

HB5100



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5100

Introduced 2/8/2024, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

30 ILCS 500/50-10.5

Amends the Illinois Procurement Code. Provides that nothing in specified provisions concerning prohibited bidders shall prohibit a person or business from submitting an unsolicited proposal under the Public-Private Partnership for Transportation Act.

LRB103 37768 MXP 67897 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 50-10.5 as follows:

6 (30 ILCS 500/50-10.5)

7 Sec. 50-10.5. Prohibited bidders, offerors, potential
8 contractors, and contractors.

9 (a) Unless otherwise provided, no business shall bid,
10 offer, enter into a contract or subcontract under this Code,
11 or make a submission to a vendor portal if the business or any
12 officer, director, partner, or other managerial agent of the
13 business has been convicted of a felony under the
14 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
15 the Illinois Securities Law of 1953 for a period of 5 years
16 from the date of conviction.

17 (b) Every bid and offer submitted to the State, every
18 contract executed by the State, every vendor's submission to a
19 vendor portal, and every subcontract subject to Section 20-120
20 of this Code shall contain a certification by the bidder,
21 offeror, potential contractor, contractor, or subcontractor,
22 respectively, that the bidder, offeror, potential contractor,
23 contractor, or subcontractor is not barred from being awarded

1 a contract or subcontract under this Section and acknowledges
2 that the chief procurement officer shall declare the related
3 contract void if any of the certifications completed pursuant
4 to this subsection (b) are false. If the false certification
5 is made by a subcontractor, then the contractor's submitted
6 bid or offer and the executed contract may not be declared
7 void, unless the contractor refuses to terminate the
8 subcontract upon the State's request after a finding that the
9 subcontract's certification was false.

10 (c) If a business is not a natural person, the prohibition
11 in subsection (a) applies only if:

12 (1) the business itself is convicted of a felony
13 referenced in subsection (a); or

14 (2) the business is ordered to pay punitive damages
15 based on the conduct of any officer, director, partner, or
16 other managerial agent who has been convicted of a felony
17 referenced in subsection (a).

18 (d) A natural person who is convicted of a felony
19 referenced in subsection (a) remains subject to Section 50-10.

20 (e) No person or business shall bid, offer, make a
21 submission to a vendor portal, or enter into a contract under
22 this Code if the person or business assisted an employee of the
23 State of Illinois, who, by the nature of his or her duties, has
24 the authority to participate personally and substantially in
25 the decision to award a State contract, by reviewing,
26 drafting, directing, or preparing any invitation for bids, a

1 request for proposal, or request for information or provided
2 similar assistance except as part of a publicly issued
3 opportunity to review drafts of all or part of these
4 documents.

5 This subsection does not prohibit a person or business
6 from submitting a bid or offer or entering into a contract if
7 the person or business: (i) initiates a communication with an
8 employee to provide general information about products,
9 services, or industry best practices, (ii) responds to a
10 communication initiated by an employee of the State for the
11 purposes of providing information to evaluate new products,
12 trends, services, or technologies, or (iii) asks for
13 clarification regarding a solicitation, so long as there is no
14 competitive advantage to the person or business and the
15 question and answer, if material, are posted to the Illinois
16 Procurement Bulletin as an addendum to the solicitation.

17 Nothing in this Section prohibits a vendor developing
18 technology, goods, or services from bidding or offering to
19 supply that technology or those goods or services if the
20 subject demonstrated to the State represents industry trends
21 and innovation and is not specifically designed to meet the
22 State's needs.

23 Nothing in this Section prohibits a person performing
24 construction-related services from initiating contact with a
25 business that performs construction for the purpose of
26 obtaining market costs or production time to determine the

1 estimated costs to complete the construction project.

2 For purposes of this subsection (e), "business" includes
3 all individuals with whom a business is affiliated, including,
4 but not limited to, any officer, agent, employee, consultant,
5 independent contractor, director, partner, or manager of a
6 business.

7 No person or business shall submit specifications to a
8 State agency unless requested to do so by an employee of the
9 State. No person or business who contracts with a State agency
10 to write specifications for a particular procurement need
11 shall submit a bid or proposal or receive a contract for that
12 procurement need.

13 Nothing in this subsection (e) shall prohibit a person or
14 business from submitting an unsolicited proposal under Section
15 19 of the Public-Private Partnership for Transportation Act.

16 (Source: P.A. 100-43, eff. 8-9-17.)