

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. Except for bids on  
23 contracts under the jurisdiction of the Capital Development  
24 Board or the Illinois Department of Transportation, the  
25 opening may be an extended opening wherein bidders whose bids  
26 were received on time may revise pricing for the supply or  
27 service bid in accordance with rules issued by the chief  
28 procurement officer, which rules may allow for pricing to be  
29 visible to all bidders as part of the price revision process.

30 The name of each bidder, the amount of each bid, and other  
31 relevant information as may be specified by rule shall be

1 recorded. After the award of the contract, the winning bid  
2 and the record of each unsuccessful bid shall be open to  
3 public inspection.

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

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

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

1           (h) Multi-step sealed bidding. When it is considered  
2 impracticable to initially prepare a purchase description to  
3 support an award based on price, an invitation for bids may  
4 be issued requesting the submission of unpriced offers to be  
5 followed by an invitation for bids limited to those bidders  
6 whose offers have been qualified under the criteria set forth  
7 in the first solicitation.

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

9           Section 99. Effective date. This Act takes effect upon  
10 becoming law.