




## Notice 2024.08

### General Services

To: Agency Procurement Staff  
Central Management Services Bureau of Strategic Sourcing  
State Purchasing Officers

From: Ellen H. Daley 

Date: January 9, 2024

Subject: Public Act 103-570 and BEP Annual Reports

CC: Procurement Compliance Monitors  
Procurement Policy Board  
Commission on Equity and Inclusion

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This notice is effective immediately.

Public Act 103-570 became effective on January 1, 2024.

As a result of the change in law, several provisions of the standard procurement rules (44 Ill. Adm. Code 1) need to be updated to reflect changes to the Procurement Code and other statutes. In those instances where a rule conflicts with the Procurement Code, the Procurement Code as amended shall be followed.

- 1) Procurement Code 30 ILCS 500/1-10(b)(22) (new): Amendment adds a new exemption from the Procurement Code contracts for public education programming, noncommercial sustaining announcements, public service announcements, and public awareness and education messaging that inform the public on immediate and ongoing health and safety risks and hazards; contracts must be with the nonprofit trade associations of the providers of those services.
  - ✓ CPO Notice 2019.01 provided a form (*Procurement Code Exempt Contracts v.19.1*) that agencies may use to list multiple exempt transactions in one posting to BidBuy. The form is updated to v.24.1 and posted on the CPO's website. The updated form includes an index of each type of exempt transaction that requires publication. Agencies shall post applicable exempt transactions at least monthly.
  - ✓ Agencies should post on BidBuy their notice of exempt contract only once, even if the contract spans more than one fiscal year.
- 2) Procurement Code 30 ILCS 500/20-57 (new): Amendment adds that a contract for the licensing of software applications, designed to run on generally available desktop or server hardware, may not limit the agency's ability to install or run the software on any of the agency's hardware.



# CHIEF PROCUREMENT OFFICE

Ellen H. Daley, General Services

- 3) Procurement Code 30 ILCS 500/20-160: Amendment to subsections (c), (d), and (e) adds “pending” and removes “annually” from the calculation of bids and proposals and removes “annual” and “annually” from the calculation of contracts, to clarify when a vendor must register with the State Board of Elections.

- ✓ Vendor Disclosures page 12, Section 5 STATE BOARD OF ELECTIONS, is amended by striking “annually” (see below; emphasis added). The Vendor Disclosures form has been updated to v.24.1 and is published on the CPO’s website.

Generally, if a vendor, bidder, or offeror is an entity doing business for profit (i.e. sole proprietorship, partnership, corporation, limited liability company or partnership, or otherwise) and has contracts with State agencies that ~~annually~~ total more than \$50,000 or whose aggregate pending bids or proposals and current State contracts that total more than \$50,000, the vendor, bidder, or offeror is prohibited from making political contributions and must register with the State Board of Elections. 30 ILCS 500/20-160.

- 4) Procurement Code 30 ILCS 500/50-37: Amendment to subsections (b) and (c) removes “annually” and “annual” from the calculation of State contracts to clarify who is prohibited from making political contributions.
- 5) Procurement Code 30 ILCS 500/45-35(a)
  - (a)(2): Amendment requires the disability-serving organization (State Use) vendor, or any of their subcontractors, to pay anyone performing work on the state contract at least the applicable local or Illinois minimum wage, whichever is higher.
  - (a)(3): Amendment provides that the disability-serving organization may be licensed by the Department of Human Services or may be a Center for Independent Living.
- 6) Procurement Code 30 ILCS 500/45-45(d): Amendment requires the CPO to publish the small business annual report on her website and issue a press release that includes an executive summary and a link to the report.
- 7) Procurement Code 30 ILCS 500/45-57(e): Amendment changes the definition of veteran-owned “small business” to a business that has annual gross sales less than \$150,000,000; this is an increase from \$75,000,000.
- 8) Procurement Code 30 ILCS 500/45-105: Amendment changes the definition of “Illinois business” in the preference for Illinois businesses bidding on State construction contracts.
- 9) Procurement Code 30 ILCS 500/45-110 (new): Amendment provides a preference in the award of Abandoned Land Mine Reclamation contracts with a total value more than \$100,000.
- 10) Governmental Joint Purchasing Act 30 ILCS 525/4.05: Amendment adds that contracts awarded under Section 45-35 of the Procurement Code may be a method of joint purchase. Provides that the CPO may authorize the award of a contract to a State Use vendor as a joint purchase.
  - ✓ CPO Notice 2020.01 Qualified Not-for-Profit Organizations for Persons with Significant Disabilities and Joint Purchasing is rescinded.



# CHIEF PROCUREMENT OFFICE

Ellen H. Daley, General Services

- 11) BEP Act 30 ILCS 575/7(3): Amendment changes “contractor” to vendor thereby changing application of this subsection to Good Faith Effort (GFE) waivers at solicitation from GFE waivers during contract performance; adds information that must be included by the vendor when requesting a GFE waiver.
  - ✓ The CPO shall post GFE waivers at solicitation on her website.
- 12) Transportation Sustainability Procurement Program 30 ILCS 530/10(c): Amendment adds that the procurement of freight, small package delivery, cargo shipping and transportation services may be subject to the Governmental Joint Purchasing Act.
- 13) Reimagining Hotel Florence Act Article 45 (new): Pursuant to a competitive RFP governed by the Procurement Code and rules, the Department of Natural Resources may enter into a public-private agreement to develop, finance, construct, lease, manage, or operate Hotel Florence.
- 14) State Fair Act 20 ILCS 210/7.1 (new)
  - 7.1(a): Exempts from the Procurement Code expenditures necessary to provide artistic or musical services, performances, events, or productions on the State Fairgrounds.
  - 7.1(b): Requires publication on BidBuy of each notice of contract with an annual value of more than \$100,000 and for the Department of Agriculture to provide the CPO a monthly report of contracts procured pursuant to this exemption.
  - ✓ CPO Notice 2019.01 provided a form (*Procurement Code Exempt Contracts v.19.1*) that agencies may use to list multiple exempt transactions in one posting to BidBuy. The form is updated to v.24.1 and posted on the CPO’s website. The updated form includes an index of each type of exempt transaction that requires publication. Agencies shall post applicable exempt transactions at least monthly.
- 15) The Department of Central Management Services Law of the Civil Administrative Code of Illinois 20 ILCS 405/405-300(f): Amendment removes the requirement that the Director of Central Management Services certify, and consult with the Executive Director of the Capital Development Board, that a lease for more than 10,000 square feet of space is in the best interest of the State.
- 16) Pursuant to Section 15-25(c-5) of the Procurement Code, each agency shall post a copy of their Business Enterprise Program annual report that shows utilization of businesses owned by minorities, women, and persons with disabilities as submitted to the Business Enterprise Council for Minorities, Women, and Persons with Disabilities pursuant to Section 6(c) of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act within 10 calendar days after its submission of its report to the Council.
  - ✓ In compliance with this section, each agency shall work with their SPO to publish their Fiscal Year 2023 report to BidBuy within 10 calendar days after submission of its report to the BEP Council. If an agency has already submitted their FY23 report to the BEP Council, then the report shall be published to BidBuy no later than close of business on January 19, 2024.



Independent  
Chief  
Procurement  
Office  
General Services

# CHIEF PROCUREMENT OFFICE

Ellen H. Daley, General Services

If there are any questions regarding this notice, please ask your State Purchasing Officer or contact the Chief Procurement Office at (217) 558-2231.

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