

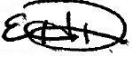


# CHIEF PROCUREMENT OFFICE

Ellen H. Daley, General Services

## Notice 2018.06 General Services

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

From: Ellen H. Daley 

Date: February 23, 2018

Subject: New Template Issuance

CC: Procurement Compliance Monitors  
Procurement Policy Board

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This CPO Notice has immediate effect and supersedes all previous notices used to issue earlier versions of the solicitation and contract templates named in this notice.

The Chief Procurement Office for General Services is committed to providing the tools and resources to state agencies to efficiently conduct thousands of procurement transactions each year. When my office makes a material change to a solicitation or contract template, I issue a CPO Notice to communicate the cause for the change, put it into service, and require its use. All templates named in this notice may be accessed here:

<https://www.illinois.gov/cpo/general/Pages/SolicitationandContractTemplates.aspx>

### **Templates V.18.1 and V.18.2**

P.A. 100-551 creates Section 50-17 of the Procurement Code (30 ILCS 500/) and went into effect on January 1, 2018. Section 50-17 creates a prohibition on expatriated entities from bidding on and holding state contracts subject to the Procurement Code. A new contract term labeled "Expatriated Entities" has been added to the following templates:

- 1) Invitation for Bid V.18.2
- 2) Stand Alone Contract V.18.2
- 3) Basic Order Agreement Under \$50,000 V.18.2
- 4) Basic Order Agreement Over \$50,000V.18.2

P.A. 100-391 creates Section 4(f) of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (30 ILCS 575/) and went into effect August 25, 2017. Section 4(f) requires that bidders and offerors, responding to *non-construction* solicitations that include a Business Enterprise Program (BEP) goal, submit utilization plans at the time of bid or offer submission. Failure to complete and include a utilization plan renders the bid or offer non-responsive. The BEP instruction was edited to specifically reference non-construction solicitations in the following templates:

- 1) Invitation for Bid V.18.2
- 2) Request for Proposal V.18.2
- 3) P&A Request for Proposal V.18.1



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P.A. 100-43 amends Section 20-43 of the Procurement Code and went into effect August 9, 2017. For contracts other than construction contracts subject to the requirements of Sections 30-20 and 33-10, it requires that a person be a legal entity prior to submitting a bid, offer, or proposal and that the legal entity must be authorized to transact business or conduct affairs in Illinois *prior to execution of the contract*. Before this amendment, the legal entity had to be authorized to transact business or conduct affairs prior to submission of their bid, offer, or proposal. Information was edited to reflect the new requirement in the following templates:

- 1) Forms A V.18.1
- 2) Standard Certifications V.18.1

P.A. 100-43 amends Section 2-101(J) of the Human Rights Act (775 ILCS 5/) and defines "eligible bidder" as a person who, *prior to contract award* or prior to bid opening for State contracts for construction or construction-related services, has filed with the Department of Human Rights a legitimate employer report form pursuant to the Department's regulations. Before this amendment, eligible bidder was defined as a person that filed the legitimate employer report form prior to bid opening for any contract type. Information was edited to reflect the new requirement in the following template:

- 1) Forms A V.18.1

Section 50-10 of the Procurement Code addresses felony convictions and requires that every bidder, contractor, and subcontractor certify that it is not barred from being awarded a contract or subcontract under this Section. In the Illinois Procurement Gateway (IPG), this certification is number 6 out of 30 and is referred to as IPG Certification #6. For a few years, vendors could select "Yes", "No", or "N/A" to IPG Certification #6. The Chief Procurement Office (CPO) offered N/A as an option for the person or business who has never been convicted of a felony. However, the Illinois Comptroller interprets Section 50-10 as requiring a Yes response and rejected contracts where the contractor selected N/A.

Rather than require thousands of businesses registered in the IPG to change their response from N/A to Yes, and then re-submit the IPG application, the CPO added a certification to Forms B titled "Replacement Certification to IPG Certification #6." Then, the CPO removed the N/A option from the IPG. Since more than twelve months has passed since the N/A option was removed, all vendor registrations now have either Yes or No to IPG Certification #6. Removal of the "Replacement Certification to IPG Certification #6" from Forms B is reflected in the following template:

- 1) Forms B V.18.1

Many agencies desire having greater flexibility when requesting references from bidders than permitted by the standard instruction labeled "References" in the Invitation for Bid (IFB). Flexibility includes making references non-mandatory, permitting a wider variety of reference sources, and a more detailed request of how a bidder's experience might indicate success with this contract. To better facilitate the request for references that meet an agency's individual needs, the agency should detail these requests as specifications. The standard instruction for references is being removed from the following template:

- 1) Invitation for Bid V.18.2

These templates shall be used now for unpublished solicitations and non-executed contracts, unless the State Purchasing Officer grants an exception.

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

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