

	STATE OF ILLINOIS CHIEF PROCUREMENT OFFICER - HIGHER EDUCATION	
	Topic: Voidable Contracts	Number: 2014-1
	Effective Date: January 17, 2014	Approved by: Ben Bagby, CPO <i>[Signature]</i>
	New ☒ Revises ☐ Replaces ☐ Supplements ☐	
	Statute Cite: 30 ILCS 500/50-60a	Rule Cite: 44 Ill. Adm. Code 4.5620

VOIDABLE CONTRACT REVIEW REQUEST
Section 50-60a
Request to Ratify or Void

Section 50-60a of the Illinois Procurement Code (Code) allows the Chief Procurement Officer the discretion to determine if it is in the best interests of the state to ratify or void a contract or amendment, or purchase or expenditure of funds that is in violation of the Procurement Code or any other law. Section 50-60a of the Code reads as follows:

Sec. 50-60. Voidable contracts

(a) If any contract or amendment thereto is entered into or purchase or expenditure of funds is made at any time in violation of this Code or any other law, the contract or amendment thereto may be declared void by the chief procurement officer or may be ratified and affirmed, provided the chief procurement officer determines that ratification is in the best interests of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.

A University Purchasing Director (UPD) requesting that the CPO take action to void or ratify pursuant to section 50-60a shall notify the assigned State Purchasing Officer (SPO) immediately of any instance of non-compliance as described in section 50-60a of the Code using the Voidable Contract Review Request form.

The UPD will gather all available information on the non-compliant transaction including contacting as necessary the university employee responsible for the action. The UPD shall document the facts and circumstances that led to the noncompliant transaction, and complete the Voidable Contract Review Request form. The UPD shall recommend either ratifying or voiding the transaction at issue. The UPD shall sign the form and submit it to the appropriate senior-level administrator who has oversight of the transaction. The senior-level administrator must sign the form and indicate whether or not he/she concurs.

This fully signed form shall be submitted to the SPO for review and concurrence or non-concurrence. A recommendation of non-concurrence must include reasons for that recommendation. The SPO may discuss the recommendation with the university prior to signing. The SPO will submit the completed form to the CPO for consideration.

The CPO may require additional information before taking action to ratify or void the transaction.

The UPD, in conjunction with the SPO, should determine whether any further performance or deliveries should be stopped, or continued with an interim procurement action, such as a small or emergency contract until final CPO determination.

The UPD shall institute measures to help prevent recurrence of this non-compliance. This shall include, at a minimum, a formal communication reminding staff that compliance with the Code is necessary and that failure to comply can result in contracts being declared void. In addition, the CPO may require attendance at one or more procurement training sessions to further emphasize the importance of compliance.

In addition to the above, the CPO may initiate action to ratify or void a transaction, but would consult with the affected university before taking action.

The term "university" also includes the Illinois Math and Science Academy.