**Section 1400.5010 Bribery**

a) Prohibition

No person or business will be awarded a contract or subcontract under this Part who:

1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in the officer's or employee's official capacity; or

2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

b) Businesses

No business will be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

1) the business has been finally adjudicated not guilty; or

2) the business demonstrates to the governmental entity with which it seeks to contract, and that entity finds, that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in Section 5-4(a)(2) of the Criminal Code of 1961 [720 ILCS 5/5-4(a)(2)].

c) Conduct on Behalf of Business

For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business will be chargeable with the conduct.

d) Certification

*Every bid, offer,* response, submission, quotation or quote *submitted to every contract executed by the State, every subcontract subject to Section 20-120 of the Code, and every vendor's submission to a vendor portal shall contain a certification by the bidder, offeror,* respondent, submitter, person who submits a quotation or quote, *potential contractor, contractor or subcontractor, respectively, that the bidder, offeror,* respondent, submitter, person who submits a quotation or quote, *potential contractor, contractor or subcontractor is not barred from being awarded a contract or subcontract under Section 50-5 of the Code, and acknowledges that the* Chief Procurement Officer *may declare the related contract void if any certifications required by that Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid,* offer, response, submission, quotation or quote *and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor's certification was false. A contractor or subcontractor who makes a false statement, material to the certification, commits a Class 3 felony.* [30 ILCS 500/50-5(d)]

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