

# SB3558



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3558

Introduced 2/5/2026, by Sen. Mike Porfirio

### SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-10

Amends the Illinois Procurement Code. In provisions concerning competitive sealed bidding, provides that a contract for supplies may be awarded using a market basket analysis to evaluate the lowest price a vendor can offer for a representative sample of supplies.

LRB104 20070 HLH 33521 b

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 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,  
8 98-1076, 99-906, 100-43, 101-31, 101-657, 102-29, 103-558, and  
9 103-564)

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

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

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

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

22 (d) Bid opening. Bids shall be opened publicly or through  
23 an electronic procurement system in the presence of one or

1 more witnesses at the time and place designated in the  
2 invitation for bids. The name of each bidder, including earned  
3 and applied bid credit from the Illinois Works Jobs Program  
4 Act, the amount of each bid, and other relevant information as  
5 may be specified by rule shall be recorded. After the award of  
6 the contract, the winning bid and the record of each  
7 unsuccessful bid shall be open to public inspection.

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

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

1 correction or withdrawal of bids based on bid mistakes shall  
2 be supported by written determination made by a State  
3 purchasing officer.

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

- 13 (1) a description of the agency's needs;
- 14 (2) a determination that the anticipated cost will be  
15 fair and reasonable;
- 16 (3) a listing of all responsible and responsive  
17 bidders; and
- 18 (4) the name of the bidder selected, the total  
19 contract price, and the reasons for selecting that bidder.

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

22 The written explanation shall be filed with the  
23 Legislative Audit Commission, and the Commission on Equity and  
24 Inclusion, and the Procurement Policy Board, and be made  
25 available for inspection by the public, within 14 calendar  
26 days after the agency's decision to award the contract.

1 (g-5) Failed bid notice. In addition to the requirements  
2 of subsection (g), if a bidder has failed to be awarded a  
3 contract after 4 consecutive bids to provide the same services  
4 to the Department of Transportation, the Capital Development  
5 Board, or the Illinois State Toll Highway Authority, the  
6 applicable agency shall, in writing, detail why each of the 4  
7 bids was not awarded to the bidder. The applicable agency  
8 shall submit by certified copy to the bidder the reason or  
9 reasons why each of the 4 bids was not awarded to the bidder.  
10 The agency shall submit that certified copy to the bidder  
11 within the same calendar quarter in which the fourth bid was  
12 rejected. This subsection does not apply if information  
13 pertaining to a failed bid was previously disclosed to a  
14 bidder by electronic means. If any agency chooses to provide  
15 information by electronic means, the agency shall have a  
16 written policy outlining how the agency will reasonably ensure  
17 the bidder receives the information. For the purposes of this  
18 subsection, "electronic means" means an email communication  
19 from the applicable agency to the bidder or a public posting on  
20 the applicable agency's procurement bulletin.

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 Section 1-56, subsections (a) and (c) of Section 1-75 and  
7 subsection (d) of Section 1-78 of the Illinois Power Agency  
8 Act and Section 16-111.5(c) of the Public Utilities Act and to  
9 procure renewable energy resources under Section 1-56 of the  
10 Illinois Power Agency Act. These alternative procedures shall  
11 be set forth together with the other criteria contained in the  
12 invitation for bids, and shall appear in the appropriate  
13 volume of the Illinois Procurement Bulletin.

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

23 (k) A contract for supplies may be awarded pursuant to  
24 this Section using a market basket analysis to evaluate the  
25 lowest price a vendor can offer for a representative sample of  
26 supplies. The representative sample of goods must make up at

1 least 75% of the resulting contract's total estimated cost, as  
2 determined by the procuring agency. Contracts awarded using a  
3 market basket analysis must include an option to add goods  
4 during the term of the contract.

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  
20 bids shall be permitted as provided in subsection (f).

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

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

6           (Source: P.A. 102-29, eff. 6-25-21; 103-558, eff. 1-1-24;  
7 103-564, eff. 11-17-23.)

8           (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,  
9 98-1076, 99-906, 100-43, 101-31, 101-657, 102-29, 103-558, and  
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14 Section 20-5.

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17 material contractual terms and conditions applicable to the  
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19           (c) Public notice. Public notice of the invitation for  
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21 at least 14 calendar days before the date set in the invitation  
22 for the opening of bids.

23           (d) Bid opening. Bids shall be opened publicly or through  
24 an electronic procurement system in the presence of one or  
25 more witnesses at the time and place designated in the

1 invitation for bids. The name of each bidder, including earned  
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