

SUPREME COURT OF ILLINOIS

Judicial Branch Procurement Code



Effective July 1, 1999

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ARTICLE 1
GENERAL PROVISIONS

Section

- 1-1. Short title. No equivalent.
- 1-5. Purpose. It is the purpose of these rules and is declared to be the policy of the Supreme Court of Illinois that the principles of competitive bidding and economical and efficient procurement practices shall be applicable to purchases and contracts by or for the judicial branch of the State of Illinois.
- 1-10. Application.
- (a) These rules apply only to procurements for which contractors were first solicited on or after July 1, 1999. These rules shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date. All procurements for which contracts are solicited between the effective date and July 1, 1999 shall be substantially in accordance with these rules and their intent.
 - (b) These rules shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. These rules shall not apply to:
 - (1) contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in these rules.
 - (2) grants.
 - (3) purchase of care.
 - (4) hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.
 - (5) collective bargaining contracts.
 - (6) purchase of real estate.
 - (7) contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations.
- 1-15. Definitions. For the purposes of these rules, the words set forth in the following Sections of this Article have the meanings set forth in those Sections.
- 1-15.03. Associate Procurement Officers. No equivalent.
- 1-15.05. Board. No equivalent.
- 1-15.10. Business. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or other private legal entity.
- 1-15.15. Chief Procurement Officer. No equivalent.
- 1-15.20. Construction and construction-related services. "Construction" means building, altering, repairing, improving, or demolishing any public structure or building, or making improvements of any kind to public real property. Construction does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
- "Construction-related services" means those services including construction design, layout, inspection, support, feasibility or location study, research, development, planning, or other investigative study undertaken by a construction agency concerning construction or potential construction.

- 1-15.25. Construction agency. "Construction agency" means the Capital Development Board for construction or remodeling of State-owned facilities; and any other State agency entering into construction contracts as authorized by law.
- 1-15.30. Contract. "Contract" means all types of State agreements, regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases of real property or capital improvements, and including master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, and change orders.
- 1-15.35. Cost-reimbursement contract. "Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs that are allowable and allocable in accordance with the contract terms and the provisions of these rules, and a fee, if any.
- 1-15.38. Director. "Director" means the Director of the Administrative Office of the Illinois Courts or his/her designee.
- 1-15.42. Grant. "Grant" means the furnishing by the State of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the grantor, whether in the form of goods, services, or construction. A contract that results from such an award is not a grant and is subject to these rules.
- 1-15.45. Invitation for bids. "Invitation for bids" means the process by which a purchasing office requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.
- 1-15.50. Negotiation. "Negotiation" means the process of selecting a contractor other than by competitive sealed bids, multi-step sealed bidding, or competitive sealed proposals, whereby a purchasing office can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.
- 1-15.55. Person. "Person" means any business, public or private corporation, partnership, individual, union, committee, club, unincorporated association or other organization or group of individuals, or other legal entity.
- 1-15.60. Professional and artistic services. "Professional and artistic services" means those services, provided under contract by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability.
- 1-15.65. Purchase description. "Purchase description" means the words used in a solicitation to describe the supplies, services, professional or artistic services, or construction to be procured or real property or capital improvements to be leased and includes specifications attached to or made a part of the solicitation.
- 1-15-68. Purchase of care. No equivalent.
- 1-15.70. Purchasing office. "Purchasing office" means a judicial branch office or entity that is authorized by these rules, or by authorized delegation of the Director to enter into contracts.
- 1-15.75. Request for proposals. "Request for proposals" means the process by which a purchasing office requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.
- 1-15.80. Responsible bidder or offeror. "Responsible bidder or offeror" means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance.

- 1-15.85. Responsive bidder. "Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the invitation for bids.
- 1-15.90. Services. "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance.
- 1-15.95. Specifications. "Specifications" means any description, provision, or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service, or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, construction, or other item for delivery.
- 1-15.100. State agency. No equivalent.
- 1-15.105. State purchasing officer. No equivalent.
- 1-15.110. Supplies. "Supplies" means all personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.
- 1-15.115. Using agency. "Using agency" means a judicial branch agency or office that uses items procured under these rules.
- 1-25. Property rights. No person shall have any right to a specific contract with the judicial branch of the state of Illinois unless that person has a contract that has been signed by an officer or employee of the purchasing office with appropriate signature authority. The judicial branch of the state shall be under no obligation to issue an award or execute a contract.
- 1-30. Applicability to Constitutional Officers and the Legislative and Judicial Branches. No equivalent.

**ARTICLE 5
POLICY ORGANIZATION**

No equivalent.

**ARTICLE 10
APPOINTMENTS**

Section

- 10-5. Exercise of procurement authority. At least one officer or employee from each judicial branch office shall exercise the procurement authority explicitly created by these rules subject to the authority of the Director.
- 10-10. General appointments. No equivalent.
- 10-15. Associate Procurement officers. No equivalent.

**ARTICLE 15
PROCUREMENT BULLETIN**

No equivalent.

ARTICLE 20
SOURCE SELECTION AND CONTRACT FORMATION

Section
20-5.

Method of source selection. Unless otherwise authorized by the Supreme Court, all judicial branch contracts, except for leases of real property, shall be awarded by competitive sealed bidding, in accordance with Section 20-10, except as provided in Sections 20-15 (competitive sealed proposals), 20-20 (small purchases), 20-25 (sole source procurements), 20-30 (emergency purchases), and 20-35 (competitive selection procedures).

20-10.

Competitive sealed bidding.

- (a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.
- (b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.
- (c) Public notice. Public notice of the invitation for bids may be published in the Illinois Procurement Bulletin not less than 14 days before the date set in the invitation for the opening of bids.
- (d) Bid opening. Bids shall be opened in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to inspection by those submitting bids.
- (e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in these rules. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.
- (f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with these rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by the Director.
- (g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when the Director determines it is not in the best interest of the State and/or the judicial branch and by written explanation determines another bidder shall receive the award.
- (h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

20-15.

Competitive sealed proposals.

- (a) Conditions for use. When provided under these rules, or when the Director determines that the use of competitive sealed bidding is either not practicable or not advantageous to the State and/or the judicial branch, a contract may be entered into by competitive sealed proposals.

- (b) Request for proposals. Proposals shall be solicited through a request for proposals.
- (c) Public notice. Public notice of the request for proposals may be published in the Illinois Procurement Bulletin not less than 14 days before the date set in the invitation for the opening of proposals.
- (d) Receipt of proposals. Proposals shall be opened in the presence of one or more witnesses at the time and place designated in the request for proposals, but proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation. A record of proposals shall be prepared and shall be open for inspection by those offering proposals after contract award.
- (e) Evaluation factors. The requests for proposals shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 2 parts: the first, covering items except price; and the second, covering price. The first part of all proposals shall be evaluated and ranked independently of the second part of all proposals.
- (f) Discussion with responsible offerors and revisions of proposals. As provided in the request for proposals or under rules, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of any information derived from proposals submitted by competing offerors. If information is disclosed to any offeror, it shall be provided to all competing offerors.
- (g) Award. Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

20-20. Small purchases.

- (a) Amount. Any individual procurement of supplies or services other than professional or artistic services, not exceeding \$25,000, and any procurement of construction not exceeding \$30,000 may be made without competitive sealed bidding. Procurements shall not be artificially divided so as to constitute a small purchase under this Section.
- (b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100.
- (c) Based upon rules promulgated by the Director, the small purchase maximum established in subsection (a) may be modified.

20-25. Sole source procurements. Contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item.

20-30. Emergency purchases.

- (a) Conditions for use. Emergency procurements may be made without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in State services, or to ensure the integrity of State records. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the

emergency and reasons for the selection of the particular contractor shall be included in the contract file.

- (b) Notice. No equivalent.
- (c) Affidavits. No equivalent.
- (d) Quick purchases. The Director may promulgate rules extending the circumstances by which a purchasing office may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time.

20-35. Competitive selection procedures.

- (a) Conditions for use. The services specified in Article 35 shall be procured in accordance with this Section, except as authorized under Sections 20-25 and 20-30 of this Article.
- (b) Statement of qualifications. Potential contractors shall submit statements of qualifications and expressions of interest in a format determined by the Administrative Office of the Illinois Courts. Persons may amend these statements at any time by filing a new statement.
- (c) Public announcement and form of request for proposals. No equivalent.
- (d) Discussions. The purchasing office may conduct discussions with any offeror who has submitted a proposal to determine the offeror's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other offerors.
- (e) Award. Award shall be made to the offeror determined in writing by the purchasing office to be best qualified based on the evaluation factors set forth in the request for proposals and negotiation of compensation determined to be fair and reasonable.

20-40. Cancellation of invitations for bids or requests for proposals. An invitation for bids, a request for proposals, or any other solicitation may be canceled without penalty, or any and all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the State and/or judicial branch. The reasons for cancellation or rejection may be made part of the contract file.

20-45. Prequalification of suppliers. The Director may promulgate rules for the development of prequalified supplier lists for appropriate categories of purchases and the annual updating of those lists, or may utilize prequalified supplier list promulgated in accordance with the Illinois Procurement Code.

20-50. Specifications. Specifications shall be prepared in accordance with consistent standards that are promulgated or adopted by the Director. Those standards shall include a prohibition against the use of brand-name only products, except for products intended for retail sale or when otherwise excepted by the Director, and shall include a restriction on the use of specifications drafted by a potential bidder. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the needs of the State and/or judicial branch and shall not be unduly restrictive. Nothing herein shall prohibit the Director from adopting the specification standards established by the Department of Central Management Services.

20-55. Types of contracts. Subject to the limitations of this Section and unless otherwise authorized by law, any type of contract that will promote the best interests of the State and/or judicial branch may be used, except that cost-plus-a-percentage-of-cost contracts are prohibited. A cost-reimbursement contract may be used only when a determination is made that a cost-reimbursement contract is likely to be less costly to the judicial branch than any other type or that it is impracticable to obtain the item required except under that type of contract. The general form of contracts shall be determined by the Director.

20-60. Duration of contracts.

- (a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the judicial branch but not exceeding 10 years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25.
- (b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the contract.

20-65. Right to audit records.

- (a) Maintenance of books and records. Every contract and subcontract shall require the contractor or subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged to the State under the contract or subcontract. The books and records shall be maintained by the contractor for a period of 3 years from the later of the date of final payment under the contract or completion of the contract and by the subcontractor for a period of 3 years from the later of the date of final payment under the subcontract or completion of the subcontract. However, the 3-year period shall be extended for the duration of any audit in progress at the time of that period's expiration.
- (b) Audit. Every contract and subcontract shall provide that all books and records required to be maintained under subsection (a) shall be available for review and audit by the purchasing office and any person or entity authorized by the purchasing office to conduct such review and audit. Every contract and subcontract shall require the contractor and subcontractor, as applicable, to cooperate fully with any audit.
- (c) Failure to maintain books and records. Failure to maintain the books and records required by this Section shall establish a presumption in favor of the State and judicial branch for the recovery of any funds paid by the State for which required books and records are not available.

20-70. Finality of determinations. Determinations made by a purchasing office under these rules are final and conclusive unless they are clearly erroneous, arbitrary, capricious, contrary to law, or rejected by the Director.

20-75. Disputes and protests. No equivalent.

20-80. Contract files.

- (a) Written determinations. All written determinations required under this Article shall be placed in the contract file maintained by the purchasing office.
- (b) Filing with Comptroller. Whenever a contract liability exceeding \$20,000 is incurred under these rules, a copy of the contract, purchase order, or lease may be filed with the Comptroller. Any cancellation or modification to any such contract liability may be filed with the Comptroller upon execution. These rules do not apply to contracts paid from personal services, or contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code.
- (c) Late filing affidavit. No equivalent.
- (d) Professional and artistic services contracts. No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract for services involving professional or artistic skills involving an expenditure of more than \$20,000 for the same type of service at the same location during any fiscal year unless the contract is reduced to writing before the services are performed and filed with the Comptroller. When a contract for professional or artistic skills in

excess of \$20,000 was not reduced to writing before the services were performed, the Comptroller shall refuse to issue a warrant for payment for the services until the Director or his/her designee files with the Comptroller:

- (1) a written contract covering the services, and
- (2) an affidavit, signed by the Director or his/her designee, stating that the services for which payment is being made were agreed to before commencement of the services. The Comptroller shall maintain professional or artistic service contracts filed under this Section separately from other filed contracts.

(e) Method of source selection. No equivalent.

20-83. Contracts in the amount of \$250,000 or more. In accordance with Section 9.02 of the State Finance Act (30 ILCS 105/9.02), all contracts and contract renewals in the amount of \$250,000 or more in a fiscal year, including any amendment or change to an existing contract which increases the value of that contract to \$250,000 or more in a fiscal year, shall be signed or approved in writing by the Director, and shall be signed or approved in writing by the Chief Legal Counsel of the Administrative Office and the Assistant Director of Administrative Services.

20-85. Federal requirements. A judicial branch office receiving federal-aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States, in order to remain eligible for such federal-aid funds, grants, or loans.

20-90. Foreign country procurements. No equivalent.

20-95. Donations. Nothing in these rules shall prevent any judicial branch office from complying with the terms and conditions of any grant, gift, or bequest that calls for the procurement of a particular good or service or the use of a particular contractor, provided that the grant, gift, or bequest provides majority funding for the contract.

20-105. State agency printing. All books, pamphlets, documents, and reports published through or by the State of Illinois or the judicial branch shall have printed thereon "Printed by authority of the State of Illinois", the date of each publication, the number of copies printed, and the printing order number. Each purchasing office shall be responsible for ascertaining the compliance of printing materials procured by or for it with this Section. No printing or reproduction contract shall be let that wording does not appear on the material to be printed or reproduced. No publication may have written, stamped, or printed on it, or attached to it, "Compliments of..... (naming a person)" or any words of similar import. The Director may waive any requirement set forth in this section upon a determination that such waiver is appropriate and in the best interest of the judicial branch.

20-110. Printing cost offsets. The Director may promulgate rules permitting the exchange of advertising rights in or receipt of free copies of printed products procured under this Article as a means of reducing printing costs.

20-160. Registration as a business entity. The Supreme Court hereby adopts Section 20-160 of the Illinois Procurement Code (P.A. 95-971).

ARTICLE 25 SUPPLIES AND SERVICES (EXCLUDING PROFESSIONAL OR ARTISTIC)

Section
25-5.

Applicability. All contracts for supplies and services, excluding professional or artistic services, shall be procured in accordance with the provisions of this Article.

- 25-10. Authority. The Director and his/her express designees shall have the authority to procure supplies and services in accordance with these rules.
- 25-15. Method of source selection.
- (a) Competitive sealed bidding. Except as provided in subsection (b) and Sections 20-20 (small purchases), 20-25 (sole source procurements), and 20-30 (emergency purchases), all judicial branch contracts for supplies and services shall be awarded by competitive sealed bidding in accordance with Section 20-10.
 - (b) Other methods. The Director may establish by rule (i) categories of purchases, including non-governmental joint purchases, that may be made without competitive sealed bidding and (ii) the most competitive alternate method of source selection that shall be used for each category of purchase.
- 25-30. More favorable terms. A supply or service contract may include, if determined by the Director or his/her designee to be in the best interests of the State and/or judicial branch, a clause requiring that if more favorable terms are granted by the contractor to any similar state or local governmental agency in any state in a contemporaneous agreement let under the same or similar financial terms and circumstances for comparable supplies or services, the more favorable terms shall be applicable under the contract.
- 25-35. Purchase of postage and shipping services.
- (a) No equivalent
 - (b) Postage and shipping services. All postage stamps purchased from State funds must be perforated for identification purposes. State purchased postage, Federal Express, UPS and other shipping services shall be used for official purposes only.
- 25-45. Energy conservation program. The Director or his/her designee may enter into energy conservation program contracts that provide for utility cost savings. The Director may promulgate and adopt rules for the implementation of this Section.
- 25-55. Annual reports. No equivalent.
- 25-60. Prevailing wage requirements.
- (a) All services furnished under service contracts of \$2,000 or more or \$200 or more per month and under printing contracts shall be subject to the following prevailing wage requirements:
 - (1) Not less than the general prevailing wage rate of hourly wages for work of a similar character in the locality in which the work is produced shall be paid by the successful vendor to its employees who perform the work on the State contracts. The bidder or offeror, in order to be considered to be a responsible bidder or offeror for the purposes of these rules, shall certify to the purchasing office that wages to be paid to its employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the contract is to be performed. Prevailing wages and working conditions shall be determined by the Director of the Illinois Department of Labor.
 - (2) Whenever a collective bargaining agreement is in effect between an employer, other than a governmental body, and service or printing employees as defined in this Section who are represented by a responsible organization that is in no way influenced or controlled by the management, that agreement and its provisions shall be considered as conditions prevalent in that locality and shall be the minimum requirements taken into consideration by the Director of Labor.

- (3) Collective bargaining agreements between State employees and the State of Illinois shall not be taken into account by the Department of Labor in determining the prevailing wage rate.
- (b) As used in this Section, "services" means janitorial cleaning services, window cleaning services, food services, and security services. "Printing" means and includes all processes and operations involved in printing, including but not limited to letterpress, offset, and gravure processes, the multilith method, photographic or other duplicating process, the operations of composition, platemaking, presswork, and binding, and the end products of those processes, methods, and operations. As used in these rules "printing" does not include photocopiers used in the course of normal business activities, photographic equipment used for geographic mapping, or printed matter that is commonly available to the general public from contractor inventory.
- (c) The terms "general prevailing rate of hourly wages", "general prevailing rate of wages", or "prevailing rate of wages" when used in this Section mean the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations, and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character.
- (d) "Locality" shall have the meaning established by rule.
- (e) This Section does not apply to services furnished under contracts for professional or artistic services.
- (f) This Section does not apply to vocational programs of training for physically or mentally handicapped persons or to sheltered workshops for the severely disabled.

**ARTICLE 30
CONSTRUCTION AND CONSTRUCTION-RELATED
PROFESSIONAL SERVICES**

Section
30-5.

Applicability. Construction and construction-related professional services shall be procured in accordance with Article 30 of the Illinois Procurement Code (PA 90-572).

**ARTICLE 35
PROCUREMENT OF PROFESSIONAL AND ARTISTIC SERVICES**

Section
35-5.

Application. All professional and artistic services shall be procured in accordance with the provisions of this Article.

35-10.

Authority. Each purchasing office shall, upon delegation by the Director or his/her designee, have the authority to select, according to the provisions of this Article, its own professional and artistic services.

35-15.

Prequalification.

- (a) The Director may develop appropriate and reasonable prequalification standards and categories of professional and artistic services.
- (b) The Director may also assemble and maintain a comprehensive list of prequalified and categorized businesses and persons.
- (c) Prequalification shall not be used to bar or prevent any qualified business or person from bidding or responding to invitations for bids or proposals.
- (d) In the event the standards and list provided for in subsections (a) and (b) are not developed, the prequalification standards and categories of professional and artistic services and the

comprehensive list of prequalified businesses and persons by Central Management Services may be used by the judicial branch.

- 35-20. Uniformity in procurement. The judicial branch may use the uniform documents for the solicitation, review, and acceptance of all professional and artistic services developed by Central Management Services.
- 35-25. Uniformity in contract. The judicial branch may use the uniform documents for the contracting of professional and artistic services developed by Central Management Services. Nothing herein shall prohibit the Director from developing and using alternative contractual agreements designed to meet the specific needs of the judicial branch.
- 35-30. Awards.
- (a) All judicial branch contracts for professional and artistic services, except as provided in Section 35-35, shall be awarded as outlined in this Section.
 - (b) The Director or his/her designee shall solicit bids from no less than three (3) vendors. The solicitation shall contain an adequate description of the services sought and a description of the necessary qualifications.
 - (c) All interested respondents shall return their bid to the Director or his/her designee.
 - (d) After evaluation and selection, the Director or his/her designee shall notify the successful respondent of his/her selection.
- 35-35. Exceptions. Exceptions to Section 35-30 are allowed for sole source procurements, emergency procurements, and at the discretion of the Director, for professional and artistic contracts that are nonrenewable, one year or less in duration, and have a value of less than \$20,000.
- 35-40. Subcontractors.
- (a) Any contract granted under this Article shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all subcontractors and the expected amount of money each will receive under the contract.
 - (b) If at any time during the term of a contract, a contractor adds or changes any subcontractors, he/she shall promptly notify, in writing, the Director or his/her designee of the names and addresses and the expected amount of money each new or replaced subcontractor will receive.

ARTICLE 40 REAL PROPERTY AND CAPITAL IMPROVEMENT LEASES

- Section
40-5. Applicability. All leases for real property or capital improvements, including office and storage space, buildings, and other facilities, shall be procured in accordance with the provisions of this Article.
- 40-10. Authority. The Director or his/her designee shall have the authority to procure leases for real property or capital improvements.
- 40-15. Lease selection.
- (a) The Director or his/her designee may procure a lease for real property or capital improvements where he/she has determined that such lease is in the best interest of the judicial branch and where the terms of such lease are reasonable as provided in subsection (b).

- (b) When making such determination, whether the terms of the lease are reasonable, the Director or his/her designee may consider the following factors:
 - (1) the purpose for which the lease is sought;
 - (2) the square footage of the property relative to (1);
 - (3) the rental cost of comparable lease space;
 - (4) the availability of lease space in the area where the lease is sought;
 - (5) the location of the property to be leased;
 - (6) any other pertinent factor.
- (c) Where the Director or his/her designee determines in writing that the renewal or extension of a lease is in the best interest of the judicial branch, said lease may be renewed or extended.
- (d) The Director or his/her designee shall maintain lease files for each lease entered into.

40-20. Request for information. No equivalent.

40-25. Length of leases.

- (a) Maximum term. Leases shall be for a term not to exceed 10 years and shall include a termination option in favor of the State after 5 years.
- (b) Renewal. Leases may include a renewal option. An option to renew may be exercised only when the Director or his/her designee determines that renewal is in the best interest of the judicial branch.
- (c) Subject to appropriation. All leases shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.

40-30. Purchase option. Initial leases of all space in entire, free-standing buildings shall include an option to purchase exercisable by the State, unless the Director or his/her designee determines that inclusion of such purchase option is not in the judicial branch's best interest.

40-35. Rent without occupancy. Except when deemed by the Director to be in the best interest of the judicial branch, no judicial branch office may incur rental obligations before occupying the space rented.

40-40. Local site preferences. Upon the request of the chief executive officer of a unit of local government, leasing preferences may be given to sites located in enterprise zones, tax increment districts, or redevelopment districts.

ARTICLE 45 PREFERENCES

Section

45-5. Procurement preferences. To promote business and employment opportunities in Illinois, procurement preferences are established and shall be applicable to any procurement made under these rules.

45-10. Resident bidders.

- (a) Amount of preference. Unless otherwise determined by the Director or his/her designee to be in the best interests of the judicial branch, when a contract is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a non-resident

bidder from any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder. Further, if only non-resident bidders are bidding, the purchasing office is within its right to specify that Illinois labor and manufacturing locations be used as part of the manufacturing process, if applicable. This specification may be negotiated as part of the solicitation process.

- (b) **Residency.** A resident bidder is a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced. A resident bidder includes a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced.
- (c) **Federal funds.** This section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

45-15. Soybean oil-based ink. When it is determined to be in the best interests of the judicial branch, contracts requiring the procurement of printing services shall specify the use of soybean oil-based ink unless the Director or his/her designee determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

45-20. Recycled materials. When a public contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of products made of recycled materials may, on a pilot basis or in accordance with a pilot study, be given preference over other bidders unable to do so, provided that the cost included in the bid of products made of recycled materials is not more than 10% greater than the cost of products not made of recycled materials.

45-25. Recyclable paper. All paper purchased for use by State judicial branch offices must be recyclable paper unless recyclable paper cannot be used to meet the requirements of the judicial branch office. Judicial branch offices shall determine their paper requirements to allow the use of recyclable paper whenever possible, including without limitation using plain paper rather than colored paper that is not recyclable.

45-30. Correctional industries. The Director or his/her designee shall consult a listing maintained by the Department of Corrections of supplies and services available therefrom. The Director or his/her designee may procure from the Department of Corrections without seeking competitive bids or giving public notice.

45-35. Sheltered workshops for the severely handicapped.

- (a) **Qualification.** Supplies and services may be procured without advertising or calling for bids from any qualified not-for-profit agency for the severely handicapped that:
 - (1) complies with Illinois laws governing private not-for-profit organizations;
 - (2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor; and
 - (3) meets the Illinois Department of Human Services just standards for rehabilitation facilities.
- (b) **Participation.** To participate, the not-for-profit agency must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the using agency, and must set a fair market price.
- (c) **Committee.** No equivalent.

45-40. Gas mileage.

- (a) Specification. Contracts for the purchase or lease of new passenger automobiles, other than station wagons, vans, and four-wheel drive vehicles, shall specify the procurement of a model that, according to the most current mileage study published by the U.S. Environmental Protection Agency, can achieve at least the minimum average fuel economy in miles per gallon imposed upon manufacturers of vehicles under Title V of The Motor Vehicle Information and Cost Savings Act.
- (b) Exemptions. The Director or his/her designee may exempt procurements from the requirement of subsection (a) when there is a demonstrated need, submitted in writing, for an automobile that does not meet the minimum average fuel economy standards.

45-45. Small businesses.

- (a) Set-asides. The Director or his/her designee has authority to designate as small business set-asides a fair proportion of construction, supply, and service contracts for award to small businesses in Illinois. Advertisements for bids or offers for those contracts shall specify designation as small business set-asides. In awarding the contracts, only bids or offers from qualified small businesses shall be considered.
- (b) Small business. "Small business" means a business that is independently owned and operated and that is not dominant in its field of operation. The Director may establish a detailed definition by rule, using in addition to the foregoing criteria other criteria, including the number of employees and the dollar volume of business. When computing the size status of a bidder, annual sales and receipts of the bidder and all of its affiliates shall be included. The maximum number of employees and the maximum dollar volume that a small business may have under the rules promulgated by the Director may vary from industry to industry to the extent necessary to reflect differing characteristics of those industries, subject to the following limitations:
 - (1) No wholesale business is a small business if its annual sales for its most recently completed fiscal year exceed \$7,500,000.
 - (2) No retail business or business selling services is a small business if its annual sales and receipts exceed \$1,500,000.
 - (3) No manufacturing business is a small business if it employs more than 250 persons.
 - (4) No construction business is a small business if its annual sales and receipts exceed \$3,000,000.
- (c) Fair proportion. No equivalent.
- (d) Withdrawal of designation. A small business set-aside designation may be withdrawn by the Director when deemed in the best interests of the judicial branch. Upon withdrawal, all bids or offers shall be rejected. The contract shall then be awarded in accordance with these rules without the designation of small business set-aside.
- (e) Small business specialist. No equivalent.
- (f) Small business annual reports. No equivalent.

45-50. Illinois agricultural products. In awarding contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of agricultural products grown in Illinois.

- 45-55. Corn-based plastics. In awarding contracts requiring the procurement of plastic products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of plastic products made from Illinois corn by-products.
- 45-60. Vehicles powered by agricultural commodity-based fuel. In awarding contracts requiring the procurement of vehicles, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans.
- 45-65. Additional preferences. No equivalent.

ARTICLE 50 PROCUREMENT ETHICS AND DISCLOSURE

Section

- 50-1. Purpose. It is the express duty of the Director and his/her designees to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the State of Illinois and to act in a manner that maintains the integrity and public trust of State government. In discharging this duty, they are charged to use available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the judicial branch of the State of Illinois.
- 50-5. Bribery. The Supreme Court hereby adopts Section 50-5 of the Illinois Procurement Code (P.A. 90-572).
- 50-10. Felons. The Supreme Court hereby adopts Section 50-10 of the Illinois Procurement Code (P.A. 90-572)
- 50-10.5. Prohibited bidders and contractors.
- (a) Unless otherwise provided, no business shall bid or enter into a contract with the judicial branch if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of 5 years from the date of conviction.
 - (b) Every bid submitted to and contract executed by the judicial branch may contain a certification by the bidder or contractor that the contractor is not barred from being awarded a contract under this Section and that the contractor acknowledges that the Director may declare the contract void if the certification completed pursuant to this subsection (b) is false.
 - (c) If a business is not a natural person, the prohibition in subsection (a) applies only if:
 - (1) the business itself is convicted of a felony referenced in subsection (a); or
 - (2) the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).
 - (d) A natural person who is convicted of a felony referenced in subsection (a) remains subject to Section 50-10.
- 50-11. Debt Delinquency.
- (a) No person shall submit a bid for or enter into a contract with the judicial branch under this Code if that person knows or should know that he/she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or

constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), a person controls an entity if the person owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

- (b) Every bid submitted to and contract executed by the judicial branch may contain a certification by the bidder or contractor that the contractor and its affiliate is not barred from being awarded a contract under this Section and that the contractor acknowledges that the Director may declare the contract void if the certification completed pursuant to this subsection (b) is false.

50-12. Collection and remittance of Illinois Use Tax.

- (a) No person shall enter into a contract with the judicial branch under this Code unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.
- (b) Every bid submitted and contract executed by the judicial branch may contain a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under subsection (a) of this Section and that the bidder or contractor acknowledges that the Director may declare the contract void if the certification completed pursuant to this subsection (b) is false.

50-13. Conflicts of interest. The Supreme Court hereby adopts Section 50-13 of the Illinois Procurement Code (P.A. 90-572).

50-14. Environmental Protection Act violations.

- (a) Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of Section 42 of the Environmental Protection Act shall do business with the judicial branch from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.
- (b) A person or business otherwise barred from doing business with the judicial branch under subsection (a) may be allowed to do business with the judicial branch if it is shown that there is no practicable alternative to the judicial branch to contracting with that person or business.
- (c) Every bid submitted to and contract executed by the judicial branch may contain a certification by the bidder or contractor that the bidder or contractor is not barred from being awarded a contract under this Section and that the contractor acknowledges that the Director may declare the contract void if the certification completed pursuant to this subsection (c) is false.

50-15. Negotiations. The Supreme Court hereby adopts Section 50-15 of the Illinois Procurement Code (P.A. 90-572).

- 50-20. Exemptions. The Director may exempt individuals from the prohibitions of section 50-13 when, in his/her judgment, the public interest in having the individual in the service of the judicial branch outweighs the public policy evidenced in that Section. Such exemption shall be made in writing and shall set forth the reason for the exemption.
- 50-25. Inducement. The Supreme Court hereby adopts Section 50-25 of the Illinois Procurement Code (P.A. 90-572).
- 50-30. Revolving door prohibition. The Supreme Court hereby adopts Section 50-30 of the Illinois Procurement Code (P.A. 90-572).
- 50-35. Disclosure and potential conflicts of interest.
- (a) All offers from responsive bidders or offerors with an annual value of more than \$25,000 shall be accompanied by disclosure of the financial interests of the contractor, bidder, or proposer. The financial disclosure of each successful bidder or offeror shall become part of the contract or procurement file maintained by the Director or his/her designee.
 - (b) Disclosure by the responsive bidders or offerors shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the bidding entity or its parent entity, whichever is less, unless the contractor or bidder is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure. The form of disclosure shall be prescribed by the Director and must include at least the names, addresses, and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each person identified in this Section having in addition any of the following relationships:
 - (1) State employment, currently or in the previous 3 years, including contractual employment of services.
 - (2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.
 - (3) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.
 - (4) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.
 - (5) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years.
 - (6) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.
 - (7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.
 - (8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.

- (9) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.
- (10) Relationship to anyone; spouse, father, mother, son, or daughter, who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.
- (c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the Director and his/her designees so they may adequately discharge their duty to protect the State.
- (d) In the case of any contract for personal services in excess of \$50,000; any contract competitively bid in excess of \$250,000; any other contract in excess of \$50,000; when a potential for a conflict of interest is identified, discovered, or reasonably suspected it shall be reviewed and commented on in writing by the Chief Justice of the Supreme Court of Illinois or his/her designee. The comment shall be returned to the Director who shall rule in writing whether to void or allow the contract, bid, offer, or proposal weighing the best interest of the judicial branch. The comment and determination shall become a part of the contract, bid, or proposal file.
- (e) These thresholds and disclosure do not relieve the Director or his/her designee from reasonable care and diligence for any contract, bid, offer, or proposal. The Director or his/her designee shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.
- (f) Inadvertent or accidental failure to fully disclose shall render the contract, bid, proposal, or relationship voidable by the Director if he/she deems it in the best interest of the judicial branch and, at his/her discretion, may be cause for barring from future contracts, bids, proposals, or relationships with the judicial branch for a period of up to 2 years.
- (g) Intentional, willful, or material failure to disclose shall render the contract, bid, proposal, or relationship voidable by the Director if he/she deems it in the best interest of the judicial branch and shall result in debarment from future contracts, bids, proposals, or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented on in writing by the Chief Justice of the Illinois Supreme Court, or by his/her designee. The comment shall be returned to the Director who must rule in writing whether and when to reinstate.
- (h) In addition, all disclosures shall note any other current or pending contracts, proposals, leases, or other ongoing procurement relationships the bidding, proposing, or offering entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease, or other relationship.

50-36. Disclosure of business in Iran. The Supreme Court hereby adopts Section 50-36 of the Illinois Procurement Code (P.A. 95-616).

50-37. Prohibition of political contributions. The Supreme Court hereby adopts Section 50-37 of the Illinois Procurement Code (P.A. 95-971).

50-40. Reporting anti-competitive practices. When, for any reason, any vendor, bidder, contractor, chief procurement officer, State purchasing officer, the Director, designee, judicial branch purchasing office, elected official, or State employee suspects collusion or other anti- competitive practice among any bidders, offerors, contractors, proposers, or employees of the State, a notice of the relevant facts shall be transmitted to the Chief Justice, the Director and the Attorney General.

- 50-45. Confidentiality. Any chief procurement officer, State purchasing officer, the Director, designee, judicial branch purchasing office or executive officer who willfully uses or allows the use of specifications, competitive bid documents, proprietary competitive information, proposals, contracts, or selection information to compromise the fairness or integrity of the procurement, bidding, or contract process shall be subject to immediate dismissal, regardless of the Personnel Code, any contract, or any collective bargaining agreement, and may in addition be subject to criminal prosecution.
- 50-50. Insider information. No current or former elected or appointed judicial branch official or employee shall knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for themselves or another person.
- 50-55. Supply inventory. Every State judicial branch office shall inventory or stock no more than a 12-month need of equipment, supplies, commodities, articles, and other items, except as otherwise authorized by the Director. Every State judicial branch office shall periodically review its inventory to ensure compliance with this Section. If, upon review, an office determines it has more than a 12-month supply of any equipment, supplies, commodities, or other items, the office shall undertake transfers of the oversupplied items or other action necessary to maintain compliance with this Section. This Section shall not apply to mechanical spare parts, and items for which the supplier requires a minimum order stipulation.
- 50-60. Voidable contracts.
- (a) If any contract is entered into or purchase or expenditure of funds is made in violation of these rules or any other law, the contract may be declared void by the Director or may be ratified and affirmed, provided the Director determines that ratification is in the best interests of the judicial branch. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.
 - (b) If, during the term of a contract, the judicial branch determines that the contractor is delinquent in the payment of debt as set forth in Section 50-11 of this Code, the Director may declare the contract void if he/she determines that voiding the contract is in the best interests of the judicial branch.
 - (c) If, during the term of a contract, the judicial branch determines that the contractor is in violation of Section 50-10.5 of this Code, the Director may declare the contract void.
- 50-65. Contractor suspension. Any contractor may be suspended for violation of these rules or for failure to conform to specifications or terms of delivery. Suspension shall be for cause and may be for a period of up to 5 years at the discretion of the Director. Contractors may be debarred in accordance with rules promulgated by the Director or as otherwise provided by law.
- 50-70. Additional provisions. This Code is subject to applicable provisions of the following Acts:
- (1) Article 33E of the Criminal Code of 1961 (720 ILCS 5/33E-1 *et seq.*);
 - (2) the Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*);
 - (3) the Discriminatory Club Act (775 ILCS 25/0.01 *et seq.*);
 - (4) the Illinois Governmental Ethics Act (5 ILCS 420/1-101 *et seq.*);
 - (5) the State Prompt Payment Act (30 ILCS 540/0.01 *et seq.*);
 - (6) the Public Officer Prohibited Activities Act (50 ILCS 105/0.01 *et seq.*); and
 - (7) the Drug Free Workplace Act (30 ILCS 580/1 *et seq.*).
- 50-75. Other violations. No equivalent.

**ARTICLE 53
CONCESSIONS**

Section
53-10.

Concessions and leases of State property.

- (a) Concessions, including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, may be entered into by the judicial branch whether tangible or intangible.
- (b) All concessions shall be reduced to writing and shall be awarded under the provisions of Article 20, except that the contract shall be awarded to the highest and best bidder or offeror.

53-20.

Contract duration and terms. The duration and terms of concessions and leases of State property shall be in accordance with these rules or other applicable law.

53-25.

Public institutions of higher education. No equivalent.

**ARTICLE 55
MISCELLANEOUS PROVISIONS**

Section
55-5.

Right to modify rules. Subject to the approval of the Supreme Court of Illinois, the Director shall have the right to modify, change, add to, or delete any article or section of these rules and in such event shall make a written record thereof.

55-10.

Exclusive exercise of powers. No equivalent.

55-15.

Severability. If any provision of these rules or any application of them to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of these rules that can be given effect without the invalid provision or application, and to this end the provisions of these rules are declared to be severable.