

1 AN ACT to amend the Illinois Procurement Code by changing
2 Section 20-10.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Procurement Code is amended by
6 changing Section 20-10 as follows:

7 (30 ILCS 500/20-10)

8 Sec. 20-10. Competitive sealed bidding.

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

12 (b) Invitation for bids. An invitation for bids shall
13 be issued and shall include a purchase description and the
14 material contractual terms and conditions applicable to the
15 procurement.

16 (c) Public notice. Public notice of the invitation for
17 bids shall be published in the Illinois Procurement Bulletin
18 at least 14 days before the date set in the invitation for
19 the opening of bids.

20 (d) Bid opening. Bids shall be opened publicly in the
21 presence of one or more witnesses at the time and place
22 designated in the invitation for bids. The opening may be an
23 extended opening wherein bidders whose bids were received on
24 time may revise pricing for the supply or service bid in
25 accordance with rules issued by the chief procurement
26 officer, which rules may allow for pricing to be visible to
27 all bidders as part of the price revision process. The name
28 of each bidder, the amount of each bid, and other relevant
29 information as may be specified by rule shall be recorded.
30 After the award of the contract, the winning bid and the
31 record of each unsuccessful bid shall be open to public

1 inspection.

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

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

24 (g) Award. The contract shall be awarded with
25 reasonable promptness by written notice to the lowest
26 responsible and responsive bidder whose bid meets the
27 requirements and criteria set forth in the invitation for
28 bids, except when a State purchasing officer determines it is
29 not in the best interest of the State and by written
30 explanation determines another bidder shall receive the
31 award. The explanation shall appear in the appropriate
32 volume of the Illinois Procurement Bulletin.

33 (h) Multi-step sealed bidding. When it is considered
34 impracticable to initially prepare a purchase description to

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

6 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.