**Section 5000.230 General Acquisition Procedures**

a) DCMS will review State-owned space and space leased by other agencies which may be suitable to fill the agency space request. Such space, because it involves no outside expenditure or because use would avoid unnecessary lease costs, will be used in preference to newly acquired leased space. Exceptions will only be granted upon strong justification submitted by the head of the agency requesting space.

b) If no suitable State-owned or controlled space is available, DCMS will so advise the requesting agency.

c) To help ensure that DCMS personnel have awareness of comparable facilities, DCMS will periodically solicit information from property owners and managers regarding space that might be available for State use.

d) Acquisition of space by lease will be on the basis most favorable to the State, with due consideration to maintenance and operational efficiency. In those instances where alterations to a property are needed, DCMS will review and approve the scope of work and method of payment prior to the commencement of work. Agencies are not to perform alterations to leased properties or enter into contracts for alterations without DCMS approval. DCMS will not, however, approve any lease or renovations therein without the agency desiring the space making a positive recommendation. Factors that could influence the decision to approve alterations include but are not limited to: length of term, cost relative to base cost, cost of base plus alterations compared to other site costs, degree of permanency of alterations, and demonstrated program need for alterations.

e) DCMS shall determine the appropriate term for a given lease (not to exceed 10 years unless paid solely by federal funds) and negotiate accordingly. The particular terms and conditions of a given lease will in general conform to DCMS standard lease form provisions. Changes, additions or deletions to these terms shall be at DCMS' discretion. Agency input will be solicited prior to negotiation.

f) DCMS will attempt to negotiate a favorable renewal option, State-option cancellation clause, and purchase option provision when appropriate.

g) All leases shall be accompanied by a full written disclosure of the identity of every owner and beneficiary having any interest in the premises being leased.

1) Such disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, or managing agent.

2) Such disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, and the names of all shareholders in a corporation who are entitled to receive more than 7½% of the total distributable income of the corporation. If stock in a corporation is publicly traded and no readily known individual owns more than a 7½% interest, then the requirements of this rule may be met by an officer or managing agent of the corporation making an affirmative statement to this effect under oath.

3) Such disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband, or minor child of such person having an ownership or beneficial interest under the lease. In the event such person is so set forth, the disclosure shall include a specific designation of the percentage of the total distributable income such person, together with that of the wife, husband, or minor child of such person, is entitled to receive from any firm, partnership, association, or corporation which is the lessor.

4) It shall be the responsibility of the lessor to notify DCMS of any changes in ownership or beneficial interest and to submit updated disclosure statements reflecting such changes within 30 days after such change.

h) All leases shall be in writing and shall include:

1) a provision that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.

2) a termination option in favor of the State after 5 years.

i) Space that is not in compliance with the applicable accessibility regulations (see Appendix A) or is not capable of being brought in compliance with the installation of minimum essential features of accessibility by the time of occupancy, shall not be considered for use.

j) A copy of all leases whose annual rent is $10,000 or more shall be filed with the Comptroller within 15 days after their execution by the Director of DCMS.

k) In selecting sites, preference may be given to sites located in enterprise zones, TIF districts, or redevelopment districts when requested by the Chief Executive Officer of a unit of local government located within the boundaries of the site search area.

(Source: Amended at 22 Ill. Reg. 20545, effective November 16, 1998)