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Chief Procurement Office General Services

Matt Brown, Chief Procurement Officer

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Notice 2012.02  
General Services

TO: State Purchasing Officers

FROM: Matt Brown *MB*  
Chief Procurement Officer General Services

CC: CMS Bureau of Strategic Sourcing  
Agency Procurement Staff  
Procurement Policy Board

DATE: August 2, 2011

SUBJECT: Assignment of Contracts

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This CPO Notice is effective August 2, 2011.

Under administrative rule, "No State contract is transferable, or otherwise assignable, without the written consent of the Procurement Officer, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee and in such cases the assignee must meet all requirements for contracting with the State." 44 ILAC §1.2005(o). This notice and attachments provides direction for completing SPO approval of a contract assignment. This approval is not required if a vendor is merely assigning right to payment/account receivables.

Please find attached the following documents: Sample Cover Letter, State of Illinois Standard Certifications, State of Illinois Disclosures and Conflicts of Interests, and Assignment Evaluation Checklist. The listed attachments will need to be submitted by the agency to the SPO.

Sample Cover Letter: The Assignor (original vendor) and Assignee (successor vendor) must request authorization in advance to assign the State contract. A sample letter is attached as an example of information which must be submitted for your review as State Purchasing Officer; it does not have to be in this exact format, but must contain the same information. A copy of the assignment agreement or other similar document between the Assignor and Assignee must be included for your analysis. In addition to the above documentation, an agreement between all parties, including the agency, may be required to reflect the changes to the original agreement

401 South Spring Street  
712 Stratton Office Building  
Springfield, Illinois 62706  
(217) 558-2157  
(217) 558-2164 Facsimile

that results from the assignment. If the SPO is unsure as to what agreement is necessary to reflect the new arrangement they should seek the assistance of EEC Legal.

Additionally, each business entity: i) whose aggregate bids and proposals on state contracts annually total more than \$50,000, ii) whose aggregate bids and proposals on state contracts combined with the business entity's aggregate annual total value of state contracts exceed \$50,000, or iii) whose contracts with state agencies, in the aggregate, annually total more than \$50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code and provide the applicable certificate with its request for assignment. See 30 ILCS 500/20-160(c). If the Assignee is required to comply with this section of the Code, the Board of Elections certificate must be enclosed for your review.

Standard Certifications and Disclosures and Conflicts of Interests: The Assignee is required to provide for the SPO's review fully executed standard certifications and disclosure and conflicts of interests' forms (attached). The SPO should review the forms to ensure that there are no barriers to the Assignee assuming the contract. In the event a conflict of interest or potential conflict of interest is identified, please follow the protocols for conflict of interest review.

Assignment Evaluation Checklist: In consultation with agency procurement staff, complete your review of the assignment using the checklist as a guideline. Once you and the purchasing agency are satisfied that assignment of the contract is appropriate, include a copy of the completed checklist in the procurement file. Provide a copy of the completed checklist to the agency purchasing officer and agency fiscal office so they are aware the SPO has approved the assignment. The agency fiscal office may require additional documentation of the Assignee to ensure proper payment by the Comptroller's Office. A delinquent debt check should be completed and documented in the procurement file (by printing the screen from the Comptroller's Offset System) for all contracts over \$10,000. Finally, please ensure that any Illinois Procurement Bulletin posting requirements and/or notices to the Procurement Policy Board are completed.

At the conclusion of the review, the SPO should have the following documents contained as part of the procurement file: 1) cover letter or other similar document evidencing SPO approval of assignment, 2) assignment agreement between the Assignor and Assignee, 3) executed standard certifications, 4) executed disclosures and conflicts of interests, 5) Board of Election certificate (if applicable), 6) delinquent debt check (if applicable), and 7) completed assignment checklist.

If there are any questions regarding this notice, contact the Chief Procurement Office at (217) 558-2157.

-End-



(Company Letterhead)

DATE

State Purchasing Officer  
*Insert address*

RE: Notice of Assignment of Contract from (the "Assignor") to (the "Assignee")  
Contract Number \_\_\_\_\_

Dear State Purchasing Officer:

We are writing to advise you that for good and valuable consideration, the Assignor requests assignment of the above referenced contract (the "Contract") to the Assignee. The Assignee has accepted the assignment of the Contract. We are requesting that you approve of the assignment and in consideration of the request, represent and certify as follows:

1. The Assignor and the Assignee have entered into a legal and valid assignment agreement (the "Assignment") whereby (a) the Assignor has assigned all of its rights, interest and title in the contract to the Assignee and (b) the Assignee has accepted the Assignment and has agreed to perform all of the duties and obligations of the Contract to the same extent as if the Assignee had been an original party thereto, in accordance with the terms and conditions thereof.
2. A copy of the Assignment, UCC filing or other documentation evidencing agreement between Assignee and Assignor is attached.
3. The effective date of the Assignment is \_\_\_\_\_ (the "Effective Date"). All payments required by the Contract arising on and after the Effective Date, or the date the Assignment is approved by you, whichever is later, should be made to the Assignee.
4. The Assignor and the Assignee will each indemnify and hold the State of Illinois, and its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, cause of action, fines or judgments, resulting from the Assignment.

5. The Assignee is not prohibited by law from doing business with the State of Illinois and has signed the attached State of Illinois certifications.

<b>ASSIGNOR:</b> _____	<b>ASSIGNEE:</b> _____
<b>By:</b> _____	<b>By:</b> _____
<b>Title:</b> _____	<b>Title:</b> _____
<b>Dated:</b> _____	<b>Dated:</b> _____

**THIS ACKNOWLEDGMENT SHALL NOT BE CONSTRUED AS A WAIVER OF ANY DEFENSE AGAINST THE ASSIGNOR WHICH THE STATE AGENCY MAY ASSERT AGAINST THE ASSIGNEE. FURTHERMORE, ANY WAIVER OF STATE AGENCY DEFENSES AS TO THE ASSIGNOR AND ASSIGNEE, WHETHER SIGNED PRIOR TO OR AFTER THIS ACKNOWLEDGMENT, SHALL BE CONSIDERED NULL AND VOID.**

**ILLINOIS DEPARTMENT OF**

**By:** \_\_\_\_\_  
(name and title)

**Dated:** \_\_\_\_\_

**STATE PURCHASING OFFICER**

**By:** \_\_\_\_\_  
(name and title)

**Dated:** \_\_\_\_\_

**Attachments:**

Assignment of Contract  
State of Illinois Certifications  
State of Illinois Disclosures & Conflicts of Interest  
State Board of Elections Certification (if required)

## STANDARD CERTIFICATIONS

Vendor acknowledges and agrees that compliance with this section and each subsection for the term of the contract and any renewals is a material requirement and condition of this contract. By executing this contract Vendor certifies compliance with this section and each subsection and is under a continuing obligation to remain in compliance and report any non-compliance.

This section, and each subsection, applies to subcontractors used on this contract. Vendor shall include these Standard Certifications in any subcontract used in the performance of the contract using the Standard Subcontractor Certification form provided by the State.

If this contract extends over multiple fiscal years including the initial term and all renewals, Vendor and its subcontractors shall confirm compliance with this section in the manner and format determined by the State by the date specified by the State and in no event later than July 1 of each year that this contract remains in effect.

If the Parties determine that any certification in this section is not applicable to this contract it may be stricken without affecting the remaining subsections.

1. As part of each certification, Vendor acknowledges and agrees that should Vendor or its subcontractors provide false information, or fail to be or remain in compliance with the Standard Certification requirements, one or more of the following sanctions will apply:

- the contract may be void by operation of law,
- the State may void the contract, and
- the Vendor and its subcontractors may be subject to one or more of the following: suspension, debarment, denial of payment, civil fine, or criminal penalty.

Identifying a sanction or failing to identify a sanction in relation to any of the specific certifications does not waive imposition of other sanctions or preclude application of sanctions not specifically identified.

2. Vendor certifies it and its employees will comply with applicable provisions of the U.S. Civil Rights Act, Section 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and applicable rules in performance under this contract.

3. Vendor certifies it is not in default on an educational loan (5 ILCS 385/3). This applies to individuals, sole proprietorships, partnerships and individuals as members of LLCs.

4. Vendor (if an individual, sole proprietor, partner or an individual as member of a LLC) certifies it has not received an (i) an early retirement incentive prior to 1993 under Section 14-108.3 or 16-133.3 of the Illinois Pension Code, 40 ILCS 5/14-108.3 and 40 ILCS 5/16-133.3, or (ii) an early retirement incentive on or after 2002 under Section 14-108.3 or 16-133.3 of the Illinois Pension Code, 40 ILCS 5/14-108.3 and 40 ILCS 5/16-133, (30 ILCS 105/15a).

5. Vendor certifies it is a properly formed and existing legal entity (30 ILCS 500/1.15.80, 20-43); and as applicable has obtained an assumed name certificate from the appropriate



authority, or has registered to conduct business in Illinois and is in good standing with the Illinois Secretary of State.

6. To the extent there was a incumbent Vendor providing the services covered by this contract and the employees of that Vendor that provide those services are covered by a collective bargaining agreement, Vendor certifies (i) that it will offer to assume the collective bargaining obligations of the prior employer, including any existing collective bargaining agreement with the bargaining representative of any existing collective bargaining unit or units performing substantially similar work to the services covered by the contract subject to its bid or offer; and (ii) that it shall offer employment to all employees currently employed in any existing bargaining unit performing substantially similar work that will be performed under this contract (30 ILCS 500/25-80). This does not apply to heating, air conditioning, plumbing and electrical service contracts.
7. Vendor certifies it has not been convicted of bribing or attempting to bribe an officer or employee of the State of Illinois or any other State, nor has Vendor made an admission of guilt of such conduct that is a matter of record (30 ILCS 500/50-5).
8. If Vendor has been convicted of a felony, Vendor certifies at least five years have passed after the date of completion of the sentence for such felony, unless no person held responsible by a prosecutor's office for the facts upon which the conviction was based continues to have any involvement with the business (30 ILCS 500/50-10).
9. If Vendor, or any officer, director, partner, or other managerial agent of Vendor, has been convicted of a felony under the Sarbanes-Oxley Act of 2002, or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953, Vendor certifies at least five years have passed since the date of the conviction. Vendor further certifies that it is not barred from being awarded a contract and acknowledges that the State shall declare the contract void if this certification is false (30 ILCS 500/50-10.5).
10. Vendor certifies it is not barred from having a contract with the State based on violating the prohibition on providing assistance to the state in identifying a need for a contract (except as part of a public request for information process) or by reviewing, drafting or preparing solicitation or similar documents for the State (30 ILCS 500/50-10.5e).
11. Vendor certifies that it and its affiliates are not delinquent in the payment of any debt to the State (or if delinquent has entered into a deferred payment plan to pay the debt), and Vendor and its affiliates acknowledge the State may declare the contract void if this certification is false (30 ILCS 500/50-11) or if Vendor or an affiliate later becomes delinquent and has not entered into a deferred payment plan to pay off the debt (30 ILCS 500/50-60).
12. Vendor certifies that it and all affiliates shall collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with provisions of the Illinois Use Tax Act (30 ILCS 500/50-12) and acknowledges that failure to comply can result in the contract being declared void.

13. Vendor certifies that it has not been found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act within the last five years, and is therefore not barred from being awarded a contract (30 ILCS 500/50-14).
14. Vendor certifies it has not paid any money or valuable thing to induce any person to refrain from bidding on a State contract, nor has Vendor accepted any money or other valuable thing, or acted upon the promise of same, for not bidding on a State contract (30 ILCS 500/50-25).
15. Vendor certifies it is not in violation of the "Revolving Door" section of the Illinois Procurement Code (30 ILCS 500/50-30).
16. Vendor certifies that it has not retained a person or entity to attempt to influence the outcome of a procurement decision for compensation contingent in whole or in part upon the decision or procurement (30 ILCS 500/50-38).
17. Vendor certifies it will report to the Illinois Attorney General and the Chief Procurement Officer any suspected collusion or other anti-competitive practice among any bidders, offerors, contractors, proposers or employees of the State (30 ILCS 500/50-40, 50-45, 50-50).
18. In accordance with the Steel Products Procurement Act, Vendor certifies steel products used or supplied in the performance of a contract for public works shall be manufactured or produced in the United States, unless the executive head of the procuring agency grants an exception (30 ILCS 565).
19.
  - a) If Vendor employs 25 or more employees and this contract is worth more than \$5000, Vendor certifies it will provide a drug free workplace pursuant to the Drug Free Workplace Act.
  - b) If Vendor is an individual and this contract is worth more than \$5000, Vendor shall not engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during the performance of the contract (30 ILCS 580).
20. Vendor certifies that neither Vendor nor any substantially owned affiliate is participating or shall participate in an international boycott in violation of the U.S. Export Administration Act of 1979 or the applicable regulations of the U.S. Department of Commerce. This applies to contracts that exceed \$10,000 (30 ILCS 582).
21. Vendor certifies it has not been convicted of the offense of bid rigging or bid rotating or any similar offense of any state or of the United States (720 ILCS 5/33 E-3, E-4).
22. Vendor certifies it complies with the Illinois Department of Human Rights Act and rules applicable to public contracts, including equal employment opportunity, refraining from unlawful discrimination, and having written sexual harassment policies (775 ILCS 5/2-105).
23. Vendor certifies it does not pay dues to or reimburse or subsidize payments by its employees for any dues or fees to any "discriminatory club" (775 ILCS 25/2).



24. Vendor certifies it complies with the State Prohibition of Goods from Forced Labor Act, and certifies that no foreign-made equipment, materials, or supplies furnished to the State under the contract have been or will be produced in whole or in part by forced labor, or indentured labor under penal sanction (30 ILCS 583).

25. Vendor certifies that no foreign-made equipment, materials, or supplies furnished to the State under the contract have been produced in whole or in part by the labor or any child under the age of 12 (30 ILCS 584).

26. Vendor certifies that it is not in violation of Section 50-14.5 of the Illinois Procurement Code (30 ILCS 500/50-14.5) that states: "Owners of residential buildings who have committed a willful or knowing violation of the Lead Poisoning Prevention Act (410 ILCS 45) are prohibited from doing business with the State until the violation is mitigated".

27. Vendor warrants and certifies that it and, to the best of its knowledge, its subcontractors have and will comply with Executive Order No. 1 (2007). The Order generally prohibits Vendors and subcontractors from hiring the then-serving Governor's family members to lobby procurement activities of the State, or any other unit of government in Illinois including local governments if that procurement may result in a contract valued at over \$25,000. This prohibition also applies to hiring for that same purpose any former State employee who had procurement authority at any time during the one-year period preceding the procurement lobbying activity.

28. Vendor certifies that information technology, including electronic information, software, systems and equipment, developed or provided under this contract will comply with the applicable requirements of the Illinois Information Technology Accessibility Act Standards as published at [www.dhs.state.il.us/iitaa](http://www.dhs.state.il.us/iitaa). (30 ILCS 587)

29. Vendor certifies that it has read, understands, and is in compliance with the registration requirements of the Elections Code (10 ILCS 5/9-35) and the restrictions on making political contributions and related requirements of the Illinois Procurement Code (30 ILCS 500/20-160 and 50-37). Vendor will not make a political contribution that will violate these requirements. These requirements are effective for the duration of the term of office of the incumbent Governor or for a period of 2 years after the end of the contract term, whichever is longer.

In accordance with section 20-160 of the Illinois Procurement Code, Vendor certifies as applicable:

☐ Vendor is not required to register as a business entity with the State Board of Elections.  
or

☐ Vendor has registered **and has attached a copy** of the official certificate of registration as issued by the State Board of Elections. As a registered business entity, Vendor acknowledges a continuing duty to update the registration as required by the Act.



VENDOR (show Company name and DBA)

\_\_\_\_\_

Signature\_\_\_\_\_

Printed Name\_\_\_\_\_

Title\_\_\_\_\_ Date\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## TAXPAYER IDENTIFICATION NUMBER

I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).
  - If you are an individual, enter your name and SSN as it appears on your Social Security Card.
  - If you are a sole proprietor, enter the owner's name on the name line followed by the name of the business and the owner's SSN or EIN.
  - If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's name on the name line and the d/b/a on the business name line and enter the owner's SSN or EIN.
  - If the LLC is a corporation or partnership, enter the entity's business name and EIN and for corporations, attach IRS acceptance letter (CP261 or CP277).
  - For all other entities, enter the name of the entity as used to apply for the entity's EIN and the EIN.

Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Taxpayer Identification Number:

Social Security Number \_\_\_\_\_

or

Employer Identification Number \_\_\_\_\_

**Legal Status** (check one):

☐ Individual

☐ Governmental

☐ Sole Proprietor

☐ Nonresident alien

☐ Partnership

☐ Estate or trust

☐ Legal Services Corporation

☐ Pharmacy (Non-Corp.)

☐ Tax-exempt

☐ Pharmacy/Funeral Home/Cemetery (Corp.)

☐ Corporation providing or billing  
tax classification)

☐ Limited Liability Company (select applicable

medical and/or health care services

☐ D = disregarded entity

☐ C = corporation

☐ P = partnership

☐ Corporation NOT providing or billing  
medical and/or health care services

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## DISCLOSURES AND CONFLICTS OF INTEREST

**Instructions:** Vendor shall disclose financial interests, potential conflicts of interest and contract information identified in Sections 1, 2 and 3 below as a condition of receiving an award or contract (30 ILCS 500/50-13 and 50-35). Failure to fully disclose shall render the contract, bid, proposal, subcontract, or relationship voidable by the chief procurement officer if s/he deems it in the best interest of the State of Illinois and may be cause for barring from future contracts, bids, proposals, subcontracts, or relationships with the State.

- There are six sections to this form and each must be completed to meet full disclosure requirements.
- Note: The requested disclosures are a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the resultant contract if the bid/offer is awarded. As required by 30 ILCS 500/50-2, for multi-year contracts Vendors must submit these disclosures on an annual basis.

A publicly traded entity may submit its 10K disclosure in satisfaction of the disclosure requirements set forth in Section 1 below. HOWEVER, if a Vendor submits a 10K, they must still must complete Sections 2, 3, 4, 5 and 6 and submit the disclosure form.

If the Vendor is a wholly owned subsidiary of a parent organization, separate disclosures must be made by the Vendor and the parent. For purposes of this form, a parent organization is any entity that owns 100% of the Vendor.

This disclosure information is submitted on behalf of (show official name of Vendor, and if applicable, D/B/A and parent):

Name of Vendor: \_\_\_\_\_

D/B/A (if used): \_\_\_\_\_

Name of any Parent Organization: \_\_\_\_\_

### **Section 1: Section 50-35 Disclosure of Financial Interest in the Vendor.** *(All Vendors must complete this section)*

*Vendors must complete subsection (a), (b) or (c) below. Please read the following subsections and complete the information requested.*

- a. If Vendor is a Publicly traded corporation subject to SEC reporting requirements
  - i. Vendor shall submit their 10K disclosure (include proxy if referenced in 10k) in satisfaction of the financial and conflict of interest disclosure requirements set forth in subsections 50-35 (a) and (b) of the Procurement Code. The SEC 20f or 40f, supplemented with the names of those owning in excess of 5% and up to the ownership

percentages disclosed in those submissions, may be accepted as being substantially equivalent to 10K.

Check here if submitting a 10k ☐, 20f ☐, or 40f ☐.

**OR**

- b. If Vendor is a privately held corporation with more than 400 shareholders
- i. These Vendors may submit the information identified in 17 CFR 229.401 and list the names of any person or entity holding any ownership share in excess of 5% in satisfaction of the financial and conflict of interest disclosure requirements set forth in subsections 50-35 a and b of the Illinois Procurement Code.

**OR**

- c. If Vendor is an individual, sole proprietorship, partnership or any other not qualified to use subsections (A) or (B), complete (i) and (ii) below as appropriate.
- i. For **each individual** having any of the following financial interests in the Vendor (or its parent), please mark each that apply and show the applicable name and address. Use a separate form for each individual.
1. Do you have an ownership share of greater than 5% of the offering entity or parent entity?  
☐ Yes ☐ No
  2. Do you have an ownership share of less than 5%, but which has a value greater than \$106,447.20?  
☐ Yes ☐ No
  3. Do you receive more than \$106,447.20 of the offering entity's or parent entity's distributive income? (Note: Distributive income is, for these purposes, any type of distribution of profits. An annual salary is not distributive income.)  
☐ Yes ☐ No
  4. Do you receive greater than 5% of the offering entity's or parent entity's total distributive income, but which is less than \$106,447.20?  
☐ Yes ☐ No
  5. If you responded yes to any of questions 1 – 4 above, please provide either the percentage or dollar amount of your ownership or distributive share of income: \_\_\_\_\_. For partnerships with more than 50 partners, the percentage share of ownership of each individual identified above may be shown in the following ranges (dollar value fields must also be completed when applicable):



0.5% or less \_\_\_\_\_ >0.5 to 1.0% \_\_\_\_\_ >1.0 to 2.0% \_\_\_\_\_ >2.0 to 3.0 % \_\_\_\_\_ >  
 3.0 to 4.0% \_\_\_\_\_ %  
 >4.0 to 5.0% \_\_\_\_\_ and in additional 1% increments as appropriate \_\_\_\_\_ %

6. If you responded yes to any of the questions 1-4 above, please check the appropriate type of ownership/distributable income share:

Sole Proprietorship ☐ Stock ☐ Partnership ☐ Other  
 (explain) \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

ii. In relation to individuals identified above, indicate whether any of the following potential conflict of interest relationships apply. If "Yes," please describe each situation (label with appropriate letter) using the space at the end of this Section (attach additional pages as necessary). If no individual has been identified above, mark not applicable (N/A) here \_\_\_\_\_.

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| (a) State employment, currently or in the previous 3 years, including contractual employment of services directly with the individuals identified in Section 1 in their individual capacity unrelated to the Vendor's contract.  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (b) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (c) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (d) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (e) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (f) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (g) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (h) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (i) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

(j) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or reelection committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

Yes ☐ No ☐

**Section 2: Section 50-13 Conflicts of Interest** *(All Vendors must complete this section)*

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois [\$106,447.20], or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor (\$177,412.00), to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor [\$354,824.00], to have or acquire any such contract or direct pecuniary interest therein.

Check One: ☐ No Conflicts Of Interest

☐ Potential Conflict of Interest (If checked, name each conflicted individual, the nature of the conflict, and the name of the State agency that is associated directly or indirectly with the conflicted individual.)

**Section 3: Debarment/Legal Proceeding Disclosure** *(All Vendors must complete this section).*

Each of the persons identified in Sections 1, 2 and 3 must each identify any of the following that occurred within the previous 10 years:

Debarment from contracting with any governmental entity  
Professional licensure discipline  
Bankruptcies  
Adverse civil judgments and administrative findings  
Criminal felony convictions

Yes <input type="checkbox"/>	No <input type="checkbox"/>
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Yes <input type="checkbox"/>	No <input type="checkbox"/>



If any of the above is checked yes, please identify with descriptive information the nature of the debarment and legal proceeding. The State reserves the right to request more information, should the information need further clarification.

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**Section 4: Disclosure of Business Operations with Iran** *(All Vendors must complete this section).*

In accordance with 30 ILCS 500/50-36, each bid, offer, or proposal submitted for a State contract, other than a small purchase defined in Section 20-20 [of the Illinois Procurement Code], shall include a disclosure of whether or not the bidder, offeror, or proposing entity, or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid, offer, or proposal had business operations that involved contracts with or provision of supplies or services to the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran and:

- (1) more than 10% of the company's revenues produced in or assets located in Iran involve oil-related activities or mineral-extraction activities; less than 75% of the company's revenues produced in or assets located in Iran involve contracts with or provision of oil-related or mineral – extraction products or services to the Government of Iran or a project or consortium created exclusively by that Government; and the company has failed to take substantial action;
- or
- (2) the company has, on or after August 5, 1996, made an investment of \$20 million or more, or any combination of investments of at least \$10 million each that in the aggregate equals or exceeds \$20 million in any 12- month period that directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources of Iran.

A bid, offer, or proposal that does not include this disclosure shall not be considered responsive. We may consider this disclosure when evaluating the bid, offer, or proposal or awarding the contract.

You must check one of the following items and if item 2 is checked you must also make the necessary disclosure:

- ☐ There are no business operations that must be disclosed to comply with the above cited law.
- ☐ The following business operations are disclosed to comply with the above cited law:
- 
-

**Section 5: Current and Pending Contracts** *(All Vendors must complete this section).*

Does the Vendor have any contracts pending contracts, bids, proposals or other ongoing procurement relationships with units of State of Illinois government? Yes ☐ No ☐

If yes, please identify each contract, pending contract, bid, proposal and other ongoing procurement relationship it has with units of State of Illinois government by showing agency name and other descriptive information such as bid number, project title, purchase order number or contract reference number.

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**Section 6: Representative Lobbyist/Other Agent** *(All Vendors must complete this section).*

Is the Vendor represented by or employing a lobbyist required to register under the Lobbyist Registration Act or other agent who is not identified under Sections 1 and 2 and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid, offer or contract? Yes ☐ No ☐

If yes, please identify each agent / lobbyist, including name and address.

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Costs/Fees/Compensation/Reimbursements related to assistance to obtain contract (describe):

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Vendor certifies that none of these costs will be billed to the State in the event of contract award. Vendor must file this information with the Secretary of State.

**This Disclosure is signed and made under penalty of perjury pursuant to Sections 500/50-13 and 500/50-35(a) of the Illinois Procurement Code.**

This Disclosure information is submitted on behalf of: \_\_\_\_\_

(Vendor/Subcontractor Name)

Name of Authorized Representative: \_\_\_\_\_

Title of Authorized Representative: \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_

Date: \_\_\_\_\_

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## Assignment Evaluation Checklist

### **Contract Information**

Contract Number:Click here to enter text.

Agency:Click here to enter text.

SPO conducting this evaluation:Click here to enter text.

Agency representative assisting with the evaluation:Click here to enter text.

Assignor:Click here to enter text.

Assignee:Click here to enter text.

### **Issue**

Assignment of the financial interest and delegation of the obligations and duties in a State awarded contract is a limitation on the State's goal to award contracts to the lowest responsible and responsive bidder using competitive sealed bidding. The assignee did not go through the bid process, but is now the beneficiary of a State contract.

The State Purchasing Officer must evaluate the proposed assignment and determine if approving it is in the State's best interest (44 ILAC §1.2005(o)). Completing the 7 checklist items below will help the SPO in this determination.

### **State Purchasing Officer Options**

1. Accept the assignment
2. Reject the assignment
  - a. Require a new contract with the assignee
  - b. Require a new competitive solicitation
3. Other

### **Standard**

Due diligence should be taken to ensure that the assignment does not pose any threat to the commercially reasonable expectations of the State. Duties requiring specialized skills or based on the unique characteristics of the original vendor cannot be delegated.

1. What is being assigned?

Choose an item.

2. Why is the assignment being made? Explain.

Click here to enter text.

3. Does the Assignee meet all requirements to contract with the State?

Choose an item.

4. Will the Assignee use subcontractors?

Choose an item.

5. Do the subcontractors meet all requirements to contract with the State?

Choose an item.

6. Was the contract originally awarded based on the vendor's unique characteristics that cannot be delegated?

Choose an item.

If unique characteristics were part of the original contract award, provide those here:

[Click here to enter text.](#)

7. Does the Agency agree that the Assignee possesses the skills necessary to fulfill the performance obligations?

Choose an item.

Agency representative making this determination:[Click here to enter text.](#)

If 'No', then explain.

[Click here to enter text.](#)

SPO Decision on this assignment:

Choose an item.

Date of the Decision:[Click here to enter a date.](#)

cc. Procurement File  
Agency Chief Financial Officer  
Agency Procurement Officer