



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1953

Introduced 2/10/2011, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Provides that the Procurement Policy Board shall provide written notice of an alleged conflict of interest to the contractor. Provides that the contractor shall have 30 days to provide a written response to the notice and may request a hearing before the Board. Provides that a State contract shall include the general type of work to be performed by all known subcontractors. Removes the requirement that a State contract shall include the expected amount of money each subcontractor will receive under the contract. Provides that, for certain certifications required for State contracts, if a false certification is made by a subcontractor, the contractor's submitted bid and contract may not be declared void. Makes other changes. Effective immediately.

LRB097 07087 PJG 47180 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 Illinois Procurement Code is amended by  
5 changing Sections 1-15.107, 1-15.108, 5-5, 20-10, 20-25,  
6 20-120, 20-155, 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14,  
7 50-35, 50-39, and 50-60 as follows:

8 (30 ILCS 500/1-15.107)

9 Sec. 1-15.107. Subcontract. "Subcontract" means a contract  
10 between a person and a person who has ~~or is seeking~~ a contract  
11 subject to this Code, pursuant to which the subcontractor  
12 provides to the contractor ~~or another subcontractor~~ some or all  
13 of the ~~goods,~~ services, real property, remuneration, or other  
14 monetary forms of consideration that are the subject of the  
15 primary contract and includes, among other things, subleases  
16 from a lessee of a State agency.

17 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
18 for the effective date of P.A. 96-795).)

19 (30 ILCS 500/1-15.108)

20 Sec. 1-15.108. Subcontractor. "Subcontractor" means a  
21 person or entity that enters into a contractual agreement with  
22 a total value of \$25,000 or more with a person or entity who

1 has ~~or is seeking~~ a contract subject to this Code pursuant to  
2 which the person or entity provides some or all of the ~~goods,~~  
3 services, real property, remuneration, or other monetary forms  
4 of consideration that are the subject of the primary State  
5 contract, including subleases from a lessee of a State  
6 contract.

7 (Source: P.A. 96-920, eff. 7-1-10.)

8 (30 ILCS 500/5-5)

9 Sec. 5-5. Procurement Policy Board.

10 (a) Creation. There is created a Procurement Policy Board,  
11 an agency of the State of Illinois.

12 (b) Authority and duties. The Board shall have the  
13 authority and responsibility to review, comment upon, and  
14 recommend, consistent with this Code, rules and practices  
15 governing the procurement, management, control, and disposal  
16 of supplies, services, professional or artistic services,  
17 construction, and real property and capital improvement leases  
18 procured by the State. The Board shall also have the authority  
19 to recommend a program for professional development and provide  
20 opportunities for training in procurement practices and  
21 policies to chief procurement officers and their staffs in  
22 order to ensure that all procurement is conducted in an  
23 efficient, professional, and appropriately transparent manner.

24 Upon a three-fifths vote of its members, the Board may  
25 review a contract. Upon a three-fifths vote of its members, the

1 Board may propose procurement rules for consideration by chief  
2 procurement officers. These proposals shall be published in  
3 each volume of the Procurement Bulletin. Except as otherwise  
4 provided by law, the Board shall act upon the vote of a  
5 majority of its members who have been appointed and are  
6 serving.

7 (b-5) Reviews, studies, and hearings. The Board may review,  
8 study, and hold public hearings concerning the implementation  
9 and administration of this Code. Each chief procurement  
10 officer, State purchasing officer, procurement compliance  
11 monitor, and State agency shall cooperate with the Board,  
12 provide information to the Board, and be responsive to the  
13 Board in the Board's conduct of its reviews, studies, and  
14 hearings.

15 (c) Members. The Board shall consist of 5 members appointed  
16 one each by the 4 legislative leaders and the Governor. Each  
17 member shall have demonstrated sufficient business or  
18 professional experience in the area of procurement to perform  
19 the functions of the Board. No member may be a member of the  
20 General Assembly.

21 (d) Terms. Of the initial appointees, the Governor shall  
22 designate one member, as Chairman, to serve a one-year term,  
23 the President of the Senate and the Speaker of the House shall  
24 each appoint one member to serve 3-year terms, and the Minority  
25 Leader of the House and the Minority Leader of the Senate shall  
26 each appoint one member to serve 2-year terms. Subsequent terms

1 shall be 4 years. Members may be reappointed for succeeding  
2 terms.

3 (e) Reimbursement. Members shall receive no compensation  
4 but shall be reimbursed for any expenses reasonably incurred in  
5 the performance of their duties.

6 (f) Staff support. Upon a three-fifths vote of its members,  
7 the Board may employ an executive director. Subject to  
8 appropriation, the Board also may employ a reasonable and  
9 necessary number of staff persons.

10 (g) Meetings. Meetings of the Board may be conducted  
11 telephonically, electronically, or through the use of other  
12 telecommunications. Written minutes of such meetings shall be  
13 created and available for public inspection and copying.

14 (h) Procurement recommendations. Upon a three-fifths vote  
15 of its members, the Board may review a proposal, bid, or  
16 contract and issue a recommendation to void a contract or  
17 reject a proposal or bid based on any violation of this Code or  
18 the existence of a conflict of interest as described in  
19 subsections (b) and (d) of Section 50-35. A chief procurement  
20 officer or State purchasing officer shall notify the Board if  
21 an alleged ~~a~~ conflict of interest is identified, discovered, or  
22 reasonably suspected to exist. Any person or entity may notify  
23 the Board of an alleged ~~a~~ conflict of interest. Upon receipt of  
24 a notice of suspected violation or conflict of interest, the  
25 Board shall provide written notice of the alleged violation to  
26 the contractor or subcontractor on that contract. If the

1 alleged violation is by the subcontractor, written notice shall  
2 also be provided to the contractor. The contractor or  
3 subcontractor shall have 30 days to provide a written response  
4 to the notice, and a hearing before the Board on the alleged  
5 violation shall be held upon request by the contractor or  
6 subcontractor. A recommendation of the Board shall be delivered  
7 to the appropriate chief procurement officer and Executive  
8 Ethics Commission within 5 days and must be published in the  
9 next volume of the Procurement Bulletin.

10 (i) After providing notice and a hearing as required by  
11 subsection (h), the ~~The~~ Board shall refer any alleged  
12 violations of this Code to the Executive Inspector General in  
13 addition to or instead of issuing a recommendation to void a  
14 contract.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
16 for the effective date of changes made by P.A. 96-795).)

17 (30 ILCS 500/20-10)

18 (Text of Section from P.A. 96-159 and 96-588)

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

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

23 (b) Invitation for bids. An invitation for bids shall be  
24 issued and shall include a purchase description and the  
25 material contractual terms and conditions applicable to the

1 procurement.

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

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

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

24 (f) Correction or withdrawal of bids. Correction or  
25 withdrawal of inadvertently erroneous bids before or after  
26 award, or cancellation of awards of contracts based on bid

1 mistakes, shall be permitted in accordance with rules. After  
2 bid opening, no changes in bid prices or other provisions of  
3 bids prejudicial to the interest of the State or fair  
4 competition shall be permitted. All decisions to permit the  
5 correction or withdrawal of bids based on bid mistakes shall be  
6 supported by written determination made by a State purchasing  
7 officer.

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

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

18 (2) a determination that the anticipated cost will be  
19 fair and reasonable;

20 (3) a listing of all responsible and responsive  
21 bidders; and

22 (4) the name of the bidder selected, the contract  
23 price, and the reasons for selecting that bidder.

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

26 The written explanation shall be filed with the Legislative



1 Audit Commission and the Procurement Policy Board and be made  
2 available for inspection by the public within 30 days after the  
3 agency's decision to award the contract.

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

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

22 (j) Reverse auction. Notwithstanding any other provision  
23 of this Section and in accordance with rules adopted by the  
24 ~~Director of Central Management Services as~~ chief procurement  
25 officer, ~~a State purchasing officer under~~ that chief  
26 procurement officer ~~officer's jurisdiction~~ may procure

1 supplies or services through a competitive electronic auction  
2 bidding process after the ~~purchasing officer explains in~~  
3 ~~writing to the~~ chief procurement officer determines ~~his or her~~  
4 ~~determination~~ that the use of such a process will be in the  
5 best interest of the State. The chief procurement officer shall  
6 publish that determination in his or her next volume of the  
7 Illinois Procurement Bulletin.

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

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

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

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

24 The contract shall be awarded within 60 days after the  
25 auction by written notice to the lowest responsible bidder, or  
26 all bids shall be rejected except as otherwise provided in this

1 Code. Extensions of the date for the award may be made by  
2 mutual written consent of the State purchasing officer and the  
3 lowest responsible bidder.

4 This subsection does not apply to (i) procurements of  
5 professional and artistic services, (ii)~~including but not~~  
6 ~~limited to~~ telecommunications services, communication  
7 ~~communications~~ services, ~~Internet services~~, and information  
8 services, and (iii) ~~(ii)~~ contracts for construction projects,  
9 including design professional services.

10 (Source: P.A. 95-481, eff. 8-28-07; 96-159, eff. 8-10-09;  
11 96-588, eff. 8-18-09; revised 10-5-10.)

12 (Text of Section from P.A. 96-159 and 96-795)

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

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

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

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

25 (d) Bid opening. Bids shall be opened publicly in the

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

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

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

1 officer.

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

- 11 (1) a description of the agency's needs;
- 12 (2) a determination that the anticipated cost will be  
13 fair and reasonable;
- 14 (3) a listing of all responsible and responsive  
15 bidders; and
- 16 (4) the name of the bidder selected, the contract price  
17 ~~pricing~~, and the reasons for selecting that bidder.

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

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

24 (h) Multi-step sealed bidding. When it is considered  
25 impracticable to initially prepare a purchase description to  
26 support an award based on price, an invitation for bids may be

1 issued requesting the submission of unpriced offers to be  
2 followed by an invitation for bids limited to those bidders  
3 whose offers have been qualified under the criteria set forth  
4 in the first solicitation.

5 (i) Alternative procedures. Notwithstanding any other  
6 provision of this Act to the contrary, the Director of the  
7 Illinois Power Agency may create alternative bidding  
8 procedures to be used in procuring professional services under  
9 Section 1-75(a) of the Illinois Power Agency Act and Section  
10 16-111.5(c) of the Public Utilities Act and to procure  
11 renewable energy resources under Section 1-56 of the Illinois  
12 Power Agency Act. These alternative procedures shall be set  
13 forth together with the other criteria contained in the  
14 invitation for bids, and shall appear in the appropriate volume  
15 of the Illinois Procurement Bulletin.

16 (j) Reverse auction. Notwithstanding any other provision  
17 of this Section and in accordance with rules adopted by the  
18 chief procurement officer, that chief procurement officer may  
19 procure supplies or services through a competitive electronic  
20 auction bidding process after the chief procurement officer  
21 determines that the use of such a process will be in the best  
22 interest of the State. The chief procurement officer shall  
23 publish that determination in his or her next volume of the  
24 Illinois Procurement Bulletin.

25 An invitation for bids shall be issued and shall include  
26 (i) a procurement description, (ii) all contractual terms,

1 whenever practical, and (iii) conditions applicable to the  
2 procurement, including a notice that bids will be received in  
3 an electronic auction manner.

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

6 Bids shall be accepted electronically at the time and in  
7 the manner designated in the invitation for bids. During the  
8 auction, a bidder's price shall be disclosed to other bidders.  
9 Bidders shall have the opportunity to reduce their bid prices  
10 during the auction. At the conclusion of the auction, the  
11 record of the bid prices received and the name of each bidder  
12 shall be open to public inspection.

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

15 The contract shall be awarded within 60 days after the  
16 auction by written notice to the lowest responsible bidder, or  
17 all bids shall be rejected except as otherwise provided in this  
18 Code. Extensions of the date for the award may be made by  
19 mutual written consent of the State purchasing officer and the  
20 lowest responsible bidder.

21 This subsection does not apply to (i) procurements of  
22 professional and artistic services, (ii) telecommunications  
23 services, communication services, and information services,  
24 and (iii) contracts for construction projects, including  
25 design professional services.

26 (Source: P.A. 95-481, eff. 8-28-07; 96-159, eff. 8-10-09;

1 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the  
2 effective date of changes made by P.A. 96-795); revised  
3 10-5-10.)

4 (30 ILCS 500/20-25)

5 Sec. 20-25. Sole source procurements.

6 (a) In accordance with standards set by rule, contracts may  
7 be awarded without use of the specified method of source  
8 selection when there is only one economically feasible source  
9 for the item. A State contract may not be awarded as a sole  
10 source procurement unless approved by the chief procurement  
11 officer following a public hearing at which the chief  
12 procurement officer and purchasing agency present written  
13 justification for the procurement method. The Procurement  
14 Policy Board, the sole source contractor, and the public may  
15 present testimony.

16 (b) (Blank). ~~This Section may not be used as a basis for~~  
17 ~~amending a contract for professional or artistic services if~~  
18 ~~the amendment would result in an increase in the amount paid~~  
19 ~~under the contract of more than 5% of the initial award, or~~  
20 ~~would extend the contract term beyond the time reasonably~~  
21 ~~needed for a competitive procurement, not to exceed 2 months.~~

22 (c) Notice of intent to enter into a sole source contract  
23 shall be provided to the Procurement Policy Board and published  
24 in the online electronic Bulletin at least 14 days before the  
25 public hearing required in subsection (a). The notice shall



1 include the sole source procurement justification form  
2 prescribed by the Board, a description of the item to be  
3 procured, the intended sole source contractor, and the date,  
4 time, and location of the public hearing. A copy of the notice  
5 and all documents provided at the hearing shall be included in  
6 the subsequent Procurement Bulletin.

7 (d) By August 1 each year, each chief procurement officer  
8 shall file a report with the General Assembly identifying each  
9 contract the officer sought under the sole source procurement  
10 method and providing the justification given for seeking sole  
11 source as the procurement method for each of those contracts.

12 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
13 for the effective date of changes made by P.A. 96-795); 96-920,  
14 eff. 7-1-10.)

15 (30 ILCS 500/20-120)

16 Sec. 20-120. Subcontractors.

17 (a) Any contract granted under this Code shall state  
18 whether the services of a subcontractor will ~~or may~~ be used.  
19 The contract shall include the names and addresses of all known  
20 subcontractors with subcontracts with an annual value of more  
21 than \$25,000 and the general type of work to be performed by  
22 these subcontractors. Upon the request of the chief procurement  
23 officer appointed pursuant to subsection (a)(2) of Section  
24 10-20, the ~~expected amount of money each will receive under the~~  
25 contract. For procurements subject to the authority of the

1 ~~chief procurement officer appointed pursuant to subsection~~  
2 ~~(a)(2) of Section 10-20, the contract shall include only the~~  
3 ~~names and addresses of all known subcontractors of the primary~~  
4 ~~contractor with subcontracts with an annual value of more than~~  
5 ~~\$25,000. The contractor shall provide the chief procurement~~  
6 ~~officer or State purchasing officer a copy of a any subcontract~~  
7 ~~with an annual value of more than \$25,000 so identified within~~  
8 ~~30 ~~20~~ days after the request is made. Prior to submission of~~  
9 ~~the subcontract to the chief procurement officer, a execution~~  
10 ~~of the State contract or after execution of the subcontract,~~  
11 ~~whichever is later. A subcontractor, or contractor on behalf of~~  
12 ~~a subcontractor, may redact identify information that is deemed~~  
13 ~~proprietary or confidential. ~~If the chief procurement officer~~~~  
14 ~~~~determines the information is not relevant to the primary~~~~  
15 ~~~~contract, the chief procurement officer may excuse the~~~~  
16 ~~~~inclusion of the information. If the chief procurement officer~~~~  
17 ~~~~determines the information is proprietary or could harm the~~~~  
18 ~~~~business interest of the subcontractor, the chief procurement~~~~  
19 ~~~~officer may, in his or her discretion, redact the information.~~~~  
20 Redacted information shall not become part of the public  
21 record.

22 (b) If at any time during the term of a contract, a  
23 contractor adds or changes any subcontractors, he or she shall  
24 promptly notify, in writing, the chief procurement officer,  
25 State purchasing officer, or their designee of the names and  
26 addresses of ~~and the expected amount of money~~ each new or

1 replaced subcontractor and the general type of work to be  
2 performed. Upon the request of the chief procurement officer  
3 appointed pursuant to subsection (a)(2) of Section 10-20, the  
4 contractor shall provide the chief procurement officer a copy  
5 of any new or amended subcontract so identified within 30 days  
6 after the request is made. Prior to submission of the new or  
7 amended subcontract to the chief procurement officer, a  
8 subcontractor or contractor on behalf of a subcontractor may  
9 redact information that is deemed proprietary or confidential.  
10 ~~will receive. The contractor shall provide to the responsible~~  
11 ~~chief procurement officer a copy of the subcontract within 20~~  
12 ~~days after the execution of the subcontract.~~

13 (c) In addition to any other requirements of this Code, a  
14 subcontract subject to this Section must include all of the  
15 subcontractor's certifications required by Article 50 of the  
16 Code.

17 (d) This Section applies to procurements solicited on or  
18 after the effective date of this amendatory Act of the 96th  
19 General Assembly. The changes made to this Section by this  
20 amendatory Act of the 97th General Assembly apply to  
21 procurements solicited on or after the effective date of this  
22 amendatory Act of the 97th General Assembly.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
24 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

1           Sec. 20-155. Solicitation and contract documents.

2           (a) After award of a contract and subject to provisions of  
3 the Freedom of Information Act, the procuring agency shall make  
4 available for public inspection and copying all pre-award,  
5 post-award, administration, and close-out documents relating  
6 to that particular contract.

7           (b) A procurement file shall be maintained for all  
8 contracts, regardless of the method of procurement. The  
9 procurement file shall contain the basis on which the award is  
10 made, all submitted bids and proposals, all evaluation  
11 materials, score sheets and all other documentation related to  
12 or prepared in conjunction with evaluation, negotiation, and  
13 the award process. The procurement file shall contain a written  
14 determination, signed by the chief procurement officer or State  
15 purchasing officer, setting forth the reasoning for the  
16 contract award decision. The procurement file shall not include  
17 trade secrets or other competitively sensitive, confidential,  
18 or proprietary information. The procurement file shall be open  
19 to public inspection within 7 business days following award of  
20 the contract.

21           (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
22 for the effective date of changes made by P.A. 96-795).)

23           (30 ILCS 500/50-5)

24           Sec. 50-5. Bribery.

25           (a) Prohibition. No person or business shall be awarded a

1 contract or subcontract under this Code who:

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

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

9 (b) Businesses. No business shall be barred from  
10 contracting with any unit of State or local government, or  
11 subcontracting under such a contract, as a result of a  
12 conviction under this Section of any employee or agent of the  
13 business if the employee or agent is no longer employed by the  
14 business and:

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

17 (2) the business demonstrates to the governmental  
18 entity with which it seeks to contract or which is a  
19 signatory to the contract to which the subcontract relates,  
20 and that entity finds that the commission of the offense  
21 was not authorized, requested, commanded, or performed by a  
22 director, officer, or high managerial agent on behalf of  
23 the business as provided in paragraph (2) of subsection (a)  
24 of Section 5-4 of the Criminal Code of 1961.

25 (c) Conduct on behalf of business. For purposes of this  
26 Section, when an official, agent, or employee of a business

1 committed the bribery or attempted bribery on behalf of the  
2 business and in accordance with the direction or authorization  
3 of a responsible official of the business, the business shall  
4 be chargeable with the conduct.

5 (d) Certification. Every bid submitted to and contract  
6 executed by the State and every subcontract subject to Section  
7 20-120 of this Code shall contain a certification by the  
8 contractor or the subcontractor, respectively, that the  
9 contractor or subcontractor is not barred from being awarded a  
10 contract or subcontract under this Section and acknowledges  
11 that the chief procurement officer may declare the related  
12 contract void if any certifications required by this Section  
13 are false. If the false certification is made by a  
14 subcontractor, then the contractor's submitted bid and the  
15 executed contract may not be declared void, unless the  
16 contractor refuses to terminate the subcontract upon the  
17 State's request after a finding that the subcontract's  
18 certification was false. A contractor or subcontractor who  
19 makes a false statement, material to the certification, commits  
20 a Class 3 felony.

21 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
22 for the effective date of changes made by P.A. 96-795).)

23 (30 ILCS 500/50-10)

24 Sec. 50-10. Felons.

25 (a) Unless otherwise provided, no person or business

1 convicted of a felony shall do business with the State of  
2 Illinois or any State agency, or enter into a subcontract, from  
3 the date of conviction until 5 years after the date of  
4 completion of the sentence for that felony, unless no person  
5 held responsible by a prosecutorial office for the facts upon  
6 which the conviction was based continues to have any  
7 involvement with the business.

8 (b) Every bid submitted to and contract executed by the  
9 State and every subcontract subject to Section 20-120 of this  
10 Code shall contain a certification by the bidder or contractor  
11 or subcontractor, respectively, that the bidder, contractor,  
12 or subcontractor is not barred from being awarded a contract or  
13 subcontract under this Section and acknowledges that the chief  
14 procurement officer may declare the related contract void if  
15 any of the certifications required by this Section are false.  
16 If the false certification is made by a subcontractor, then the  
17 contractor's submitted bid and the executed contract may not be  
18 declared void, unless the contractor refuses to terminate the  
19 subcontract upon the State's request after a finding that the  
20 subcontract's certification was false.

21 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
22 for the effective date of changes made by P.A. 96-795).)

23 (30 ILCS 500/50-10.5)

24 Sec. 50-10.5. Prohibited bidders and contractors.

25 (a) Unless otherwise provided, no business shall bid or

1 enter into a contract or subcontract under this Code if the  
2 business or any officer, director, partner, or other managerial  
3 agent of the business has been convicted of a felony under the  
4 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under  
5 the Illinois Securities Law of 1953 for a period of 5 years  
6 from the date of conviction.

7 (b) Every bid submitted to and contract executed by the  
8 State and every subcontract subject to Section 20-120 of this  
9 Code shall contain a certification by the bidder, contractor,  
10 or subcontractor, respectively, that the bidder, contractor,  
11 or subcontractor is not barred from being awarded a contract or  
12 subcontract under this Section and acknowledges that the chief  
13 procurement officer shall declare the related contract void if  
14 any of the certifications completed pursuant to this subsection

15 (b) are false. If the false certification is made by a  
16 subcontractor, then the contractor's submitted bid and the  
17 executed contract may not be declared void, unless the  
18 contractor refuses to terminate the subcontract upon the  
19 State's request after a finding that the subcontract's  
20 certification was false.

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

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

25 (2) the business is ordered to pay punitive damages  
26 based on the conduct of any officer, director, partner, or



1 other managerial agent who has been convicted of a felony  
2 referenced in subsection (a).

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

5 (e) No person or business shall bid or enter into a  
6 contract under this Code if the person or business:

7 (1) assisted the chief procurement officer ~~State of~~  
8 ~~Illinois or a State agency~~ in determining whether there is  
9 a need for a contract except as part of a response to a  
10 publicly issued request for information; or

11 (2) assisted the chief procurement officer ~~State of~~  
12 ~~Illinois or a State agency~~ by reviewing, drafting, or  
13 preparing any invitation for bids, a request for proposal,  
14 or request for information or provided similar assistance  
15 except as part of a publicly issued opportunity to review  
16 drafts of all or part of these documents.

17 This subsection does not prohibit a person or business from  
18 submitting a bid or proposal or entering into a contract if the  
19 person or business: (i) initiates a communication to provide  
20 general information about products, services, or industry best  
21 practices and, if applicable, that communication is documented  
22 in accordance with Section 50-39 or (ii) responds to a  
23 communication initiated by an employee of the State for the  
24 purposes of providing information to evaluate new products,  
25 trends, services, or technologies.

26 For purposes of this subsection (e), "business" includes

1 all individuals with whom a business is affiliated, including,  
2 but not limited to, any officer, agent, employee, consultant,  
3 independent contractor, director, partner, manager, or  
4 shareholder of a business.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
6 for the effective date of changes made by P.A. 96-795); 96-920,  
7 eff. 7-1-10.)

8 (30 ILCS 500/50-11)

9 Sec. 50-11. Debt delinquency.

10 (a) No person shall submit a bid for or enter into a  
11 contract or subcontract under this Code if that person knows or  
12 should know that he or she or any affiliate is delinquent in  
13 the payment of any debt to the State, unless the person or  
14 affiliate has entered into a deferred payment plan to pay off  
15 the debt. For purposes of this Section, the phrase "delinquent  
16 in the payment of any debt" shall be determined by the Debt  
17 Collection Bureau. For purposes of this Section, the term  
18 "affiliate" means any entity that (1) directly, indirectly, or  
19 constructively controls another entity, (2) is directly,  
20 indirectly, or constructively controlled by another entity, or  
21 (3) is subject to the control of a common entity. For purposes  
22 of this subsection (a), a person controls an entity if the  
23 person owns, directly or individually, more than 10% of the  
24 voting securities of that entity. As used in this subsection  
25 (a), the term "voting security" means a security that (1)

1 confers upon the holder the right to vote for the election of  
2 members of the board of directors or similar governing body of  
3 the business or (2) is convertible into, or entitles the holder  
4 to receive upon its exercise, a security that confers such a  
5 right to vote. A general partnership interest is a voting  
6 security.

7 (b) Every bid submitted to and contract executed by the  
8 State and every subcontract subject to Section 20-120 of this  
9 Code shall contain a certification by the bidder, contractor,  
10 or subcontractor, respectively, that the contractor or the  
11 subcontractor and its affiliate is not barred from being  
12 awarded a contract or subcontract under this Section and  
13 acknowledges that the chief procurement officer may declare the  
14 related contract void if any of the certifications completed  
15 pursuant to this subsection (b) are false. If the false  
16 certification is made by a subcontractor, then the contractor's  
17 submitted bid and the executed contract may not be declared  
18 void, unless the contractor refuses to terminate the  
19 subcontract upon the State's request after a finding that the  
20 subcontract's certification was false.

21 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
22 Section 5 of P.A. 96-793 for effective date of changes made by  
23 P.A. 96-795); 96-1000, eff. 7-2-10.)

24 (30 ILCS 500/50-12)

25 Sec. 50-12. Collection and remittance of Illinois Use Tax.

1           (a) No person shall enter into a contract with a State  
2 agency or enter into a subcontract under this Code unless the  
3 person and all affiliates of the person collect and remit  
4 Illinois Use Tax on all sales of tangible personal property  
5 into the State of Illinois in accordance with the provisions of  
6 the Illinois Use Tax Act regardless of whether the person or  
7 affiliate is a "retailer maintaining a place of business within  
8 this State" as defined in Section 2 of the Use Tax Act. For  
9 purposes of this Section, the term "affiliate" means any entity  
10 that (1) directly, indirectly, or constructively controls  
11 another entity, (2) is directly, indirectly, or constructively  
12 controlled by another entity, or (3) is subject to the control  
13 of a common entity. For purposes of this subsection (a), an  
14 entity controls another entity if it owns, directly or  
15 individually, more than 10% of the voting securities of that  
16 entity. As used in this subsection (a), the term "voting  
17 security" means a security that (1) confers upon the holder the  
18 right to vote for the election of members of the board of  
19 directors or similar governing body of the business or (2) is  
20 convertible into, or entitles the holder to receive upon its  
21 exercise, a security that confers such a right to vote. A  
22 general partnership interest is a voting security.

23           (b) Every bid submitted and contract executed by the State  
24 and every subcontract subject to Section 20-120 of this Code  
25 shall contain a certification by the bidder, contractor, or  
26 subcontractor, respectively, that the bidder, contractor, or

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

11 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
12 for the effective date of changes made by P.A. 96-795).)

13 (30 ILCS 500/50-14)

14 Sec. 50-14. Environmental Protection Act violations.

15 (a) Unless otherwise provided, no person or business found  
16 by a court or the Pollution Control Board to have committed a  
17 willful or knowing violation of the Environmental Protection  
18 Act shall do business with the State of Illinois or any State  
19 agency or enter into a subcontract that is subject to this Code  
20 from the date of the order containing the finding of violation  
21 until 5 years after that date, unless the person or business  
22 can show that no person involved in the violation continues to  
23 have any involvement with the business.

24 (b) A person or business otherwise barred from doing  
25 business with the State of Illinois or any State agency or

1 subcontracting under this Code by subsection (a) may be allowed  
2 to do business with the State of Illinois or any State agency  
3 if it is shown that there is no practicable alternative to the  
4 State to contracting with that person or business.

5 (c) Every bid submitted to and contract executed by the  
6 State and every subcontract subject to Section 20-120 of this  
7 Code shall contain a certification by the bidder, contractor,  
8 or subcontractor, respectively, that the bidder, contractor,  
9 or subcontractor is not barred from being awarded a contract or  
10 subcontract under this Section and acknowledges that the  
11 contracting State agency may declare the related contract void  
12 if any of the certifications completed pursuant to this  
13 subsection (c) are false. If the false certification is made by  
14 a subcontractor, then the contractor's submitted bid and the  
15 executed contract may not be declared void, unless the  
16 contractor refuses to terminate the subcontract upon the  
17 State's request after a finding that the subcontract's  
18 certification was false.

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

21 (30 ILCS 500/50-35)

22 Sec. 50-35. Financial disclosure and potential conflicts  
23 of interest.

24 (a) All offers from responsive bidders or offerors with an  
25 annual value of more than \$25,000, and all subcontracts

1 identified as provided by Section 20-120 of this Code, shall be  
2 accompanied by disclosure of the financial interests of the  
3 contractor, bidder, or proposer and each subcontractor to be  
4 used. The financial disclosure of each successful bidder or  
5 offeror and its subcontractors shall be incorporated as a  
6 material term of the contract and shall become part of the  
7 publicly available contract or procurement file maintained by  
8 the appropriate chief procurement officer. Each disclosure  
9 under this Section ~~and Section 50-34~~ shall be signed and made  
10 under penalty of perjury by an authorized officer or employee  
11 on behalf of the bidder or offeror, and must be filed with the  
12 Procurement Policy Board.

13 (b) Disclosure shall include any ownership or distributive  
14 income share that is in excess of 5%, or an amount greater than  
15 60% of the annual salary of the Governor, of the disclosing  
16 entity or its parent entity, whichever is less, unless the  
17 contractor, bidder, or subcontractor (i) is a publicly traded  
18 entity subject to Federal 10K reporting, in which case it may  
19 submit its 10K disclosure in place of the prescribed  
20 disclosure, or (ii) is a privately held entity that is exempt  
21 from Federal 10k reporting but has more than 400 shareholders,  
22 in which case it may submit the information that Federal 10k  
23 reporting companies are required to report under 17 CFR 229.401  
24 and list the names of any person or entity holding any  
25 ownership share that is in excess of 5% in place of the  
26 prescribed disclosure. The form of disclosure shall be

1 prescribed by the applicable chief procurement officer and must  
2 include at least the names, addresses, and dollar or  
3 proportionate share of ownership of each person identified in  
4 this Section, their instrument of ownership or beneficial  
5 relationship, and notice of any potential conflict of interest  
6 resulting from the current ownership or beneficial  
7 relationship of each person identified in this Section having  
8 in addition any of the following relationships:

9 (1) State employment, currently or in the previous 3  
10 years, including contractual employment of services.

11 (2) State employment of spouse, father, mother, son, or  
12 daughter, including contractual employment for services in  
13 the previous 2 years.

14 (3) Elective status; the holding of elective office of  
15 the State of Illinois, the government of the United States,  
16 any unit of local government authorized by the Constitution  
17 of the State of Illinois or the statutes of the State of  
18 Illinois currently or in the previous 3 years.

19 (4) Relationship to anyone holding elective office  
20 currently or in the previous 2 years; spouse, father,  
21 mother, son, or daughter.

22 (5) Appointive office; the holding of any appointive  
23 government office of the State of Illinois, the United  
24 States of America, or any unit of local government  
25 authorized by the Constitution of the State of Illinois or  
26 the statutes of the State of Illinois, which office



1           entitles the holder to compensation in excess of expenses  
2           incurred in the discharge of that office currently or in  
3           the previous 3 years.

4           (6) Relationship to anyone holding appointive office  
5           currently or in the previous 2 years; spouse, father,  
6           mother, son, or daughter.

7           (7) Employment, currently or in the previous 3 years,  
8           as or by any registered lobbyist of the State government.

9           (8) Relationship to anyone who is or was a registered  
10          lobbyist in the previous 2 years; spouse, father, mother,  
11          son, or daughter.

12          (9) Compensated employment, currently or in the  
13          previous 3 years, by any registered election or re-election  
14          committee registered with the Secretary of State or any  
15          county clerk in the State of Illinois, or any political  
16          action committee registered with either the Secretary of  
17          State or the Federal Board of Elections.

18          (10) Relationship to anyone; spouse, father, mother,  
19          son, or daughter; who is or was a compensated employee in  
20          the last 2 years of any registered election or re-election  
21          committee registered with the Secretary of State or any  
22          county clerk in the State of Illinois, or any political  
23          action committee registered with either the Secretary of  
24          State or the Federal Board of Elections.

25          (b-1) The disclosure required under this Section must also  
26          include the name and address of each lobbyist required to

1 register under the Lobbyist Registration Act and other agent of  
2 the bidder or offeror who is not identified under subsections  
3 (a) and (b), ~~and who~~ has communicated, is communicating, or may  
4 communicate with the chief procurement officer ~~any State~~  
5 ~~officer or employee~~ concerning the bid or offer, and is not an  
6 employee of the bidder or offeror. The disclosure under this  
7 subsection is a continuing obligation and must be promptly  
8 supplemented for accuracy throughout the process and  
9 throughout the term of the contract if the bid or offer is  
10 successful.

11 (b-2) The disclosure required under this Section must also  
12 include, for each of the persons identified in subsection (b)  
13 or (b-1), each of the following that occurred within the  
14 previous 10 years: debarment from contracting with any  
15 governmental entity; professional licensure discipline;  
16 ~~bankruptcies; adverse civil judgments~~ and administrative  
17 findings; and criminal felony convictions. The disclosure  
18 under this subsection is a continuing obligation and must be  
19 promptly supplemented for accuracy throughout the process and  
20 throughout the term of the contract if the bid or offer is  
21 successful.

22 (c) The disclosure in subsection (b) is not intended to  
23 prohibit or prevent any contract. The disclosure is meant to  
24 fully and publicly disclose any potential conflict to the chief  
25 procurement officers, State purchasing officers, their  
26 designees, and executive officers so they may adequately

1 discharge their duty to protect the State.

2 (d) When a potential for a conflict of interest is  
3 identified, discovered, or reasonably suspected, the chief  
4 procurement officer or State procurement officer shall send the  
5 contract to the Procurement Policy Board. In accordance with  
6 the objectives of subsection (c), the Procurement Policy Board  
7 shall provide written notice to the contractor or subcontractor  
8 that is identified, discovered, or reasonably suspected of  
9 having such potential for a conflict of interest. The  
10 contractor or subcontractor shall have 30 days to respond in  
11 writing to the Board, and a hearing before the Board will be  
12 granted upon the contractor's or subcontractor's request. Upon  
13 consideration, the ~~The~~ Board shall recommend, in writing,  
14 whether to allow or void the contract, bid, offer, or  
15 subcontract weighing the best interest of the State of  
16 Illinois. All recommendations shall be submitted to the chief  
17 procurement officer. ~~The chief procurement officer must hold a~~  
18 ~~public hearing if the Procurement Policy Board makes a~~  
19 ~~recommendation to (i) void a contract or (ii) void a bid or~~  
20 ~~offer and the chief procurement officer selected or intends to~~  
21 ~~award the contract to the bidder or offeror.~~ A chief  
22 procurement officer is prohibited from awarding a contract  
23 before a hearing if the Board recommendation does not support a  
24 bid or offer. ~~The recommendation and proceedings of any~~  
25 ~~hearing, if applicable, shall become part of the contract, bid,~~  
26 ~~or proposal file and shall be available to the public.~~

1 (e) These thresholds and disclosure do not relieve the  
2 chief procurement officer, the State purchasing officer, or  
3 their designees from reasonable care and diligence for any  
4 contract, bid, offer, or proposal. The chief procurement  
5 officer, the State purchasing officer, or their designees shall  
6 be responsible for using any reasonably known and publicly  
7 available information to discover any undisclosed potential  
8 conflict of interest and act to protect the best interest of  
9 the State of Illinois.

10 (f) Inadvertent or accidental failure to fully disclose  
11 shall render the contract, bid, proposal, subcontract, or  
12 relationship voidable by the chief procurement officer if he or  
13 she deems it in the best interest of the State of Illinois and,  
14 at his or her discretion, may be cause for barring from future  
15 contracts, bids, proposals, subcontracts, or relationships  
16 with the State for a period of up to 2 years.

17 (g) Intentional, willful, or material failure to disclose  
18 shall render the contract, bid, proposal, subcontract, or  
19 relationship voidable by the chief procurement officer if he or  
20 she deems it in the best interest of the State of Illinois and  
21 shall result in debarment from future contracts, bids,  
22 proposals, subcontracts, or relationships for a period of not  
23 less than 2 years and not more than 10 years. Reinstatement  
24 after 2 years and before 10 years must be reviewed and  
25 commented on in writing by the Governor of the State of  
26 Illinois, or by an executive ethics board or commission he or

1 she might designate. The comment shall be returned to the  
2 responsible chief procurement officer who must rule in writing  
3 whether and when to reinstate.

4 (h) In addition, all disclosures shall note any other  
5 current or pending contracts, proposals, subcontracts, leases,  
6 or other ongoing procurement relationships the bidding,  
7 proposing, offering, or subcontracting entity has with any  
8 other unit of State government and shall clearly identify the  
9 unit and the contract, proposal, lease, or other relationship.

10 (i) The contractor or bidder has a continuing obligation to  
11 supplement the disclosure required by this Section throughout  
12 the bidding process or during the term of any contract.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-795, eff. 7-1-10 (see  
14 Section 5 of P.A. 96-793 for the effective date of changes made  
15 by P.A. 96-795); 96-920, eff. 7-1-10.)

16 (30 ILCS 500/50-39)

17 Sec. 50-39. Procurement communications reporting  
18 requirement.

19 (a) Any written or oral communication received by a State  
20 employee that imparts or requests material information or makes  
21 a material argument regarding potential action concerning a  
22 procurement matter, including, but not limited to, an  
23 application, a contract, or a project, shall be reported to the  
24 Procurement Policy Board. These communications do not include  
25 the following: (i) statements by a person publicly made in a

1 public forum; (ii) statements regarding matters of procedure  
2 and practice, such as format, the number of copies required,  
3 the manner of filing, and the status of a matter; ~~and~~ (iii)  
4 statements made by a State employee of the agency to the agency  
5 head or other employees of that agency or to the employees of  
6 the Executive Ethics Commission; (iv) communications made in  
7 connection with sole source procurements; and (v)  
8 communications made in connection with formal requests for  
9 information initiated by a State agency. The provisions of this  
10 Section shall not apply to communications regarding the  
11 administration and implementation of an existing contract,  
12 except communications regarding change orders or the renewal or  
13 extension of a contract.

14 (b) The report required by subsection (a) shall be  
15 submitted monthly and include at least the following: (i) the  
16 date and time of each communication; (ii) the identity of each  
17 person from whom the written or oral communication was  
18 received, the individual or entity represented by that person,  
19 and any action the person requested or recommended; (iii) the  
20 identity and job title of the person to whom each communication  
21 was made; (iv) if a response is made, the identity and job  
22 title of the person making each response; (v) a detailed  
23 summary of the points made by each person involved in the  
24 communication; (vi) the duration of the communication; (vii)  
25 the location or locations of all persons involved in the  
26 communication and, if the communication occurred by telephone,

1 the telephone numbers for the callers and recipients of the  
2 communication; and (viii) any other pertinent information. No  
3 proprietary or confidential information shall be included in  
4 any communication reported to the Procurement Policy Board.

5 (c) Additionally, when an oral communication made by a  
6 person required to register under the Lobbyist Registration Act  
7 is received by a State employee that is covered under this  
8 Section, all individuals who initiate or participate in the  
9 oral communication shall submit a written report to that State  
10 employee that memorializes the communication and includes, but  
11 is not limited to, the items listed in subsection (b). These  
12 reporting requirements shall also be conveyed through ethics  
13 training under the Lobbyist Registration Act.

14 (d) The Procurement Policy Board shall make each report  
15 submitted pursuant to this Section available on its website  
16 within 7 days after its receipt of the report. The Procurement  
17 Policy Board may promulgate rules to ensure compliance with  
18 this Section.

19 (e) The reporting requirements shall also be conveyed  
20 through ethics training under the State ~~Employees and~~ Officials  
21 and Employees Ethics Act. An employee who knowingly and  
22 intentionally violates this Section shall be subject to  
23 suspension or discharge. The Executive Ethics Commission shall  
24 promulgate rules, including emergency rules, to implement this  
25 Section.

26 (f) This Section becomes operative on January 1, 2011.

1 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
2 for the effective date of changes made by P.A. 96-795); 96-920,  
3 eff. 7-1-10; revised 9-27-10.)

4 (30 ILCS 500/50-60)

5 Sec. 50-60. Voidable contracts.

6 (a) If any contract or amendment thereto is entered into or  
7 purchase or expenditure of funds is made at any time in  
8 violation of this Code or any other law, the contract or  
9 amendment thereto may be declared void by the chief procurement  
10 officer or may be ratified and affirmed, provided the chief  
11 procurement officer determines that ratification is in the best  
12 interests of the State. If the contract is ratified and  
13 affirmed, it shall be without prejudice to the State's rights  
14 to any appropriate damages.

15 (b) If, during the term of a contract, the chief  
16 procurement officer determines that the contractor is  
17 delinquent in the payment of debt as set forth in Section 50-11  
18 of this Code, the chief procurement officer may declare the  
19 contract void if it determines that voiding the contract is in  
20 the best interests of the State. The Debt Collection Bureau  
21 shall adopt rules for the implementation of this subsection  
22 (b).

23 (c) If, during the term of a contract, the chief  
24 procurement officer determines that the contractor is in  
25 violation of Section 50-10.5 of this Code, the chief



1 procurement officer shall declare the contract void.

2 (d) If, during the term of a contract, the contracting  
3 agency learns from an annual certification or otherwise  
4 determines that the contractor no longer qualifies to enter  
5 into State contracts by reason of Section 50-5, 50-10, 50-12,  
6 50-14, or 50-14.5 of this Article, the chief procurement  
7 officer may declare the contract void if it determines that  
8 voiding the contract is in the best interests of the State.

9 (e) If, during the term of a contract, the chief  
10 procurement officer learns from an annual certification or  
11 otherwise determines that a subcontractor subject to Section  
12 20-120 no longer qualifies to enter into State contracts by  
13 reason of Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or  
14 50-14.5 of this Article, the chief procurement officer may  
15 declare the related contract void if it determines that voiding  
16 the contract is in the best interests of the State. The related  
17 contract shall not be declared void unless the contractor  
18 refuses to terminate the subcontract upon the State's request  
19 after a finding that the subcontractor no longer qualifies to  
20 enter into State contracts by reason of one of the Sections  
21 listed in this subsection.

22 (f) The changes to this Section made by Public Act 96-795  
23 apply to actions taken by the chief procurement officer on or  
24 after July 1, 2010.

25 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
26 Section 5 of P.A. 96-793 for the effective date of changes made

1 by P.A. 96-795); 96-1000, eff. 7-2-10.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.

1 INDEX

2 Statutes amended in order of appearance

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4 30 ILCS 500/1-15.108

5 30 ILCS 500/5-5

6 30 ILCS 500/20-10

7 30 ILCS 500/20-25

8 30 ILCS 500/20-120

9 30 ILCS 500/20-155

10 30 ILCS 500/50-5

11 30 ILCS 500/50-10

12 30 ILCS 500/50-10.5

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17 30 ILCS 500/50-39

18 30 ILCS 500/50-60