**Section 1.1005 Procurement Authority**

a) The Chief Procurement Officers appointed by the Executive Ethics Commission will exercise the procurement authority created by the Code for the benefit of the State of Illinois and the State agencies under the jurisdiction of each CPO. The Executive Ethics Commission may appoint a temporary acting CPO to act in the absence of any CPO, such as during illness, vacation or other extended leave.

b) The CPO-GS's procurement authority extends to supplies, services, construction not under the jurisdiction of the Capital Development Board or the Department of Transportation, real estate leases and all other categories of need subject to the Code. The authority extends to all aspects of the procurement process, including, but not limited to, pre-solicitation activities, solicitation preparation, source selection, evaluation, award, contracts, dispute resolution and records subsequent to identification of need, except as otherwise provided for in the Code.

c) Any reference in the Code or this Part directing or authorizing a State agency to take procurement action is subject to the overall procurement authority of the CPO-GS and SPO as set forth in the Code and this Part.

d) The CPO-GS exercises procurement authority through one or more SPOs or temporary acting SPOs and other State agency staff assigned to the procurement function. Those assigned to assist shall recognize the role and authority of the CPO-GS. The CPO-GS may assign a SPO to one or more State agencies or may make assignments on a functional basis. The CPO-GS may appoint a temporary acting SPO with limited authority to act with an appointed SPO. In the absence of an appointed SPO, the CPO-GS may exercise the procurement authority of an SPO or may appoint a temporary acting SPO. Unless the Code or this Part prohibits a designee from performing a procurement action, the CPO-GS may designate procurement action to an SPO or a State agency, subject to the approval of the appropriate State Agency Head. The CPO-GS may reserve certain procurement activities to the CPO-GS and reserves the right to review and modify or overturn any action of an SPO, or any other designee.

e) An SPO will exercise procurement authority in accordance with direction and limitations established by the CPO-GS. The SPO will act primarily to review, authorize and approve State agency procurement activities and, to that end, exercises procurement authority with the assistance of the State agency procurement staff. The CPO-GS and SPO will determine and identify, in writing, procurement activities that must be conducted by the CPO-GS or SPO and those that may be designated to State agencies. Activities not reserved to the CPO-GS or SPO may be conducted by the State agency staff with CPO-GS/SPO oversight, subject to the approval of the appropriate State Agency Head.

f) Each State agency shall determine and provide an appropriate number of qualified staff and related resources to assist the SPO in meeting the procurement needs of the State agency. State agency staffs, while acting to assist the SPO, remain State agency employees.

g) The State agency is responsible for determining need, and upon direction or request to provide a rationale to the SPO for the proposed transaction or activity before the procurement may commence. Additional justification may be required by the SPO at later stages of the procurement process. The SPO may require that the justification include a statement that the proposed activity or transaction meets legal requirements and State agency policies and is in the best interests of the State of Illinois and the State agency.

h) State agency procurement staff are responsible:

1) for ensuring that all procurement activities, including those submitted to the SPO or CPO-GS for review, authorization or approval are in accordance with the Code, this Part, other applicable laws and rules, the internal policies of the State, the internal policies of the State agency; and

2) for obtaining all State and State agency approvals applicable to the particular stage of the procurement process.

i) The CPO-GS has the authority to approve or reject contracts for a State agency. In addition to this authority, the CPO-GS may direct an SPO to approve or reject contracts for a State agency, authorize an SPO to further authorize a State agency to enter into contracts, or authorize a State agency to enter into contracts. The State agency has the authority to sign and enter into a contract once an SPO provides written approval of the contract.

1) Any written determination regarding signature authorization shall be maintained by the CPO-GS and distributed to the SPO, State Agency Head, agency purchasing director and the State Comptroller.

2) If the CPO-GS or SPO approves a contract, the State agency must sign the contract in order for the contract to be legally binding on the State agency. The State agency may decline to sign a contract even if approved by the CPO-GS or SPO.

3) If the CPO-GS and SPO approve a contract for a State agency, in no event shall the CPO-GS or SPO assume any responsibility or obligation under the contract, financial or otherwise, to any party or person.

j) Procurement Compliance Monitors (PCMs)

1) PCMs have roles and responsibilities established in Section 10-15 of the Code. This includes overseeing and reviewing the procurement processes, having access to records and systems, and attending any procurement meeting.

2) Each State agency shall recognize these statutory roles and shall cooperate with PCMs in the conduct of their actions. Cooperation includes notice of, and access to, procurement meetings, and access to all procurement related records in whatever format they may exist, including documents, databases and systems. Failure to cooperate and resolve issues may be reported to the chief executive officer of the State agency and in certain cases may require reporting to the Office of the Executive Inspector General for the agencies of the Illinois Governor.

3) Should a PCM request review of a contract before final execution, the State agency shall not execute the contract until approval by the SPO.

k) Expedited Response

Any offeror, respondent, SPO, State agency, subcontractor or person may contact the CPO-GS at cpo@illinois.gov concerning any procurement matter and obtain information concerning the procurement process or a pending procurement, particularly in an effort to meet the objectives of Section 1-5 of the Code and Section 1.5 of this Part. The CPO-GS shall take all measures within its means and resources, in conformity with the Code and this Part, to address any inquiries in order to effectuate the aims of the Code and this Part. All contacts shall be placed in the procurement file in compliance with Section 50-39 of the Code.

(Source: Amended at 46 Ill. Reg. 10208, effective June 2, 2022)