**Section 1600.10 Application**

a) Articles 1, 15, 20, 25, 35, 40, 45, 50, and 53 of the Illinois Procurement Code [30 ILCS 500] (the Code) will be referenced herein as though applicable to the OLG, and all procurements of goods or services conducted by the OLG or by CMS on behalf of the OLG shall be substantially in accordance with those provisions of the Code, except to the extent otherwise provided in this Part.

b) For the purposes of the Code and this Part, any reference to Chief Procurement Officer (CPO) means the Lt. Governor or his designee except that for the purpose of issuing State debt, the Director of the Bureau of the Budget shall be the CPO. The Lt. Governor may appoint one or more designees.

c) The Code and this Part apply to those procurements for which the vendors were first solicited on or after July 1, 1998.

d) Procurements for which vendors were first solicited on or before June 30, 1998, shall be conducted pursuant to legal requirements in effect at the time of the solicitation. The terms and conditions and the rights and obligations under contracts resulting from such procurements shall not be impaired.

e) A solicitation occurs on or before June 30, 1998, as follows:

1) When advertising was required in the Official State Newspaper, the first advertisement must run no later than June 30, 1998.

2) When advertising was not required:

A) if the procurement was advertised, even though advertising was not required, the first advertisement must have run no later than June 30, 1998;

B) if the procurement was by direct solicitation by mail, the solicitation must have been postmarked or placed in the control of a private carrier no later than June 30, 1998;

C) if the procurement was by direct solicitation by fax, the fax must show a transmission date no later than June 30, 1998;

D) if the procurement was solicited in-person or by telephone, the solicitation must have occurred no later than June 30, 1998, and the State officer or employee who made the solicitation must state in writing when the procurement was discussed and must name the party with whom the discussion took place.

3) In all circumstances, the solicitations must be for the procurement of particular needs. A general discussion to determine if there is any interest on the part of a State agency in the supplies or services of a vendor or vendors, or on the part of a vendor or vendors in providing the supplies or services, is not considered a solicitation.

f) The Code and this Part do not apply to:

1) *contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in* the *Code*. (For purposes of this subsection (f)(1), "governmental bodies" includes the State universities and their governing boards, community colleges and their governing boards and school districts. This provision applies to contracts between governmental entities; it does not allow State agencies to utilize contracts established by other governmental entities);

2) *grants*;

3) *hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual*;

4) *collective bargaining contracts*;

5) *purchase of real estate; or*

6) *contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations,* *provided that the chief legal counsel to the Lt. Governor shall give his or her prior approval* [30 ILCS 500/1-10]. Anticipated litigation is that which the OLG may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, contracting for expert witnesses.