**Section 1.5039 Procurement Communication Reporting Requirement**

a) Reporting Requirement

Any written or oral communication received by a State employee *who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract and* that imparts or requests material information or makes a material argument regarding potential action concerning *an active* procurement matter, including, but not limited to, an application, a contract or a project, shall be reported *to the Procurement Policy Board* in accordance with rules of the Executive Ethics Commission (2 Ill. Adm. Code 1620). [30 ILCS 500/50-39(a)]

b) Excepted Communications

1) These communication do not include the following:

A) statements made by a person publicly in a public forum*.* However, communications made in a public forum, if made privately, must be reported;

B) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; and

C) statements made by *a* State employee *to*:

i) the *State employee's* Agency Head;

ii) other employees of that agency;

iii) employees of the Executive Ethics Commission, including the CPO-GS, SPOs, PCMs and other CPO-GS staff*; or*

iv) *an employee of another State agency who, through the communication, is either:*

*• exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate SPO; or*

*• exercising oversight, supervisory, or management authority over the procurement in the normal course of business and as part of official responsibilities;*

D) *unsolicited communications providing general information about products, services, or industry best practices before those products or services become involved in a procurement matter;*

E) *communications received in response to procurement solicitations, including, but not limited to, vendor responses to a:*

i) *RFI;*

ii) *RFP;*

iii) *Request for Qualifications;*

iv) *IFB;*

v) *small purchase, sole source, or emergency solicitation; or*

vi) *questions or answers posted to the Illinois Procurement Bulletin to supplement the procurement action, provided that the communications are made in accordance with instructions contained in the procurement solicitation, procedures, or guidelines;*

D) *communications that are privileged, protected, or confidential under law; and*

E) *communications that are part of a formal procurement process as set out by statute, rule, or the solicitation, guidelines, or procedures, including, but not limited to:*

i) *the posting of procurement opportunities;*

ii) *the process for approving a procurement business case or its equivalent;*

iii) *fiscal approval;*

iv) *submission of bids;*

v) *the finalization of contract terms and conditions with an awardee or apparent awardee; and*

vi) *any other similar formal procurement process.*

2) The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.

3) *No trade secret or other proprietary or confidential information shall be included in any communication reported to the Procurement Policy Board.* [30 ILCS 500/50-39(b)]

c) *When an oral communication made by a person required to register under the Lobbyist Registration Act is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in* Section 50-39 of the Code. [30 ILCS 500/50-39(c)]

(Source: Amended at 38 Ill. Reg. 20884, effective October 31, 2014)