**Section 1400.2035 Procurement of Professional and Artistic Services**

a) The provisions of this Section apply to the procurement of professional and artistic services with the exception of the following:

1) sole source procurements;

2) emergency procurements;

3) any procurement of professional and artistic services less than the small purchase threshold then in effect pursuant to Section 1400.2020(a) for a nonrenewable term of less than one year made as a small purchase; and

4) architect, engineering and land surveying services procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

b) Written Determinations Required Prior to Request for Proposals

Prior to announcing the need for professional or artistic services, the Chief Procurement Officer shall make a written determination that explains the nature of the services and how the Chief Procurement Officer reached the determination that the services are professional or artistic. The written determination must be made part of the procurement file.

c) Professional and artistic services shall be procured using a Request for Proposals.

1) Contents. The RFP must be drafted or approved by the Chief Procurement Officer and must contain at least the following information:

A) the type and scope of services required;

B) a date by which proposals for the performance of the services must be submitted;

C) the type of information and data required of each offeror;

D) how the price should be presented;

E) the factors to be used in the evaluation and selection process and their relative importance (all evaluation factors stated will be considered equally unless otherwise indicated in the RFP); and

F) when practicable, a draft contract with a notice to the vendors that by submitting a response they are consenting to the terms and conditions of the draft agreement and agree to be bound by a final agreement that is substantially similar to the draft.

2) Evaluation. Proposals must be evaluated only on the basis of evaluation factors stated in the Request for Proposals. The relative importance of the evaluation factors will vary according to the type of services being procured. Factors may include:

A) the plan for performing the required services;

B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;

C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and

D) a record of past performance of similar work.

3) Publication and Filing. The Request for Proposal must be published as provided in Section 1400.1505 and must be made part of the procurement file.

d) Bidders' Conferences

Bidders' conferences may be conducted to enhance understanding of the procurement requirements. The conference may be designated as attendance mandatory or attendance optional. The conference should be held long enough after the Request for Proposals has been issued to allow proposers to become familiar with it, but sufficiently before the opening of proposals to allow consideration of the conference results in preparing their proposals. Any questions posed in a bidders' conference shall be subsequently submitted in writing and, along with the answers, shall be published on the Treasurer's Web Site as provided in Section 1400.1505. Nothing stated in the bidders' conference changes the Request for Proposals unless a change is made by written amendment to the Request for Proposals. The Chief Procurement Officer shall cause a listing of all attendees at a bidders' conference to be prepared and made a part of the procurement file.

e) Amendments to Requests for Proposals

1) Form. Amendments to Requests for Proposals must be published as provided in Section 1400.1505 and must be made part of the procurement file.

2) Distribution. Amendments must be sent to all prospective proposers known to have received a Request for Proposal.

3) Timeliness. Amendments must be published within a reasonable time to allow prospective bidders to consider them in preparing their bids. If necessary, the Chief Procurement Officer may extend the response time by amending the RFP as provided for in this subsection (e)(3).

f) Receipt and Handling of Proposals

Proposals and modifications must be sent to the Chief Procurement Officer where they must be recorded upon receipt, but not opened, and held in a secure place until the established due date and time, at which time they will be opened by the Chief Procurement Officer. Proposals must not be opened publicly nor disclosed to unauthorized persons and must be opened in the presence of at least one witness. A record of proposals that includes the following must be established for all proposals: the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered. The record of proposals must be open to public inspection only after award of the contract and must be made part of the procurement file at that time.

g) Discussions

1) Discussions Permissible. The Chief Procurement Officer shall evaluate all proposals submitted and may conduct discussions with any proposer. The purposes of the discussions are to:

A) determine in greater detail the proposer's qualifications; and

B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach.

2) No Disclosure of Information. No information derived from proposals submitted by an offeror may be disclosed to any other proposer.

3) Best and Final Offers. The Chief Procurement Officer may request best and final offers with a common date and time for submission of the proposals. The Chief Procurement Officer may conduct additional discussions or change the specifications or other contract requirements and require another submission of best and final proposals. If a proposer does not submit either a notice of withdrawal or another best and final offer, the proposer's immediate previous proposal will be construed as its best and final proposal.

h) Negotiation and Award of Contract

1) General. The Chief Procurement Officer, in conjunction with the Chief Legal Counsel or designee, shall negotiate a contract with the best qualified proposer, based on the evaluation factors in the request for proposals, for the required services at compensation determined in writing to be fair and reasonable.

2) Successful Negotiation of Contract with Best-Qualified Proposer. If compensation, contract requirements, and contract documents can be agreed upon with the best-qualified proposer, the contract must be awarded to that proposer, unless the procurement is cancelled.

3) Failure to Negotiate Contract with Best-Qualified Offeror

A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified proposer, a written record stating the reasons must be made part of the procurement file and the Chief Procurement Officer shall advise that proposer of the termination of negotiations.

B) Upon failure to negotiate a contract with the best-qualified offeror, the Chief Procurement Officer may enter into negotiations with the next most qualified offeror.

4) Evaluation of Pricing Data

Pricing submitted for all acceptable proposals timely submitted shall be opened and ranked.

A) If the low price is submitted by the most qualified vendor, the CPO may award to that vendor.

B) If the price of the most qualified vendor is not low and if it does not exceed $100,000, the CPO may award to that vendor.

C) If the price of the best qualified vendor exceeds $100,000, the CPO must state why a vendor other than the low priced vendor was selected and that determination shall be published as provided in Section 1400.1505 and must be made part of the procurement file.

5) Notice of Award. Written notice of award must be promptly provided to the successful offeror, published as provided in Section 1400.1505 and made a part of the procurement file. The notice must provide, at a minimum, the following:

A) the name of the Chief Procurement Officer;

B) the successful vendor;

C) the type of services to be provided; and

D) the amount of the contract, which may be an amount not-to-exceed, along with any applicable rates.

(Source: Amended at 48 Ill. Reg. 2924, effective February 7, 2024)