

**NOTICE 2022.02
HIGHER EDUCATION**

To: University Procurement Staff
State Purchasing Officers

From: John Donato 
Chief Procurement Officer – Higher Education

Date: August 30, 2021

Subject: 44 ILAC §4.2005(n) – Assignment of Contracts

Pursuant to 44 ILAC §4.2005(n), “all assignments * * * must be in writing. No university contract may be assigned or novation entered into without the prior written consent of the CPO-HE or SPO, provided, however, that a vendor may assign money receivable under a contract after due notice to the State. The assignee or transferee, except in the case of assignment of payment only, must meet all requirements for contracting with the university. Any purported assignment or novation without prior written consent shall be null and void.” This notice and attachments provide direction for receiving SPO approval of a contract assignment.

Please submit the following documents with an assignment request:

- Sample Cover Letter (see attached - will be posted to the Bulletin internally)
- Form A or Form B (will be posted to the Bulletin internally)
- Assignment Evaluation Checklist (see attached)

Sample Cover Letter

The assignor (original vendor) and the assignee (successor vendor) must request authorization, in advance, to assign the State contract. A sample cover letter is attached; however, the letter from the university does not have to be in this exact format. The letter must be submitted to the SPO for review prior to an assignment. A copy of the assignment contract or document memorializing the assignment must be submitted with the letter, clearly identifying the changes to the original agreement as a result of the assignment. If the SPO requires direction regarding the necessary requirements to effectuate the assignment, assistance should be sought from EEC Legal.

Assignment Evaluation Checklist

Please use the attached checklist as a guideline. The university procurement staff is required to complete Sections I and II of the Checklist, after consultation with the SPO, and include it in the procurement file after the assignment is completed. This checklist will indicate the SPO’s approval



of the assignment. The university fiscal office may require additional documentation regarding the assignment. In addition, all Illinois Procurement Code posting requirements and/or notices to the Procurement Policy Board, must be completed.

At the completion of the assignment, the following documents must be included in the file: (1) cover letter, (2) Form A or Form B, (3) executed certifications, (4) executed disclosures and conflicts of interests, (5) executed certifications and disclosures for subcontractors, if applicable, and (6) a completed assignment checklist with the SPO's approval.

PLEASE NOTE: The university fiscal office may require additional documentation regarding the assignment. Also, the university's legal department should be made aware of the transaction.