursuant to Section 8-403.1 of the  
25 Public Utilities Act at no cost to the city, village, or  
26 incorporated town that received the distributions.

27 The Auditor General must conduct an audit of the Health  
28 Facilities Planning Board pursuant to Section 19.5 of the  
29 Illinois Health Facilities Planning Act.

30 (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00.)

31 (Text of Section after amendment by P.A. 91-935)

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5 this Act as are necessary and incidental to a post audit  
6 of a State agency or of a program administered by a State  
7 agency involving public funds of the State, but this  
8 jurisdiction does not include any authority to review  
9 local governmental agencies in the obligation, receipt,  
10 expenditure or use of public funds of the State that are  
11 granted without limitation or condition imposed by law,  
12 other than the general limitation that such funds be used  
13 for public purposes;

14 (b) to make investigations authorized by or under  
15 this Act or the Constitution; and

16 (c) to make audits of the records of local  
17 government agencies to verify actual costs of  
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19 Legislative Audit Commission at the request of the State  
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31 Procurement Code. The Auditor General must conduct an audit  
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34 of the Commission as provided in Section 3 of the Legislative

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3 conduct an audit of the Metropolitan Pier and Exposition  
4 Authority, the Regional Transportation Authority, the  
5 Suburban Bus Division, the Commuter Rail Division and the  
6 Chicago Transit Authority and any other subsidized carrier  
7 when authorized by the Legislative Audit Commission. Such  
8 audit may be a financial, management or program audit, or any  
9 combination thereof.

10 The audit shall determine whether they are operating in  
11 accordance with all applicable laws and regulations. Subject  
12 to the limitations of this Act, the Legislative Audit  
13 Commission may by resolution specify additional  
14 determinations to be included in the scope of the audit.

15 In addition to the foregoing, the Auditor General must  
16 also conduct a financial audit of the Illinois Sports  
17 Facilities Authority's expenditures of public funds in  
18 connection with the reconstruction, renovation, remodeling,  
19 extension, or improvement of all or substantially all of any  
20 existing "facility", as that term is defined in the Illinois  
21 Sports Facilities Authority Act.

22 The Auditor General may also conduct an audit, when  
23 authorized by the Legislative Audit Commission, of any  
24 hospital which receives 10% or more of its gross revenues  
25 from payments from the State of Illinois, Department of  
26 Public Aid, Medical Assistance Program.

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29 Foundation and the Illinois Conservation Foundation.

30 As soon as practical after the effective date of this  
31 amendatory Act of 1995, the Auditor General shall conduct a  
32 compliance and management audit of the City of Chicago and  
33 any other entity with regard to the operation of Chicago  
34 O'Hare International Airport, Chicago Midway Airport and

1 Merrill C. Meigs Field. The audit shall include, but not be  
2 limited to, an examination of revenues, expenses, and  
3 transfers of funds; purchasing and contracting policies and  
4 practices; staffing levels; and hiring practices and  
5 procedures. When completed, the audit required by this  
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7 3-14.

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12 Public Utilities Act at no cost to the city, village, or  
13 incorporated town that received the distributions.

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15 Facilities Planning Board pursuant to Section 19.5 of the  
16 Illinois Health Facilities Planning Act.

17 (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00;  
18 91-935, eff. 6-1-01.)

19 Section 15. The Illinois Procurement Code is amended by  
20 changing Sections 20-10 and 30-15 as follows:

21 (30 ILCS 500/20-10)

22 Sec. 20-10. Competitive sealed bidding.

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

26 (b) Invitation for bids. An invitation for bids shall  
27 be issued and shall include a purchase description and the  
28 material contractual terms and conditions applicable to the  
29 procurement.

30 (c) Public notice. Public notice of the invitation for  
31 bids shall be published in the Illinois Procurement Bulletin  
32 at least 14 days before the date set in the invitation for

1 the opening of bids.

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

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

22 (f) Correction or withdrawal of bids. Correction or  
23 withdrawal of inadvertently erroneous bids before or after  
24 award, or cancellation of awards of contracts based on bid  
25 mistakes, shall be permitted in accordance with rules. After  
26 bid opening, no changes in bid prices or other provisions of  
27 bids prejudicial to the interest of the State or fair  
28 competition shall be permitted. All decisions to permit the  
29 correction or withdrawal of bids based on bid mistakes shall  
30 be supported by written determination made by a State  
31 purchasing officer.

32 (g) Award. The contract shall be awarded with  
33 reasonable promptness by written notice to the lowest  
34 responsible and responsive bidder whose bid meets the

1 requirements and criteria set forth in the invitation for  
2 bids, except when a State purchasing officer determines it is  
3 not in the best interest of the State and by written  
4 explanation determines another bidder shall receive the  
5 award. The explanation shall appear in the appropriate  
6 volume of the Illinois Procurement Bulletin. The written  
7 explanation must include:

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

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

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

13 (4) the name of the bidder selected, pricing, and  
14 the reasons for selecting that bidder instead of the  
15 lowest responsible and responsive bidder.

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

18 The written explanation shall be filed with the Auditor  
19 General and the Procurement Policy Board and be made  
20 available for inspection by the public within 30 days after  
21 the public agency's decision to award the contract.

22 At the end of each fiscal quarter, the Auditor General  
23 must file with the Legislative Audit Commission and the  
24 Governor a complete listing of all contracts awarded to a  
25 bidder other than the lowest responsible and responsive  
26 bidder that are reported to him or her under this subsection  
27 during that fiscal quarter. The Legislative Audit Commission  
28 must review those contracts and, in its annual reports,  
29 advise the General Assembly of contracts that appear to  
30 constitute an abuse of this subsection.

31 (h) Multi-step sealed bidding. When it is considered  
32 impracticable to initially prepare a purchase description to  
33 support an award based on price, an invitation for bids may  
34 be issued requesting the submission of unpriced offers to be

1 followed by an invitation for bids limited to those bidders  
2 whose offers have been qualified under the criteria set forth  
3 in the first solicitation.

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

5 (30 ILCS 500/30-15)

6 Sec. 30-15. Method of source selection.

7 (a) Competitive sealed bidding. Except as provided in  
8 subsections (b), (c), and (d) and Sections 20-20, 20-25, and  
9 20-30, all State construction contracts shall be procured by  
10 competitive sealed bidding in accordance with Section 20-10.

11 (b) Other procurements methods.

12 (1) Construction Manager Services. Procurement of  
13 a construction manager for project services, which may  
14 include, but are not limited to, scheduling, contractor  
15 coordination, and administration of payment requests, but  
16 not including design services, shall be made in  
17 accordance with Section 20-15 of this Code providing for  
18 competitive sealed proposals, and shall be made in  
19 accordance with Section 1.2035, entitled Competitive  
20 Selection Procedures for Professional and Artistic  
21 Services, of Title 44 of the Illinois Administrative Code  
22 as that Section existed on May 1, 2001 and Section  
23 1.2015, establishing procedures for competitive sealed  
24 proposals, of Title 44 of the Illinois Administrative  
25 Code as that Section existed on May 1, 2001.

26 (2) Illinois Correctional Industries. Procurement  
27 from Illinois Correctional Industries constitutes  
28 contracting between State governmental bodies, exempt  
29 from Procurement Code requirements, and shall be done in  
30 accordance with Section 45-30, Central Management  
31 Services rules as those rules existed on May 1, 2001, and  
32 the procurement practices provisions of the Capital  
33 Development Board rules as those rules existed on May 1,

1        2001. Such procurements may utilize an annual master  
 2        contract with agreed-upon unit prices for construction  
 3        services, against which sub-orders may be placed for  
 4        specific Capital Development Board projects.

5            (3) Art-in-Architecture Program Procurement. Works  
 6        of art procured for Capital Development Board  
 7        construction projects pursuant to Section 14 of the  
 8        Capital Development Board Act shall be in accordance with  
 9        selection procedures developed by the Fine Arts Review  
 10       Committee and Capital Development Board, in consultation  
 11       with the Public Arts Advisory Committee, as those  
 12       procedures existed on May 1, 2001. The---Capital  
 13       Development--Board--shall--establish-by-rule--construction  
 14       purchases--that--may--be--made--without--competitive--sealed  
 15       bidding--and--the--most--competitive--alternate-method-of  
 16       source-selection-that-shall-be-used.

17        (c) Construction-related professional services. All  
 18        construction-related professional services contracts shall be  
 19        awarded in accordance with the provisions of the  
 20        Architectural, Engineering, and Land Surveying Qualifications  
 21        Based Selection Act. "Professional services" means those  
 22        services within the scope of the practice of architecture,  
 23        professional engineering, structural engineering, or  
 24        registered land surveying, as defined by the laws of this  
 25        State.

26        (d) Correctional facilities. Remodeling and  
 27        rehabilitation projects at correctional facilities under  
 28        \$25,000 funded from the General Revenue Fund are exempt from  
 29        the provisions of this Article. The Department of  
 30        Corrections may use inmate labor for the remodeling or  
 31        rehabilitation of correctional facilities on those projects  
 32        under \$25,000 funded from the General Revenue Fund.

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

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

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law."