




**CPO NOTICE 2023.01
HIGHER EDUCATION**

To: University Procurement Staff
State Purchasing Officers

From: John Donato 
Chief Procurement Officer – Higher Education

Date: December 31, 2022

Subject: Legislative Changes, 102nd General Assembly

CC: Commission on Equity and Inclusion
Procurement Policy Board

As a result of Public Acts enacted during the 102nd General Assembly, changes were made to the following sections of the Illinois Procurement Code (30 ILCS 500/), Procurement of Domestic Products Act (30 ILCS 517/), (Business Enterprise for Minorities, Females and Persons with Disabilities (30 ILCS 575/), and Human Rights Act (775 ILCS 5/). This notice is effective on January 1, 2023.

Public Act 102-0721
30 ILCS 500/

- Sections 1-10; 1-12; 1-13 – Exemptions
 - *Requires publication of exempt contracts with an annual value of more than \$100,000.*
- Sections 1-15.107; 1-15.108; 20-120; 35-40 – Subcontractors
 - *Exceeds the small purchase maximum established by Section 20-20.*
- Sections 20-20(d) and 50-90 – Certifications
 - *Small purchases with annual value that exceeds \$50,000 require Standard Illinois Certifications. All contracts with annual value that exceeds \$50,000 require Standard Illinois Certifications.*
- Section 20-60(c) – Renewals
 - *Changes from 30 calendar days to 14 calendar days.*

- Section 20-60(f) – Renewals
 - *Shall not be “unreasonably withheld” by the CPO. Posting requirement for CPO.*
- Section 20-75 – Protests
 - *Sets written determination timeframe.*
- Section 40-25(a-5) – Leases
 - *May exceed 10 years under specified circumstances.*
- Section 40-25(e) – Leases
 - *Requires universities to submit annual report to both houses of the General Assembly.*
- Section 45-105 – Illinois Bidders Preference
 - *Defines Illinois business and Illinois-based project. Adds bidder preference.*
- Section 50-11 – Delinquent Debt
 - *Requires vendor to cure within 7 days.*
- Section 50-35(a) – Financial Disclosures and Small purchase Threshold
 - *Exceeds small purchase threshold established under Section 20-20(a). Changed threshold from \$50,000 to \$100,000, but does not apply to QBS. QBS threshold is \$25,000.*
- Section 50-35(j) – Financial Disclosures Affidavit
 - *Annual value of more than \$100,000 with an active contract with same entity.*

30 ILCS 517/

- Section 3 – Illinois Policy
 - *Maximize use of goods, products, and material produced in Illinois.*
- Section 5 – Manufactured in Illinois
 - *Defines “manufactured in Illinois.”*
- Section 10 – Domestic Products
 - *Does not apply if products manufactured in the United States is 12% more in price than available and comparable products made outside of the United States. Does not apply to sole sources and emergencies. Adds preference in case of a tie between bidders or offerors.*
- Section 25 – Illinois Products Penalty
 - *Adds Illinois.*
- Section 35 – Annual Compliance Report
 - *Requires universities to submit annual compliance report to CPO.*

30 ILCS 575/

- Section 5(h) – Automatic Certification
 - *Council will adopt a procedure to grant automatic certification from four specific entities.*

775 ILCS 5/

- Section 2-105 – Cure
 - *Illinois Department of Human Rights, by rule, will establish the opportunity to cure by a bidder prior to contract award.*

Public Act 102-0753

30 ILCS 500/

- Section 25-90 – Cybersecurity Prohibited Products
 - *Adds prohibition from purchasing products that, due to cybersecurity risks, are prohibited for purchase by federal agencies pursuant to a United States Department of Homeland Security Binding Operational Directive.*

Public Act 102-0783

30 ILCS 500/

- Section 20-80 – Late Execution Waiver
 - *CPO approves waiver instead of Comptroller and Treasurer. Removes the requirement to file with the Treasurer. Must be filed with the Comptroller.*

Public Act 102-1081

30 ILCS 500/

- Section 45-23 – Single Use Plastics
 - *Adds Compostable Foodware/Recyclable Foodware preference.*