**Section 1.5420 Governmental Joint and Cooperative Purchasing**

a) The CPO-GS or designee may authorize any State agency to purchase supplies or services jointly with one or more Illinois governmental units, non-Illinois governmental units, or a group purchasing organization or cooperative or consortium of governmental units.

b) When the CPO-GS or a State agency is the lead state entity, all joint purchases shall be conducted as a small purchase, invitation for bids (IFB), request for proposals (RFP), or sole source or emergency purchase in accordance with the Code and this Part.

1) The CPO-GS may authorize a multiple award for IFB, RFP or concessions that are conducted as an IFB or RFP.

2) The solicitation, small purchase description, or sole source or emergency purchase justification shall state the intended availability of the resulting contract.

3) An emergency purchase shall follow Section 1.2030, but the notice shall, at a minimum, provide that the CPO-GS authorize the joint purchase and the resulting availability of the contract.

4) Sole source shall follow Section 1.2025, but the notice shall, at a minimum, provide that the CPO-GS authorize the joint purchase and the resulting availability of the contract.

5) The notice of award shall state the intended availability of the resulting contact (for example, all governmental units and qualified not-for-profit agencies, limited to named State agencies, limited to departments within governmental units).

6) When authorizing the joint purchase, the CPO-GS may designate the availability of the resulting contract (for example, all governmental units and qualified not-for-profit agencies, limited to named agencies, limited to departments within governmental units).

7) No-cost contracts conducted pursuant to an IFB shall be awarded to the vendors who provide the lowest priced bids.

8) No-cost contracts conducted pursuant to an RFP shall be awarded to the vendors who provide the highest overall scores.

c) The CPO-GS or a State agency may be a participant State entity except as otherwise provided in this Subpart.

1) When the CPO-GS or a State agency is a participant with an Illinois constitutional officer, another CPO as defined in Section 10-20 of the Code or another State agency that is the lead state entity, the joint purchase may be conducted as a small purchase, IFB, RFP, or sole source or emergency purchase, in accordance with the Code.

2) When the CPO-GS or a State agency is a participant with an Illinois governmental unit or non-Illinois governmental unit that is not subject to the jurisdiction of the CPO-GS, is not an Illinois constitutional officer, or is not a CPO as defined in Section 10-20 of the Code, the joint purchase shall be conducted as an IFB or RFP.

3) When the CPO-GS or a State agency is a participant State entity with an Illinois governmental units or a non-Illinois governmental unit, not including another CPO as defined in Section 10-20 of the Code or an Illinois constitutional officer, the solicitation and award shall be published to the Bulletin with at least the following:

A) Information as to where the lead state entity's solicitation may be found.

B) Closing date of the lead state entity's procurement.

C) Publication of the lead state entity's award.

4) The CPO-GS may authorize a multiple award.

5) A State agency or CPO-GS contract shall not be executed until the lead state entity executes a contract that makes the contract available to other governmental units.

6) A State agency or CPO-GS shall not execute a contract that results from a procurement with a group purchasing organization, consortium or cooperative until the vendor has an active registration in a vendor portal and a registration in the CPO-GS eProcurement system.

d) Piggyback

1) The CPO-GS or a State agency may piggyback off a contract that has already been procured, if the CPO-GS determines it is in the best interest of the State, by one of the following:

A) Federal agency;

B) Consortium or cooperative of governmental units; or

C) General Services Administration.

2) When the CPO-GS or a State agency piggybacks, the contract award shall be published before use of the contract.

3) When the CPO-GS or a State agency piggybacks, the awarded vendor shall have an active registration in vendor portal and a registration in the CPO-GS' eProcurement system.

e) Multiple Award

1) Supplies and services may be solicited with the intent to make multiple awards. The solicitation must state this intent. When the CPO-GS or a State agency is the lead state entity, the solicitation must describe the type of multiple award in detail.

2) Types of Multiple Awards

A) Progressive (Primary with Alternates)

A multiple award may be made to a primary and one or more alternate vendors when there is a need for multiple vendors to ensure immediate performance. The primary vendor shall have first refusal for all orders with others contacted in progressive order. Ranking of the alternates shall be by price or value depending on the methodology (IFB or RFP) used in the solicitation. Selection to meet the particular need shall be by low price or best value as appropriate to the underlying solicitation. If appropriate and within legal requirements, an alternate progressive award for the same items may be made to promote statutory preferences, goals, policies and programs (e.g., small business set-aside).

B) Geographical

A multiple award may be made to a vendor based on geographical locations in the State. A vendor may be granted multiple awards for a particular geographical location based on a determination, in writing, that:

i) use of the methods of source selection set forth in Article 20 of the Code is not practicable or advantageous because, for example, the program needs of State agencies cannot reasonably be met within the normal procurement timeframes; or

ii) the type and variety of State agency needs are such that a single award will not assure the needed availability or diversity of vendors.

C) Prequalified Pool of Vendors

i) Conditions for Use. When it may be more efficient or more appropriate, based on the nature of the supply or service, the CPO-GS or a State agency may issue a solicitation to identify vendors who meet the criteria for the prequalified pool. Reasons for use of this alternative include, but are not limited to, the need for information technology or telecommunications supplies or services, or to establish a pool of qualified vendors and then select from that pool as needs arise.

ii) Request for Qualifications. Qualifications shall be solicited by seeking statements of the qualifications from vendors to determine their inclusion in a prequalified pool. The qualifications submitted to the prequalified pool describe the specific supplies or services the CPO-GS or State agency require that the potential vendor can fulfill.

iii) Public Notice. Public notice of the Request for Qualifications shall be published in the Bulletin at least 14 days before opening of qualifications.

iv) Receipt and Registration of Qualifications. Proposals and modifications shall be opened publicly at the time, date and place designated in the RFP. Opening shall be witnessed by a State employee or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that includes the name of each offeror, the number of modifications received, if any, a description sufficient to identify the supply or service item offered, and a notation that the package contains a price proposal. The record of proposals shall be open to public inspection after award of the contract. Proposals and modifications shall be opened in a manner that avoids disclosing contents to other offerors.

• Only State personnel and contractual agents authorized by the SPO may review the proposals prior to award. Other than information that was recorded, read and made publicly available at the opening of the proposals, the State agency conducting the procurement shall not disclose any information contained in the offer outside of contracting officers, identified State agency personnel, or others specifically authorized by the CPO-GS or SPO until after the award of the proposed contract has been posted to the Bulletin. This does not restrict the disclosure of information to, or receipt by, State agency personnel identified by the State agency head or the chief executive officer of a board or commission to receive the information. The SPO may require confidentiality and conflict statements from those persons identified by the agency head or the chief executive officer to receive the information.

• The agency head or chief executive officer may identify State employees who have primary responsibility for the procurement; State employees who exercise experience or expertise in the subject matter of the particular procurement in the normal course of business and as part of official responsibilities; and State employees who exercise oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities.

v) Evaluation Factors. The Request for Qualifications shall contain the factors and subfactors, if any, to be used in determining if a vendor is prequalified to provide the category of supplies or services. These factors and subfactors, if any, include, but are not limited to, responsibility, any necessary experience, any necessary technical knowledge, any required certification or accreditation, and financial stability.

vi) Discussion with Responsible Vendors and Revisions of Qualifications. As provided in the Request for qualifications, discussions may be conducted with responsible vendors who submit qualifications determined to be reasonably susceptible of being prequalified for clarifying and assuring full understanding of and responsiveness for prequalification. Those vendors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of qualifications. Revisions may be permitted after submission and before prequalification. In conducting discussions, there shall be no disclosure of any information derived from qualifications submitted by other vendors. If information is provided to any vendor by the State, it shall be provided to all vendors.

vii) Prequalified Pool. A multiple award may be made for the prequalified pool when multiple vendors are prequalified in response to a Request for Qualifications. Vendors shall be prequalified in writing, taking into consideration the evaluation factors set forth in the Request for Qualifications. The procurement file shall contain the basis on which each vendor is determined to be prequalified.

viii) Submissions to the Prequalified Pool. Each time the CPO-GS or State agency has a need for supplies or services from the prequalified pool, the CPO-GS or State agency shall provide to each member of the prequalified pool a document that describes in detail the supplies or services needed and the selection criteria the CPO-GS or State agency will use to make an award. The prequalified pool shall have at least 5 days to respond with a submission that includes the price or value for the supplies or services described in the proposal.

ix) Discussion with the Prequalified Pool and Revisions to Quotation. As provided in the Request for Qualifications, the State's detail of supplies or services may be discussed with members of the prequalified pool to clarify and assure full understanding of, and responsiveness to the request for the vendor submission. Each member of the prequalified pool shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competitors in the prequalified pool. If any other information is disclosed to any member of the prequalified pool, it shall be provided to all members of the prequalified pool.

x) Award. Award shall be made to the responsible prequalified member of the pool whose proposal is determined in writing to be the most advantageous to the State, taking into consideration the selection criteria set forth in the vendor's written submission to the prequalified pool. The procurement file shall contain the basis on which each award is made. If a vendor other than the lowest price or value vendor is awarded the contract, the CPO-GS or State agency shall publish in the Bulletin the reason for awarding to other than the lowest price or value vendor.

xi) Every request for procurement under this subsection (e)(2)(C) shall provide a method for allowing additional vendors to become part of the prequalified pool after its creation, which shall include additions to the prequalified pool at least annually.

xii) This Section shall not apply to a construction agency in the procurement of construction or construction-related materials.

D) Multiple Award from a Cooperative, Consortium, or Group Purchasing Organization

i) A cooperative, consortium, or group purchasing organization may make a contract award to two or more vendors. The CPO-GS or State agency may enter into a contract with the vendors awarded a contract by the cooperative, consortium, or group purchasing organization.

ii) Order. An order shall be placed with a multiple award vendor whose quotation is determined in writing to be the most advantageous (lowest cost or best value) to the State, taking into consideration the selection criteria set forth in the request for quotation. If the lowest priced or most advantageous vendor may be determined without a written request for quotation, an order may be made with the low cost or best value vendor. The procurement file shall contain the basis on which each order is made. If a vendor other than the lowest price or best value vendor receives an order, the CPO-GS or State agency shall provide justification, such as compatibility with existing supplies or services in the procurement file.

3) Multiple award contracts shall be considered joint purchase master contracts. Supplies or services ordered under these joint purchase contracts shall be documented on the release off a master that refers to that joint purchase master contract. A multiple award contract is not a requirements contract and does not guarantee any level of ordering activity by the State agency.

4) If a particular quantity requirement arises that exceeds a State agency's normal requirement or a quantity or amount specified in the contract, a separate solicitation may be issued.

f) Orders Off of a Multiple Award Joint Purchase Master Contract

1) If multiple vendors are awarded a State contract from the same cooperative, consortium, or group purchasing organization procurement, the CPO-GS or a State agency shall choose the vendor that is low cost or provides the best value to the CPO-GS or State agency.

A) When there are multiple vendors awarded for an information technology or telecommunications contract or a contract that primarily provides services, the CPO-GS or a State agency shall request informal quotes to determine which vendor best meets its need and is the low cost or best value, if this determination cannot be made based on the offerings, terms and conditions, and pricing in the contract of the multiple vendors.

B) An informal quote is unnecessary if the State agency's justification would otherwise meet the requirements of a sole source or sole economically feasible joint purchase.

C) The order must be placed with the vendor that best meets the CPO-GS' or State agency's need and is the low cost or best value.

D) For the term of the joint purchase master contract, including any lease term, related and updated supplies may be limited to the selected vendor for the initial order.

2) When the CPO-GS or a State agency is the lead state entity, the solicitation must describe the type of the methodology for determining which vendors from among the multiple awardees will receive an as-needed individual order off of the joint purchase master contract.

g) State and other governmental units (including not-for-profit entities authorized by law to participate in joint purchasing) may agree to use each others' procurement contracts. This authority is governed by this Subpart and the Governmental Joint Purchasing Act.

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