

SB1620



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1620

Introduced 2/9/2007, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-10

Amends the Illinois Procurement Code. Authorizes State agencies to use a reverse auction method of procuring needed supplies and services other than road projects, construction projects, and human services items. Provides that the use must be in accordance with rules adopted by the chief procurement officers.

LRB095 10190 JAM 30404 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 20-10 as follows:

6 (30 ILCS 500/20-10)

7 Sec. 20-10. Competitive sealed bidding.

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

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

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

19 (d) Bid opening. Bids shall be opened publicly in the
20 presence of one or more witnesses at the time and place
21 designated in the invitation for bids. The name of each bidder,
22 the amount of each bid, and other relevant information as may
23 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 a State purchasing
23 officer.

24 (g) Award. The contract shall be awarded with reasonable
25 promptness by written notice to the lowest responsible and
26 responsive bidder whose bid meets the requirements and criteria

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

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

13 (i) Reverse auctions. In accordance with rules adopted by
14 each chief procurement officer, the appropriate State
15 purchasing officer may procure needed supplies or services
16 through a reverse auction technique that would allow responsive
17 and responsible bidders to adjust prices downward during the
18 competitive sealed bidding process. The reverse auction shall
19 follow all of the requirements of subsections (a) through (h)
20 of this Section but may allow for the electronic submission,
21 revision, and display of prices during the period of the
22 reverse auction. The names of the vendors participating shall
23 be disclosed, but their names need not be displayed with their
24 associated pricing until after the conclusion of a successful
25 auction. This subsection does not apply to contracts for road
26 and construction projects and to contracts for human services

1 items.

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