



**AIA Illinois**  
A Council of The American Institute of Architects

April 27, 2011

Senate Committee on Procurement  
Senator Harmon and Senator Althoff, Co-Chairs  
Senators Bivins, Duffy, Frerichs and Schoenberg, Members

Dear Senators,

In your letter announcing the formation of the committee, you were kind enough to ask organizations to submit statements outlining any new aspects of the procurement system which are working well, those which we believe are in need of improvement and/or any suggested improvements to the system. Thank you for the opportunity to comment.

To the first point--Public Act 96-0795 made a variety of changes designed to shed more light on procurement decisions. This is an aspect of the law that works well for anyone interested in receiving equal treatment, a fair shot at competing for state business and accountability for those instances in which rules were not followed or inappropriate outside influence played a part.

In the area of needing improvement, rules were submitted dealing with communications between state agencies or officials and vendors or business entities. While these are important to detail, this is just one portion of the greatly changed roles and responsibilities of the myriad procurement decision makers. Where only a state agency, the Auditor General (1973), Procurement Policy Board (1998), and Office of Inspector General/Executive Ethics Commission (2003) existed prior to the PA 96-0795, now there is added to the evolving organizational chart a Chief Internal Auditor, Chief Procurement Officer, Executive Procurement Officer, State Purchasing Officer and Procurement Compliance Monitors (all 2010).

Each of these changes was made with the best of intentions and are not being held up for criticism. As with all changes, there are growing pains, transition periods and grey areas. A great service would be performed if it was made clear to all involved who performs what function. This is the place for the legislature to reinstate its intent and to call for further rulemaking as authorized in Section 5-25 of the Act. Until that happens, there may be continued uncertainty and bottlenecks in the process.

Now for suggested improvements to the system. As new procurement officials come on board to fulfill their statutory duties, it never hurts to be mindful of not only bidding and selection laws like the Procurement Code and Qualification Based Selection but to have full knowledge of laws and regulations which govern who is authorized to perform state contracted services. For example, numerous licensing laws for contractors (plumbing, fire sprinkler, etc.) and design professionals (architecture and engineering) restrict the offering or furnishing of those services only to those who meet the requirement of the relevant licensing act. A state procurement request should never be made to an individual

or business that is not qualified or authorized to do the work being sought. Perhaps this could be accomplished under the new provision of the Act in Section 5-5(b).

Another recommendation is to consider ways to expedite decision making. More eyes on watch is in the public interest. Having "too many cooks in the kitchen" is not. A well-known axiom about manufacturing and greater quality control tells the story of any worker having the authority to stop the assembly line if they see a problem. Many more individuals in the procurement process can provide counsel along the way, raise red flags or stop things altogether. This should lead to an equivalent version of more quality control, however no assembly line can stop for long without jeopardizing production and the viability of the operation.

Under Section 10-25(3) of the Act, there is guidance called for in developing "sophisticated, efficient and innovative methodologies". Procurement officials and state agencies may wish to consider establishing time limits for making decisions and interpretations; dollar thresholds under which sign-offs can be obtained and items moved ahead without going outside the designated agency; discovery procedures so agency personnel know what information is sensitive and requires greater scrutiny; frequently asked questions and/or clear instructions for vendors. Such changes are likely to be cost effective, avoiding delays, escalation, additional interest payments and the like.

Clearly there is a role for oversight, for reviewing and for reporting. However, there is also a time for managing. Each player in the procurement process must contribute to the ability to let needed projects with qualified and fairly selected vendors move forward so the state gets the good product it deserves. Best wishes as you pursue the important work of the Committee.

Very truly yours,

A black rectangular redaction box covering the signature of Mike Waldinger.

Mike Waldinger