**Section 290.1203 Requirements for all Contracts**

a) Agreements required to be filed with the Comptroller under Section 11 or Section 15 of the State Comptroller Act (Ill. Rev. Stat. 1987, ch. 15, pars. 211 and 215) must meet the criteria set forth in this Article. In general, a two party signed agreement must be filed for all expenditures exceeding $5,000 in a fiscal year, except for:

1) contracts paid from personal services, or

2) contracts between the State and its employees to defer compensation pursuant to Article 24 of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 111½, par. 24-101 et seq.).

b) Certain exceptions are listed in CUSAS (Comptroller's Uniform Statewide Accounting System) Procedures 15.20.70 under type code 41 and Section 290.1209 of these rules. In addition, agreements where the State does not incur a financial liability are not required to be filed with the Comptroller under this Part.

c) Legibility: All documents filed must be legible.

d) Bribery Clause: Every contract executed by the State must contain a certification by the contractor that the contractor is not barred from being awarded a contract or subcontract under Section 10.1 of The Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, par. 132.10-1). Suggested language for the certification is set forth below:

The vendor certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of The Illinois Purchasing Act.

e) Execution date: All contracts and leases must contain an execution date. An acceptable alternative is for the agency and the contractor to date their signature. The execution date of purchase orders and similar documents is the date on the document.

f) Filing Requirements:

1) Section 15 of the State Comptroller Act requires agencies to file contracts, leases or purchase orders within 15 days of execution. Cancellation or modifications to contracts, purchase orders, or leases are also subject to this time period.

2) The following rules will be applied in enforcing these filing requirements:

A) When the contract sets forth an execution date only, the 15 day period will be calculated from this date.

B) When the agency signature and the contractor's signature are dated, the 15 day time period will be calculated from the latest dated signature.

C) When the contract is signed by more than one person on behalf of the State, the period will be calculated from the latest dated signature.

3) Where a contract, purchase order or lease required to be filed by Section 15 of the State Comptroller Act has not been filed within 30 days of execution, the Comptroller will not honor vouchers for payment thereunder until the agency files with the Comptroller:

A) The contract, purchase order or lease; and

B) An original affidavit and one copy, signed by the chief executive officer of the agency, or his or her designee, setting forth an explanation of why such contract liability was not filed within 30 days of execution. The Comptroller will file the copy of the affidavit with the Auditor General.

C) A sample of the affidavit referenced in this Section is provided as Appendix C to this Part. Any affidavit substantially similar to that provided in Appendix C will be accepted by the Comptroller.

g) Maximum or Estimated Amount:

1) Except as is discussed below, all contracts should set forth either an estimated or maximum amount.

2) A maximum amount must be used where the amount of payment can be ascertained with reasonable certainty. The contract must be amended before more than the maximum amount may be paid pursuant to the agreement. Where it is not possible to ascertain the amount to be paid under the contract, an estimated amount should be used. In certain cases contracts are executed in order to provide for payment on an as needed basis, (for example, certain contracts for legal services). In these instances the contract need not contain a maximum or estimated amount.

h) Agencies must obtain the Federal Taxpayer Identification Number and legal status disclosure certification of the contractor for all contracts, leases and purchase orders required to be filed by this Part.

i) References in this Part to information deemed necessary by the Attorney General do not apply to universities.

j) Advance Payment:

 *Where a State agency wishes to make advance payment for goods or services, the contract must include a provision for such advance payment. If the State agency determines it is not possible to execute a written contract, any payment voucher must so state.* (Section 9.05 of "AN ACT in relation to State finance") (Ill. Rev. Stat. 1987, ch. 127, par. 145(f)).

k) Bid-Rigging/Bid Rotating Certification: Each bid and any contract resulting from that bid for goods, services or construction between the State and a vendor other than a unit of State or local government shall contain a certification by the contractor that the contractor is not barred from contracting with any unit of State or local government as a result of a violation of either Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1988 Supp., ch. 38, pars. 33E3 or 33E4). Suggested language for the certification is set forth below:

The contractor certifies that it has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1988 Supp., ch. 38, pars. 33E3 or 33E4)

l) Educational Loan Certification: All contracts, leases and purchase orders required to be filed by this Part shall include a statement certifying that the contractor is not in default on an educational loan as provided in Section 30-15.2 of the School Code (Ill. Rev. Stat. 1988 Supp., ch. 122, par. 30-15.12). Suggested language for the certification is set forth below:

The contractor certifies that it is not in default on an educational loan as provided in Section 30-15.2 of the School Code (Ill. Rev. Stat. 1988 Supp., ch. 122, par. 30-15.12).

(Source: Amended at 14 Ill. Reg. 5757, effective April 5, 1990)