**Section 4.2036 Other Methods of Source Selection**

Notice of the results of any of the following methods must be published in the Bulletin in the form and format specified by the CPO-HE.

a) Split Award

An award of a definite quantity requirement may be split between bidders or offerors if necessary to obtain the total quantity needed. Each portion shall be for a definite quantity and the sum of the portions shall be the total definite quantity required.

b) Multiple Award

An award may be made to two or more vendors for similar supplies or services when there is a need that cannot reasonably be met by a single award as determined by the university and SPO.

1) Supplies and services may be solicited with the intent to make multiple awards. The solicitation must state this intent and describe the type of multiple award in detail and the methodology for determining which vendor from among the multiple awardees will receive an as-needed individual order.

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) Pre-qualified Pool of Vendors

i) When it may be more efficient or more appropriate based on the nature of the item to establish a pool of qualified vendors and then select from among that pool as needs arise, the university may use an RFP to identify vendors who meet the criteria for the pre-qualified pool. The university may select the pool from among the vendors ranked most qualified, but the number in the pool shall be the minimum necessary to meet the need, and generally not exceed 10. Once selected, these vendors shall be considered of equal rank. If appropriate and within legal requirements, an alternate pool for the same item may be established to promote statutory preferences, goals, policies and programs (e.g., Business Enterprise for Minorities, Women, and Persons with Disabilities (BEP) Act, Veterans Business Program (VBP), and small business set-aside).

ii) When there is a specific need, each pool vendor will be contacted directly in writing and asked to submit a price, timeline for completion and any other information necessary to address the need by a specified date. The vendor submitting the response that meets stated needs and is the lowest price or that provides the best value will have the award. The method of selection shall be identified in the request for quotation.

iii) If it is not practicable for the university to discuss the particular need with each pool vendor, the university may, with SPO approval, select the two most qualified, based on the initial selection of the pool, to discuss the particular need. The university must detail the reasons for the selection and obtain SPO approval. Documentation to the procurement file must contain the reason why pre-selection discussions with all pool vendors were not practicable.

3) Exception for Conflict or Capacity

If there is a known conflict of interest or the vendor otherwise eligible for the order is not available to perform, the next low or next best value vendor shall be offered the order.

4) Type of Contract

Multiple award contracts shall be considered master ordering agreements. Supplies or services ordered under these contracts shall be documented on the order that refers to that agreement. A multiple award contract is not a requirements contract and does not guarantee any level of ordering activity by the university.

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

6) Despite the existence of a multiple award, the need may be met by a separate single award solicitation.

c) Term and Condition Contracts

1) A term and condition contract contains agreed contractual terms and conditions established for the convenience of the parties to be used in conjunction with a subsequent procurement and processed in accordance with the requirements of the Code and this Part. A term and condition contract is not a procurement. It creates no obligation on the part of the university to procure from the vendor, nor does it create an authorization for a university to order based on that term and condition contract, except as provided by subsection (c)(2).

2) Orders may be placed against term and condition contracts without use of any method of source selection specified in the Code for convenience of processing sole source, emergency or small procurements.

d) Auction

Purchases may be made at auction in accordance with the procedural requirements applicable to the particular auction. Prior notice and competition is not required and the amount payable shall be the amount bid and accepted plus any required buyer's premium.

e) Federal Requirements

The SPO for any university receiving federal aid funds, grants or loans or otherwise subject to federal entity requirements may conduct procurements in accordance with federal requirements that are necessary to receive or maintain those federal aid funds, grants or loans or to remain in compliance with federal requirements, except as provided in Section 1-13 of the Code.

f) Foreign Country Procurement

*Procurements to meet the needs of* university *offices* *located in,* or university programsoperated in, *foreign countries shall comply with the provisions of the Code to the extent practical.* [30 ILCS 500/20-90] Procurements conducted solely in a foreign country to meet the needs of a university office or program located in that country are delegated to the university. The university shall provide a summary of the procurement or a copy of the procurement file to the SPO upon request.

g) Donations

1) When a procurement will have the majority of funding from a donation, the terms of which require use of a named vendor or the procurement of a particular good or service, the SPO shall comply with those requirements, but shall otherwise follow the Code and this Part.

2) Donations may be acknowledged by the donee university in a manner appropriate to the type of donation and the program activity associated with the donation. Acknowledgment may include, but need not be limited to, public announcement at the event or in donee university publications, and inviting the donor to attend the program activity associated with the donation.

h) Broker Method for Obtaining Certain Insurance Coverages

1) Notwithstanding anything to the contrary in this Part, the CPO-HE, but not a designee, may, on a case-by-case basis, authorize the use of this broker method to obtain insurance coverages when use of the methods of source selection set forth in Article 20 of the Code is not practicable or advantageous because, for example:

A) Due to the structure of the insurance industry, the types of insurance coverages needed cannot reasonably be obtained from "direct writers" who would provide quotes directly to university in a bid or RFP process; or

B) The process of obtaining quotes for needed insurance coverages cannot be accomplished within the normal procurement timeframes.

2) If the CPO-HE determines that this broker method is preferable for designated coverages, a two-part procurement process will be used to obtain the coverages.

A) A broker will be selected in accordance with the RFP process authorized by Section 20-15 of the Code, and the resulting contract will be subject to all requirements of the Code. The broker contract will be issued for a term of years, and during the term of the contract the broker will assist the university in obtaining coverages as set forth in subsection (i)(2)(B) of this Section as well as providing customary services such as issuing certificates of insurance and servicing policies.

B) The broker will assist the university by serving as broker of record in obtaining insurance coverages through the industry process of going to market to obtain quotes. The university will use an evaluation team to test the market for competitiveness, review the quotes, and select the insurers and products best fitting its needs. The solicitation, evaluation and selection process will be documented in writing and become a part of the public procurement file. The insurance coverages obtained, the term of coverage, and the premiums charged will be posted on the Bulletin as attachments to the broker award notice.

i) Job Order Contracting

1) Definition − A Job Order Contract is a competitively bid, indefinite quantity contract intended for new construction, renovation and repairs with pre-established unit prices in which a university provides a definition of the work scope and a vendor selected from a list of qualified vendors furnishes all management, documentation, design and incidental drawings, labor, materials, supplies, parts, transportation, equipment and supervision needed to perform the work as required. Ordering is accomplished by means of issuance of a Work Order against the Job Order Contract.

2) Conditions of Use − The Chief Procurement Officer may authorize the use of a Job Order Contract upon a determination in writing that such use is necessary for adequate delivery, service or product compatibility, and that the methods of source selection set forth in Article 20 of the Code is either not practicable or advantageous because, for example, the program needs of a university cannot reasonably be met within the normal procurement timeframes, or that the type and variety of needs are such that a single award will not assure the needed availability or diversity of vendors.

3) Procedure − A Job Order Contract shall be initiated by the issuance of an Invitation for Bids in the form required by Section 4.2010 (Competitive Sealed Bidding), except as otherwise provided in this subsection (j)(3). In addition to the requirements set forth in Article 30 of the Code and Section 4.2010, the Job Order Contract Invitation for Bid shall include:

A) A detailed description of the scope of the Job Order Contract, including performance, technical requirements and specifications, and minimum and maximum work order amounts;

B) the reasons for using a Job Order Contract;

C) a description of the process that will be used to evaluate qualifications and proposals, including a method for determining each Vendor's Price Adjustment Factors utilizing the published Construction Task Catalog® and Technical Specifications documents; and

D) that the SPO may conduct oral or written discussions of the offers.

4) Award − Those vendors meeting minimum qualifications shall be offered non-exclusive indefinite quantity contracts against which a university may later place one or more work orders on an as needed basis in accordance with the allocation of work procedure set forth in subsection (j)(5).

5) Allocation of Work − Work Orders shall be allocated among qualifying vendors on an as needed basis. Once a need is identified, the university shall allocate work for that project using Job Order Contracting from the list of qualified vendors. The university shall select the vendor that best addresses its needs for the project based on the work order allocation method specified in the IFB, which shall include such factors as price, capacity, past performance, geographic location, experience and knowledge. If the low price vendor is not selected, the university shall justify the alternative selection and submit the order to the SPO for approval. The SPO or PCM will periodically review any allocation of Work Orders and report to the CPO-HE with a recommendation for future action.

6) It shall be the affirmative obligation of each vendor with a Job Order Contract to update information provided to the contracting university regarding its continued ability to provide the contracted service. Job Order Contracts may provide that vendors who cannot perform the required services when contacted and who have not provided the updated information may be taken out of consideration for Work Orders for a period of time, including until the next prequalification.

(Source: Amended at 43 Ill. Reg. 1781, effective February 15, 2019)