



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5725

Introduced 2/16/2012, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Provides that the chief procurement officers are jointly responsible for publishing the Illinois Procurement Bulletin (now, each chief procurement officer is responsible for publishing his or her volume of the Illinois Procurement Bulletin). Provides that the electronic Illinois Procurement Bulletin shall include a single registration system and a single industry code classification system that is substantially similar to the North American Industry Classification System. Requires the registrant to select the code classification that best describes the service or commodity that the registrant wishes to provide the State. Provides that the Procurement Policy Board shall maintain on its website a portal for persons and businesses to submit the certifications and disclosures required under the Code, as well as any certification provided under the Business Enterprise for Minorities, Females, and Persons With Disabilities Act and the employer report form required by the Illinois Human Rights Act. Provides that, instead of submitting a certification or disclosure with the bid, contract, or subcontract, a person or business who is registered on the web-based portal maintained by the Procurement Policy Board may maintain a current, accurate certification or disclosure on the web-based portal. Amends various Acts to make conforming changes to provisions regarding the Illinois Procurement Bulletin.

LRB097 16023 PJG 61174 b

FISCAL NOTE ACT
MAY APPLY

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 General Obligation Bond Act is amended by
5 changing Section 11 as follows:

6 (30 ILCS 330/11) (from Ch. 127, par. 661)

7 Sec. 11. Sale of Bonds. Except as otherwise provided in
8 this Section, Bonds shall be sold from time to time pursuant to
9 notice of sale and public bid or by negotiated sale in such
10 amounts and at such times as is directed by the Governor, upon
11 recommendation by the Director of the Governor's Office of
12 Management and Budget. At least 25%, based on total principal
13 amount, of all Bonds issued each fiscal year shall be sold
14 pursuant to notice of sale and public bid. At all times during
15 each fiscal year, no more than 75%, based on total principal
16 amount, of the Bonds issued each fiscal year, shall have been
17 sold by negotiated sale. Failure to satisfy the requirements in
18 the preceding 2 sentences shall not affect the validity of any
19 previously issued Bonds; provided that all Bonds authorized by
20 Public Act 96-43 and this amendatory Act of the 96th General
21 Assembly shall not be included in determining compliance for
22 any fiscal year with the requirements of the preceding 2
23 sentences; and further provided that refunding Bonds

1 satisfying the requirements of Section 16 of this Act and sold
2 during fiscal year 2009, 2010, or 2011 shall not be subject to
3 the requirements in the preceding 2 sentences.

4 If any Bonds, including refunding Bonds, are to be sold by
5 negotiated sale, the Director of the Governor's Office of
6 Management and Budget shall comply with the competitive request
7 for proposal process set forth in the Illinois Procurement Code
8 and all other applicable requirements of that Code.

9 If Bonds are to be sold pursuant to notice of sale and
10 public bid, the Director of the Governor's Office of Management
11 and Budget shall, from time to time, as Bonds are to be sold,
12 advertise the sale of the Bonds in at least 2 daily newspapers,
13 one of which is published in the City of Springfield and one in
14 the City of Chicago. The sale of the Bonds shall also be
15 advertised in ~~the volume of~~ the Illinois Procurement Bulletin
16 ~~that is published by the Department of Central Management~~
17 ~~Services~~. Each of the advertisements for proposals shall be
18 published once at least 10 days prior to the date fixed for the
19 opening of the bids. The Director of the Governor's Office of
20 Management and Budget may reschedule the date of sale upon the
21 giving of such additional notice as the Director deems adequate
22 to inform prospective bidders of such change; provided,
23 however, that all other conditions of the sale shall continue
24 as originally advertised.

25 Executed Bonds shall, upon payment therefor, be delivered
26 to the purchaser, and the proceeds of Bonds shall be paid into

1 the State Treasury as directed by Section 12 of this Act.
2 (Source: P.A. 96-18, eff. 6-26-09; 96-43, eff. 7-15-09;
3 96-1497, eff. 1-14-11.)

4 Section 10. The Build Illinois Bond Act is amended by
5 changing Section 8 as follows:

6 (30 ILCS 425/8) (from Ch. 127, par. 2808)

7 Sec. 8. Sale of Bonds. Bonds, except as otherwise provided
8 in this Section, shall be sold from time to time pursuant to
9 notice of sale and public bid or by negotiated sale in such
10 amounts and at such times as are directed by the Governor, upon
11 recommendation by the Director of the Governor's Office of
12 Management and Budget. At least 25%, based on total principal
13 amount, of all Bonds issued each fiscal year shall be sold
14 pursuant to notice of sale and public bid. At all times during
15 each fiscal year, no more than 75%, based on total principal
16 amount, of the Bonds issued each fiscal year shall have been
17 sold by negotiated sale. Failure to satisfy the requirements in
18 the preceding 2 sentences shall not affect the validity of any
19 previously issued Bonds; and further provided that refunding
20 Bonds satisfying the requirements of Section 15 of this Act and
21 sold during fiscal year 2009, 2010, or 2011 shall not be
22 subject to the requirements in the preceding 2 sentences.

23 If any Bonds are to be sold pursuant to notice of sale and
24 public bid, the Director of the Governor's Office of Management

1 and Budget shall comply with the competitive request for
2 proposal process set forth in the Illinois Procurement Code and
3 all other applicable requirements of that Code.

4 If Bonds are to be sold pursuant to notice of sale and
5 public bid, the Director of the Governor's Office of Management
6 and Budget shall, from time to time, as Bonds are to be sold,
7 advertise the sale of the Bonds in at least 2 daily newspapers,
8 one of which is published in the City of Springfield and one in
9 the City of Chicago. The sale of the Bonds shall also be
10 advertised in ~~the volume of the Illinois Procurement Bulletin~~
11 ~~that is published by the Department of Central Management~~
12 ~~Services~~. Each of the advertisements for proposals shall be
13 published once at least 10 days prior to the date fixed for the
14 opening of the bids. The Director of the Governor's Office of
15 Management and Budget may reschedule the date of sale upon the
16 giving of such additional notice as the Director deems adequate
17 to inform prospective bidders of the change; provided, however,
18 that all other conditions of the sale shall continue as
19 originally advertised. Executed Bonds shall, upon payment
20 therefor, be delivered to the purchaser, and the proceeds of
21 Bonds shall be paid into the State Treasury as directed by
22 Section 9 of this Act. The Governor or the Director of the
23 Governor's Office of Management and Budget is hereby authorized
24 and directed to execute and deliver contracts of sale with
25 underwriters and to execute and deliver such certificates,
26 indentures, agreements and documents, including any

1 supplements or amendments thereto, and to take such actions and
2 do such things as shall be necessary or desirable to carry out
3 the purposes of this Act. Any action authorized or permitted to
4 be taken by the Director of the Governor's Office of Management
5 and Budget pursuant to this Act is hereby authorized to be
6 taken by any person specifically designated by the Governor to
7 take such action in a certificate signed by the Governor and
8 filed with the Secretary of State.

9 (Source: P.A. 96-18, eff. 6-26-09.)

10 Section 15. The Illinois Procurement Code is amended by
11 changing Sections 15-1, 15-15, 15-25, 20-10, 35-30, 50-80, and
12 53-25 and by adding Section 15-35 as follows:

13 (30 ILCS 500/15-1)

14 Sec. 15-1. Publisher. The chief procurement officers
15 ~~Department of Central Management Services is the State agency~~
16 ~~responsible for publishing its volumes of the Illinois~~
17 ~~Procurement Bulletin. The Capital Development Board is~~
18 ~~responsible for publishing its volumes of the Illinois~~
19 ~~Procurement Bulletin. The Department of Transportation is~~
20 ~~responsible for publishing its volumes of the Illinois~~
21 ~~Procurement Bulletin. The higher education chief procurement~~
22 ~~officer is responsible for publishing the higher education~~
23 ~~volumes of the Illinois Procurement Bulletin. The Illinois~~
24 ~~Power Agency~~ are jointly ~~is the State agency~~ responsible for

1 publishing ~~its volumes of~~ the Illinois Procurement Bulletin.

2 The ~~Each volume of the~~ Illinois Procurement Bulletin shall
3 be available electronically and may be available in print.
4 References in this Code to the publication and distribution of
5 the Illinois Procurement Bulletin include both its print and
6 electronic formats.

7 (Source: P.A. 95-481, eff. 8-28-07.)

8 (30 ILCS 500/15-15)

9 Sec. 15-15. Publication. The ~~All volumes of the~~ Illinois
10 Procurement Bulletin shall be published at least once per month
11 and ~~. Any volume, including volumes available in print format,~~
12 shall be available through subscription for a minimal fee not
13 exceeding publication and distribution costs. The Illinois
14 Procurement Bulletin shall be distributed free to public
15 libraries within Illinois and electronically to any entity that
16 has subscribed on the publishing entity's website.

17 (Source: P.A. 96-1444, eff. 8-20-10.)

18 (30 ILCS 500/15-25)

19 Sec. 15-25. Bulletin content.

20 (a) Invitations for bids. Notice of each and every contract
21 that is offered, including renegotiated contracts and change
22 orders, shall be published in the Bulletin, and all businesses
23 listed on the Department of Transportation Disadvantaged
24 Business Enterprise Directory, the Department of Central

1 Management Services Business Enterprise Program and Small
2 Business Vendors Directory, and the Capital Development
3 Board's Directory of Certified Minority and Female Business
4 Enterprises shall be furnished written instructions and
5 information on how to register on the ~~each~~ Procurement Bulletin
6 ~~maintained by the State~~. Such information shall be provided to
7 each business within 30 days after the business' notice of
8 certification. The applicable chief procurement officer may
9 provide by rule an organized format for the publication of this
10 information, but in any case it must include at least the date
11 first offered, the date submission of offers is due, the
12 location that offers are to be submitted to, the purchasing
13 State agency, the responsible State purchasing officer, a brief
14 purchase description, the method of source selection,
15 information of how to obtain a comprehensive purchase
16 description and any disclosure and contract forms, and
17 encouragement to prospective vendors to hire qualified
18 veterans, as defined by Section 45-67 of this Code, and
19 qualified Illinois minorities, women, persons with
20 disabilities, and residents discharged from any Illinois adult
21 correctional center.

22 (b) Contracts let. Notice of each and every contract that
23 is let, including renegotiated contracts and change orders,
24 shall be issued electronically to those bidders or offerors
25 submitting responses to the solicitations, inclusive of the
26 unsuccessful bidders, immediately upon contract let. Failure

1 of any chief procurement officer to give such notice shall
2 result in tolling the time for filing a bid protest up to 5
3 business days. The apparent low bidder's award and all other
4 bids from bidders responding to solicitations shall be posted
5 on the agency's website the next business day.

6 (b-5) Contracts awarded. Notice of each and every contract
7 that is awarded, including renegotiated contracts and change
8 orders, shall be issued electronically to the successful
9 responsible bidder or offeror, posted on the agency's website
10 the next business day, and published in the next available
11 subsequent Bulletin. The applicable chief procurement officer
12 may provide by rule an organized format for the publication of
13 this information, but in any case it must include at least all
14 of the information specified in subsection (a) as well as the
15 name of the successful responsible bidder or offeror, the
16 contract price, the number of unsuccessful responsive bidders,
17 and any other disclosure specified in any Section of this Code.
18 This notice must be posted in the online electronic Bulletin
19 prior to execution of the contract.

20 (c) Emergency purchase disclosure. Any chief procurement
21 officer or State purchasing officer exercising emergency
22 purchase authority under this Code shall publish a written
23 description and reasons and the total cost, if known, or an
24 estimate if unknown and the name of the responsible chief
25 procurement officer and State purchasing officer, and the
26 business or person contracted with for all emergency purchases

1 in the next timely, practicable Bulletin. This notice must be
2 posted in the online electronic Bulletin no later than 3
3 business days after the contract is awarded. Notice of a
4 hearing to extend an emergency contract must be posted in the
5 online electronic Procurement Bulletin no later than 5 business
6 days prior to the hearing.

7 (c-5) Business Enterprise Program report. Each purchasing
8 agency shall post in the online electronic Bulletin a copy of
9 its annual report of utilization of businesses owned by
10 minorities, females, and persons with disabilities as
11 submitted to the Business Enterprise Council for Minorities,
12 Females, and Persons with Disabilities pursuant to Section 6(c)
13 of the Business Enterprise for Minorities, Females, and Persons
14 with Disabilities Act within 10 business days after its
15 submission of its report to the Council.

16 (c-10) Renewals. Notice of each contract renewal shall be
17 posted in the online electronic Bulletin within 10 business
18 days of the determination to renew the contract and the next
19 available subsequent Bulletin. The notice shall include at
20 least all of the information required in subsection (b).

21 (c-15) Sole source procurements. Before entering into a
22 sole source contract, a chief procurement officer exercising
23 sole source procurement authority under this Code shall publish
24 a written description of intent to enter into a sole source
25 contract along with a description of the item to be procured
26 and the intended sole source contractor. This notice must be

1 posted in the online electronic Procurement Bulletin before a
2 sole source contract is awarded and at least 14 days before the
3 hearing required by Section 20-25.

4 (d) Other required disclosure. The applicable chief
5 procurement officer shall provide by rule for the organized
6 publication of all other disclosure required in other Sections
7 of this Code in a timely manner.

8 (e) The changes to subsections (b), (c), (c-5), (c-10), and
9 (c-15) of this Section made by this amendatory Act of the 96th
10 General Assembly apply to reports submitted, offers made, and
11 notices on contracts executed on or after its effective date.

12 (f) The Department of Central Management Services, the
13 Capital Development Board, the Department of Transportation,
14 and the higher education chief procurement officer shall
15 provide the Procurement Policy Board with the information and
16 resources necessary, and in a manner, to effectuate the purpose
17 of this amendatory Act of the 96th General Assembly.

18 (Source: P.A. 95-536, eff. 1-1-08; 96-795, eff. 7-1-10 (see
19 Section 5 of P.A. 96-793 for the effective date of changes made
20 by P.A. 96-795); 96-1444, eff. 8-20-10.)

21 (30 ILCS 500/15-35 new)

22 Sec. 15-35. Vendor registration.

23 (a) The electronic Illinois Procurement Bulletin shall
24 include a single registration system. A business or person who
25 has registered on the Illinois Procurement Bulletin shall have

1 access to all electronic Bulletin content published pursuant to
2 Section 15-25.

3 (b) The single registration system shall include a single
4 industry code classification system substantially similar to
5 the North American Industry Classification System and shall
6 require a registrant to select the code classification that
7 best describes the service or commodity that the registrant
8 wishes to provide to the State.

9 (c) The chief procurement officers may promulgate rules in
10 accordance with the Illinois Administrative Procedure Act to
11 implement this Section.

12 (30 ILCS 500/20-10)

13 (Text of Section from P.A. 96-159, 96-588, 97-96, and
14 97-198)

15 Sec. 20-10. Competitive sealed bidding; reverse auction.

16 (a) Conditions for use. All contracts shall be awarded by
17 competitive sealed bidding except as otherwise provided in
18 Section 20-5.

19 (b) Invitation for bids. An invitation for bids shall be
20 issued and shall include a purchase description and the
21 material contractual terms and conditions applicable to the
22 procurement.

23 (c) Public notice. Public notice of the invitation for bids
24 shall be published in the Illinois Procurement Bulletin at
25 least 14 days before the date set in the invitation for the

1 opening of bids.

2 (d) Bid opening. Bids shall be opened publicly in the
3 presence of one or more witnesses at the time and place
4 designated in the invitation for bids. The name of each bidder,
5 the amount of each bid, and other relevant information as may
6 be specified by rule shall be recorded. After the award of the
7 contract, the winning bid and the record of each unsuccessful
8 bid shall be open to public inspection.

9 (e) Bid acceptance and bid evaluation. Bids shall be
10 unconditionally accepted without alteration or correction,
11 except as authorized in this Code. Bids shall be evaluated
12 based on the requirements set forth in the invitation for bids,
13 which may include criteria to determine acceptability such as
14 inspection, testing, quality, workmanship, delivery, and
15 suitability for a particular purpose. Those criteria that will
16 affect the bid price and be considered in evaluation for award,
17 such as discounts, transportation costs, and total or life
18 cycle costs, shall be objectively measurable. The invitation
19 for bids shall set forth the evaluation criteria to be used.

20 (f) Correction or withdrawal of bids. Correction or
21 withdrawal of inadvertently erroneous bids before or after
22 award, or cancellation of awards of contracts based on bid
23 mistakes, shall be permitted in accordance with rules. After
24 bid opening, no changes in bid prices or other provisions of
25 bids prejudicial to the interest of the State or fair
26 competition shall be permitted. All decisions to permit the

1 correction or withdrawal of bids based on bid mistakes shall be
2 supported by written determination made by a State purchasing
3 officer.

4 (g) Award. The contract shall be awarded with reasonable
5 promptness by written notice to the lowest responsible and
6 responsive bidder whose bid meets the requirements and criteria
7 set forth in the invitation for bids, except when a State
8 purchasing officer determines it is not in the best interest of
9 the State and by written explanation determines another bidder
10 shall receive the award. The explanation shall appear in the
11 appropriate volume of the Illinois Procurement Bulletin.

12 (h) Multi-step sealed bidding. When it is considered
13 impracticable to initially prepare a purchase description to
14 support an award based on price, an invitation for bids may be
15 issued requesting the submission of unpriced offers to be
16 followed by an invitation for bids limited to those bidders
17 whose offers have been qualified under the criteria set forth
18 in the first solicitation.

19 (i) Alternative procedures. Notwithstanding any other
20 provision of this Act to the contrary, the Director of the
21 Illinois Power Agency may create alternative bidding
22 procedures to be used in procuring professional services under
23 subsection (a) of Section 1-75 and subsection (d) of Section
24 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
25 of the Public Utilities Act and to procure renewable energy
26 resources under Section 1-56 of the Illinois Power Agency Act.

1 These alternative procedures shall be set forth together with
2 the other criteria contained in the invitation for bids, and
3 shall appear in the appropriate volume of the Illinois
4 Procurement Bulletin.

5 (j) Reverse auction. Notwithstanding any other provision
6 of this Section and in accordance with rules adopted by the
7 Director of Central Management Services as chief procurement
8 officer, a State purchasing officer under that chief
9 procurement officer's jurisdiction may procure supplies or
10 services through a competitive electronic auction bidding
11 process after the purchasing officer explains in writing to the
12 chief procurement officer his or her determination that the use
13 of such a process will be in the best interest of the State.
14 The chief procurement officer shall publish that determination
15 in the ~~his or her~~ next volume of the Illinois Procurement
16 Bulletin.

17 An invitation for bids shall be issued and shall include
18 (i) a procurement description, (ii) all contractual terms,
19 whenever practical, and (iii) conditions applicable to the
20 procurement, including a notice that bids will be received in
21 an electronic auction manner.

22 Public notice of the invitation for bids shall be given in
23 the same manner as provided in subsection (c).

24 Bids shall be accepted electronically at the time and in
25 the manner designated in the invitation for bids. During the
26 auction, a bidder's price shall be disclosed to other bidders.

1 Bidders shall have the opportunity to reduce their bid prices
2 during the auction. At the conclusion of the auction, the
3 record of the bid prices received and the name of each bidder
4 shall be open to public inspection.

5 After the auction period has terminated, withdrawal of bids
6 shall be permitted as provided in subsection (f).

7 The contract shall be awarded within 60 days after the
8 auction by written notice to the lowest responsible bidder, or
9 all bids shall be rejected except as otherwise provided in this
10 Code. Extensions of the date for the award may be made by
11 mutual written consent of the State purchasing officer and the
12 lowest responsible bidder.

13 This subsection does not apply to (i) procurements of
14 professional and artistic services, including but not limited
15 to telecommunications services, communications services,
16 Internet services, and information services, and (ii)
17 contracts for construction projects.

18 (Source: P.A. 95-481, eff. 8-28-07; 96-159, eff. 8-10-09;
19 96-588, eff. 8-18-09; 97-96, eff. 7-13-11.)

20 (Text of Section from P.A. 96-159, 96-795, 97-96, and
21 97-198)

22 Sec. 20-10. Competitive sealed bidding; reverse auction.

23 (a) Conditions for use. All contracts shall be awarded by
24 competitive sealed bidding except as otherwise provided in
25 Section 20-5.

1 (b) Invitation for bids. An invitation for bids shall be
2 issued and shall include a purchase description and the
3 material contractual terms and conditions applicable to the
4 procurement.

5 (c) Public notice. Public notice of the invitation for bids
6 shall be published in the Illinois Procurement Bulletin at
7 least 14 days before the date set in the invitation for the
8 opening of bids.

9 (d) Bid opening. Bids shall be opened publicly in the
10 presence of one or more witnesses at the time and place
11 designated in the invitation for bids. The name of each bidder,
12 the amount of each bid, and other relevant information as may
13 be specified by rule shall be recorded. After the award of the
14 contract, the winning bid and the record of each unsuccessful
15 bid shall be open to public inspection.

16 (e) Bid acceptance and bid evaluation. Bids shall be
17 unconditionally accepted without alteration or correction,
18 except as authorized in this Code. Bids shall be evaluated
19 based on the requirements set forth in the invitation for bids,
20 which may include criteria to determine acceptability such as
21 inspection, testing, quality, workmanship, delivery, and
22 suitability for a particular purpose. Those criteria that will
23 affect the bid price and be considered in evaluation for award,
24 such as discounts, transportation costs, and total or life
25 cycle costs, shall be objectively measurable. The invitation
26 for bids shall set forth the evaluation criteria to be used.

1 (f) Correction or withdrawal of bids. Correction or
2 withdrawal of inadvertently erroneous bids before or after
3 award, or cancellation of awards of contracts based on bid
4 mistakes, shall be permitted in accordance with rules. After
5 bid opening, no changes in bid prices or other provisions of
6 bids prejudicial to the interest of the State or fair
7 competition shall be permitted. All decisions to permit the
8 correction or withdrawal of bids based on bid mistakes shall be
9 supported by written determination made by a State purchasing
10 officer.

11 (g) Award. The contract shall be awarded with reasonable
12 promptness by written notice to the lowest responsible and
13 responsive bidder whose bid meets the requirements and criteria
14 set forth in the invitation for bids, except when a State
15 purchasing officer determines it is not in the best interest of
16 the State and by written explanation determines another bidder
17 shall receive the award. The explanation shall appear in the
18 appropriate volume of the Illinois Procurement Bulletin. The
19 written explanation must include:

20 (1) a description of the agency's needs;

21 (2) a determination that the anticipated cost will be
22 fair and reasonable;

23 (3) a listing of all responsible and responsive
24 bidders; and

25 (4) the name of the bidder selected, pricing, and the
26 reasons for selecting that bidder.

1 Each chief procurement officer may adopt guidelines to
2 implement the requirements of this subsection (g).

3 The written explanation shall be filed with the Legislative
4 Audit Commission and the Procurement Policy Board and be made
5 available for inspection by the public within 30 days after the
6 agency's decision to award the contract.

7 (h) Multi-step sealed bidding. When it is considered
8 impracticable to initially prepare a purchase description to
9 support an award based on price, an invitation for bids may be
10 issued requesting the submission of unpriced offers to be
11 followed by an invitation for bids limited to those bidders
12 whose offers have been qualified under the criteria set forth
13 in the first solicitation.

14 (i) Alternative procedures. Notwithstanding any other
15 provision of this Act to the contrary, the Director of the
16 Illinois Power Agency may create alternative bidding
17 procedures to be used in procuring professional services under
18 subsection (a) of Section 1-75 and subsection (d) of Section
19 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
20 of the Public Utilities Act and to procure renewable energy
21 resources under Section 1-56 of the Illinois Power Agency Act.
22 These alternative procedures shall be set forth together with
23 the other criteria contained in the invitation for bids, and
24 shall appear in the appropriate volume of the Illinois
25 Procurement Bulletin.

26 (j) Reverse auction. Notwithstanding any other provision

1 of this Section and in accordance with rules adopted by the
2 chief procurement officer, that chief procurement officer may
3 procure supplies or services through a competitive electronic
4 auction bidding process after the chief procurement officer
5 determines that the use of such a process will be in the best
6 interest of the State. The chief procurement officer shall
7 publish that determination in the ~~his or her~~ next volume of the
8 Illinois Procurement Bulletin.

9 An invitation for bids shall be issued and shall include
10 (i) a procurement description, (ii) all contractual terms,
11 whenever practical, and (iii) conditions applicable to the
12 procurement, including a notice that bids will be received in
13 an electronic auction manner.

14 Public notice of the invitation for bids shall be given in
15 the same manner as provided in subsection (c).

16 Bids shall be accepted electronically at the time and in
17 the manner designated in the invitation for bids. During the
18 auction, a bidder's price shall be disclosed to other bidders.
19 Bidders shall have the opportunity to reduce their bid prices
20 during the auction. At the conclusion of the auction, the
21 record of the bid prices received and the name of each bidder
22 shall be open to public inspection.

23 After the auction period has terminated, withdrawal of bids
24 shall be permitted as provided in subsection (f).

25 The contract shall be awarded within 60 days after the
26 auction by written notice to the lowest responsible bidder, or

1 all bids shall be rejected except as otherwise provided in this
2 Code. Extensions of the date for the award may be made by
3 mutual written consent of the State purchasing officer and the
4 lowest responsible bidder.

5 This subsection does not apply to (i) procurements of
6 professional and artistic services, (ii) telecommunications
7 services, communication services, and information services,
8 and (iii) contracts for construction projects.

9 (Source: P.A. 96-159, eff. 8-10-09; 96-795, eff. 7-1-10 (see
10 Section 5 of P.A. 96-793 for the effective date of changes made
11 by P.A. 96-795); 97-96, eff. 7-13-11.)

12 (30 ILCS 500/35-30)

13 Sec. 35-30. Awards.

14 (a) All State contracts for professional and artistic
15 services, except as provided in this Section, shall be awarded
16 using the competitive request for proposal process outlined in
17 this Section.

18 (b) For each contract offered, the chief procurement
19 officer, State purchasing officer, or his or her designee shall
20 use the appropriate standard solicitation forms available from
21 the chief procurement officer for matters other than
22 construction or the higher education chief procurement
23 officer.

24 (c) Prepared forms shall be submitted to the chief
25 procurement officer for matters other than construction or the

1 higher education chief procurement officer, whichever is
2 appropriate, for publication in the ~~its~~ Illinois Procurement
3 Bulletin and circulation to the chief procurement officer for
4 matters other than construction or the higher education chief
5 procurement officer's list of prequalified vendors. Notice of
6 the offer or request for proposal shall appear at least 14 days
7 before the response to the offer is due.

8 (d) All interested respondents shall return their
9 responses to the chief procurement officer for matters other
10 than construction or the higher education chief procurement
11 officer, whichever is appropriate, which shall open and record
12 them. The chief procurement officer for matters other than
13 construction or higher education chief procurement officer
14 then shall forward the responses, together with any information
15 it has available about the qualifications and other State work
16 of the respondents.

17 (e) After evaluation, ranking, and selection, the
18 responsible chief procurement officer, State purchasing
19 officer, or his or her designee shall notify the chief
20 procurement officer for matters other than construction or the
21 higher education chief procurement officer, whichever is
22 appropriate, of the successful respondent and shall forward a
23 copy of the signed contract for the chief procurement officer
24 for matters other than construction or higher education chief
25 procurement officer's file. The chief procurement officer for
26 matters other than construction or higher education chief

1 procurement officer shall publish the names of the responsible
2 procurement decision-maker, the agency letting the contract,
3 the successful respondent, a contract reference, and value of
4 the let contract in the next appropriate volume of the Illinois
5 Procurement Bulletin.

6 (f) For all professional and artistic contracts with
7 annualized value that exceeds \$25,000, evaluation and ranking
8 by price are required. Any chief procurement officer or State
9 purchasing officer, but not their designees, may select an
10 offeror other than the lowest bidder by price. In any case,
11 when the contract exceeds the \$25,000 threshold and the lowest
12 bidder is not selected, the chief procurement officer or the
13 State purchasing officer shall forward together with the
14 contract notice of who the low bidder was and a written
15 decision as to why another was selected to the chief
16 procurement officer for matters other than construction or the
17 higher education chief procurement officer, whichever is
18 appropriate. The chief procurement officer for matters other
19 than construction or higher education chief procurement
20 officer shall publish as provided in subsection (e) of Section
21 35-30, but shall include notice of the chief procurement
22 officer's or State purchasing officer's written decision.

23 (g) The chief procurement officer for matters other than
24 construction and higher education chief procurement officer
25 may each refine, but not contradict, this Section by
26 promulgating rules for submission to the Procurement Policy

1 Board and then to the Joint Committee on Administrative Rules.
2 Any refinement shall be based on the principles and procedures
3 of the federal Architect-Engineer Selection Law, Public Law
4 92-582 Brooks Act, and the Architectural, Engineering, and Land
5 Surveying Qualifications Based Selection Act; except that
6 pricing shall be an integral part of the selection process.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-481, eff. 8-28-07;
8 96-920, eff. 7-1-10.)

9 (30 ILCS 500/50-80 new)

10 Sec. 50-80. Web-based certification portal.

11 (a) The Procurement Policy Board shall maintain on its
12 official website a portal for persons and businesses to submit
13 the certifications and disclosures required under Article 50
14 and Section 20-160 of this Code, any certification that the
15 business is owned by a minority, female, or person with a
16 disability as provided under Section 2 of the Business
17 Enterprise for Minorities, Females, and Persons with
18 Disabilities Act, and the employer report form required by
19 Section 2-101 of the Illinois Human Rights Act. The portal
20 shall allow persons and businesses to register and generate a
21 user ID unique to that person or business.

22 (b) Notwithstanding any other law to the contrary, instead
23 of submitting a certification or disclosure with the bid,
24 contract, or subcontract as required under the provisions of
25 Article 50 or Section 20-160 of this Code, a person or business

1 who is registered on the web-based portal maintained by the
2 Procurement Policy Board pursuant to subsection (a) may submit
3 and maintain, on the web-based portal and under the person or
4 business's registered, unique user ID, the current, accurate
5 certification or disclosure.

6 (c) All bids submitted to and contracts executed by the
7 State and all subcontracts subject to Section 20-120 of this
8 Code may include a reference to the unique user ID of the
9 bidder, contractor, or subcontractor. A person or business who
10 elects, under subsection (b) of this Section, to maintain their
11 certifications and disclosures on the web-based portal must
12 include a reference to its unique user ID with all bids
13 submitted to and contracts executed by the State and all
14 subcontracts subject to Section 20-120.

15 (d) The Procurement Policy Board may promulgate rules in
16 accordance with the Illinois Administrative Procedure Act to
17 implement this Section.

18 (30 ILCS 500/53-25)

19 Sec. 53-25. Public institutions of higher education. Each
20 public institution of higher education may enter into
21 concessions, including the assignment, license, sale, or
22 transfer of interests in or rights to discoveries, inventions,
23 patents, or copyrightable works, for property, whether
24 tangible or intangible, over which it has jurisdiction.
25 Concessions shall be reduced to writing and shall be awarded at

1 the discretion of the institution with jurisdiction over the
2 property. The duration and terms of concessions and leases
3 shall be at the discretion of the institution with jurisdiction
4 over the property. Notice of the award of a concession shall be
5 published in ~~the higher education volume of~~ the Illinois
6 Procurement Bulletin.

7 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

1		INDEX
2		Statutes amended in order of appearance
3	30 ILCS 330/11	from Ch. 127, par. 661
4	30 ILCS 425/8	from Ch. 127, par. 2808
5	30 ILCS 500/15-1	
6	30 ILCS 500/15-15	
7	30 ILCS 500/15-25	
8	30 ILCS 500/15-35 new	
9	30 ILCS 500/20-10	
10	30 ILCS 500/35-30	
11	30 ILCS 500/50-80 new	
12	30 ILCS 500/53-25	