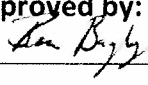
	STATE OF ILLINOIS CHIEF PROCUREMENT OFFICER - HIGHER EDUCATION	
	Topic: 50-13 Review for Potential Conflicts of Interest	Number: 2016-03
	Effective Date: May 17, 2016	Approved by: Ben Bagby, CPO 
	New <input checked="" type="checkbox"/> Revises _____ Replaces _____	
	Statute Cite: 30 ILCS 500/50-13, 50-20	Rule Cite: 44 Ill. Admin. Code 4.5013, 4.5020
	Related Statute: 30 ILCS 500/50-35, 50-38	Related Rule: 44 Ill. Admin. Code 4.5035, 4.5020, 2 Ill. Admin. Code 1620.1200

POLICY

It is the policy of the Chief Procurement Office (CPO) to review, in an efficient and timely manner, information required to be disclosed under Section 50-13 of the Procurement Code (Code) to determine if a vendor or subcontractor has a prohibited conflict of interest.

SCOPE

This policy and procedure implements Section 50-13 of the Code relating to processing of contracts for which there is a prohibited conflict of interest. In specific circumstances, State elected officials, appointed officials or employees, and their spouse or minor child, are prohibited from acquiring or benefitting from a State contract paid for with funds appropriated in whole or in part by the General Assembly, or in any contract of the Capital Development Board, or the Illinois Toll Highway Authority. This prohibition applies to state employees or officers whose salary exceeds 60% of the Governor's salary, and to officers or employees of the Capital Development board or the Illinois Toll Highway Authority regardless of their salary. Disclosure of this type of conflict is required for all bids or offers regardless of contract value. It is also required for all submissions to the Illinois Procurement Gateway (IPG).

Financial disclosures are incorporated as a material term of the contract and are part of the publicly available procurement file.

When a prohibited conflict of interest is identified, discovered, or reasonably suspected under Section 50-13 of the Code, the State Purchasing Officer (SPO) must send the proposed contract to the CPO. The CPO shall determine whether to request an exemption from the conflict of interest from the Executive Ethics Commission (EEC) in accordance with 30 ILCS 500/50-20. When requested by the CPO, the EEC must hold a public hearing.

This policy and procedure does not address potential conflicts of interest identified in Section 50-35 of the Procurement Code. A separate policy is issued to address the review of potential conflicts of interest as defined in Section 50-35.

PROCEDURE

This procedure details the steps in identifying, reviewing and resolving 50-13 conflicts of interest. This procedure documents the internal activities and identifies who has responsibility at each step of the process.

Financial disclosures and conflicts of interest may be submitted in either of two formats: Form A where the certifications and disclosures are submitted on paper, or Form B where the disclosures are submitted electronically through the IPG. Procedural steps are given for both Form A and Form B.

	Procedure Steps	Responsible Party
1.	Financial Disclosures and Conflicts of Interest Form Review: Form A Section 5 Step 4 or Form B IPG Form I	
1.1	Form A, Section 5, Step 4 and Form B, IPG Form I, questions 5-10 identify whether a potential vendor has a prohibited conflict of interest. The existence of a disclosed relationship precludes a contract with a university, unless an exemption is requested by the CPO and granted by the EEC.	University
1.2	Review disclosure for all vendors regardless of contract value	University
1.3	For contract renewals or annual recertifications of multi-year contracts, review the Certification of No Change, and if necessary, any disclosure for all vendors regardless of contract value	University
1.4	Review disclosures for any officer or employee whose salary is in excess of 60% of the Governor's salary; who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority; or who has a spouse or minor child who has such a financial interest in the vendor. Review whether any of those persons are entitled to receive more than 7.5% of the distributable income of the vendor, or an amount in excess of the Governor's salary; or any such person who, together with their spouse or minor children, are entitled to receive more than 15%, in the aggregate, of the vendor's total distributable income or an amount in excess of 2 times the Governor's salary.	University
If one of the boxes identified in 1.1 above is marked yes, University forwards Conflict of Interest Review and determination Form, Financial Disclosures and Conflicts of Interest (from either Form A or Form B), Bulletin Notice, copy of proposed contract (may be proposed contract or a copy of the solicitation response) to the SPO. The SPO will assist the University		

in determining if an exception is applicable under Section 50-13(f) of the Code or if an exemption can be requested.

2.	Determine if an exception applies to the identified relationship.	
2.1	Not every disclosed relationship is a prohibited conflict of interest. Section 50-13(f) provides exceptions for public aid payments, certain teaching personal service contracts, personal service contracts for ministerial duties, payments made for some child and family services, or certain licensed professional contracts that are competitively bid or are for social service agencies. SPO will consult with CPO for assistance, if needed, before determining if an exception applies and there is no prohibited conflict of interest. SPO will notify the University of the determination.	SPO/CPO
2.2	Report affirmative determinations to CPO and cc: the PPB.	SPO
3.	CPO Review of Conflict of Interest	
3.1	CPO reviews the conflict of interest and request from the university for an exemption hearing. In deciding on whether to request a hearing from the EEC, the CPO must determine that exempting an individual in the service of the State outweighs the public policy evidenced in Section 50-13 of the Code that officials, employees and their immediate families should not have an interest in a State contract.	CPO
3.2	CPO determines an exemption request to the EEC does not meet the statutory requirements and advises the university it may not contract with the potential vendor or subcontractor. The SPO and PPB are cc:d on the communication.	CPO
3.3	CPO determines an exemption request meets the statutory requirements and advises the university it will request an exemption hearing from the EEC. The SPO and PPB are cc:d on the communication.	CPO
4.	EEC Hearing	
4.1	CPO files written request with EEC to exempt named individuals from the prohibitions of Section 50-13. The request must describe in detail the nature of the conflict and the reason or reasons why the individual should be exempted from Section 50-13 of the Procurement Code. The university, SPO and PPB are cc:d on the communication.	CPO
4.2	The EEC appoints a Hearing Officer to conduct the public hearing. The EEC Hearing Officer schedules the hearing no later than 30 calendar days after the CPO's written request, but provides at least 14 calendar days' notice of the hearing to its website and outside of hearing room. The hearing notice includes the date, time and location of the hearing and advises that the hearing is open to the public. Anyone wishing to present written or oral comment may notify the EEC Hearing Officer of their	EEC

	request to offer testimony.	
4.3	CPO/SPO publishes Notice of Hearing, including the date, time, and location of the hearing in the Procurement Bulletin at least 14 calendar days in advance of the hearing. The hearing notice advises that the hearing is open to the public and anyone wishing to present written or oral comment may notify the EEC Hearing Officer of their request to offer testimony. Notice of the hearing must also be provided to the individual subject to the exemption request and to the PPB.	CPO/SPO
4.4	<p>EEC Hearing Officer hears testimony of whether the public interest in permitting the person in the service of the State having an interest in a state contract outweighs the public policy evidenced in Section 50-13 of the Procurement Code.</p> <p>The EEC Hearing Officer may request information relevant to whether the exemption request is supported by the facts, whether the facts trigger the conflict of interest provision of Section 50-13, whether the individual had involvement in the procurement or other procurements at the university, confirmation of the individual's salary and beneficial interest in the vendor, a description of the procurement method and process and whether the selection of the proposed vendor was competitive, the impact upon the university should the procurement be unable to proceed, and any explanation of the individual's involvement in the preparation of the vendor's bid or offer. The EEC Hearing Officer may request any additional information that may be helpful to reaching a determination.</p>	EEC
4.5	Within 60 days of the public hearing, the EEC releases a decision that grants or denies the exemption. The decision must include a statement setting forth the name of the individual and all pertinent facts that make Section 50-13 applicable, the reason for the exemption if granted, and a statement that the individual is exempted from Section 50-13 as it relates to the specific procurement. EEC provides a copy of the decision to the CPO, with a cc: to the university, SPO, and PPB.	EEC
4.6	EEC publishes its decision to its website.	EEC
4.7	CPO/SPO publishes EEC decision to the Procurement Bulletin.	CPO/SPO
4.8	If an exemption is granted, it must be filed with the Secretary of State and the Comptroller prior to execution of the contract in order to be effective. If the contract is executed before the exemption is filed, the contract is voidable and the exemption is no longer effective to remove the prohibitions in 50-13.	CPO/SPO

30 ILCS 500/50-13
Conflicts of interest

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c-5) Appointees and firms. In addition to any provisions of this Code, the interests of certain appointees and their firms are subject to Section 3A-35 of the Illinois Governmental Ethics Act.

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 calendar days after the officer, member, or employee takes office or is employed.

- (f) Exceptions.
- (1) Public aid payments. This Section does not apply to payments made for a public aid recipient.
 - (2) Teaching. This Section does not apply to a contract for personal services as a teacher of school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.
 - (3) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive state officer or employee or a member of the General Assembly.
 - (4) Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.
 - (5) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Healthcare and Family Services, the Department of Public Health, or the Department of Aging.
- (g) Penalty. A person convicted of this Section is guilty of a business offense and shall be fined not less than \$1,000 nor more than \$5,000.

30 ILCS 500/50-20

Exemptions

The appropriate chief procurement officer may file a request with the Executive Ethics Commission to exempt named individuals from the prohibitions of Section 50-13 when, in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. The Executive Ethics Commission may grant an exemption after a public hearing at which any person may present testimony. The chief procurement officer shall publish notice of the date, time, and location of the hearing in the online electronic Bulletin at least 14 calendar days prior to the hearing and provide notice to the individual subject to the waiver and the Procurement Policy Board. The Executive Ethics Commission shall also provide public notice of the date, time, and location of the hearing on its website. If the Commission grants an exemption, the exemption is effective only if it is filed with the Secretary of State and the Comptroller prior to the execution of any contract and includes a statement setting forth the name of the individual and all the pertinent facts that would make that Section applicable, setting forth the reason for the exemption, and declaring the individual exempted from that Section. Notice of each exemption shall be published in the Illinois Procurement Bulletin. A contract for which a waiver has been issued but has not been filed in accordance with this Section is voidable by the State. The changes to this Section made by this amendatory Act of the 96th General Assembly shall apply to exemptions granted on or after its effective date.

44 Ill. Admin Code §4.5013

Conflicts of Interest Prohibited by the Code

- a) Any bid, proposal, offer of acceptance, or proposed contract must be reviewed for conflicts of interest pursuant to Section 50-13 of the Code. If a potential conflict exists, no contract will be executed unless the CPO requests and is granted an exemption by the Executive Ethics Commission under Section 50-20 of the Code.

- 1) Office or Employment

It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority. [30 ILCS 500/50-13(a)]

- 2) Financial Interests

It is unlawful for any firm, partnership, association, or corporation, in which any person as described in subsection (a) is entitled to receive more than 7½% of the total distributable income or an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein. [30 ILCS 500/13(b)]

- 3) Combined Financial Interests

It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a)(1) together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein. [30 ILCS 500/13(c)]

- b) For the purposes of this Part, an individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise receives a direct financial benefit in conjunction with performance of a contract, including finder's fees and commission payments.
- c) For the purposes of this Part, "distributable income" means the income of a company after payment of all expenses, including employee salary and bonus, and retained earnings, which are distributed to those entitled to receive a share of the income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income the entitlement shall be determined at the end of the company's most recent fiscal year.
- d) This Section applies to those elected to an office of Illinois State government. This Section does not apply to those elected to local government offices, including school district offices, nor does it apply to those elected to federal offices in this State. This Section does not apply to contracts with licensed professionals, provided those contracts are competitively bid. For purposes of this Section, "bid" means procured pursuant to the competitive procedures identified in Subpart E.
- e) Additional exceptions to the application of this Part are listed in Section 50-13(f) of the Code.

44 III. Admin. Code §4.5020

Exemptions

If the university or SPO finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, the university shall make a recommendation to the SPO and include documentation of the university's position on the conflict. The SPO shall forward the university's recommendation and documentation to the CPO-HE, along with the name of the vendor and a description of the proposed contract. The CPO-HE shall decide whether to disapprove the contract or file a request for exemption with the Executive Ethics Commission to determine whether an exemption should be granted in accordance with Section 50-20 of the Code.

2 III. Admin. Code §1620.1200

Procurement Code Conflicts of Interest Exemptions

An appropriate Chief Procurement Officer may file a request with the Executive Ethics Commission to exempt named individuals from the prohibitions of Section 50-13 of the Procurement Code when, in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. [30 ILCS 500/50-20]

- a) The request shall be in writing and describe in detail the nature of the conflict and the reason or reasons why the individual should be exempted from Section 50-13 of the Procurement Code.
- b) Upon receipt of the request for an exemption, the Commission shall set a date, time and location *for a public hearing at which any person may present written or oral testimony, and provide public notice of the hearing on its web site.* The Commission shall also appoint a hearing officer to conduct the public hearing.
- c) *The Chief Procurement Officer making the request for an exemption shall publish notice of the date, time and location of the hearing in the online electronic Illinois Procurement Bulletin at least 14 days prior to the hearing and provide notice to the individual subject to the waiver and to the Procurement Policy Board. [30 ILCS 500/50-20]*
- d) Within 60 days after the public hearing, the Commission shall release a decision that grants or denies the exemption. The decision shall include a statement setting forth the name of the individual and all

the pertinent facts that would make that Section applicable, setting forth the reason for the exemption and declaring whether the individual was exempted from Section 50-13 of the Procurement Code. This decision shall be published in the Illinois Procurement Bulletin and, if the decision grants the exemption, also be filed with the Secretary of State and the Comptroller.

FORM A
FINANCIAL DISCLOSURES and CONFLICTS of INTEREST

The Financial Disclosures and Conflicts of Interest form ("form") must be accurately completed and submitted by the vendor, parent entity(ies), and subcontractors. There are **nine** steps to this form and each must be completed as instructed in the step heading and within the step. A bid, offer, or proposal that does not include this form shall be considered non-responsive. The Agency/University will consider this form when evaluating the bid, offer, or proposal or awarding the contract.

The requirement of disclosure of financial interests and conflicts of interest is a continuing obligation. If circumstances change and the disclosure is no longer accurate, then disclosing entities must provide an updated form.

Separate forms are required for the vendor, any parent entity(ies) and any subcontractors.

This disclosure is submitted for (check one):

- ☐ Vendor
- ☐ Vendor's Parent Entity(ies) (show 100% ownership)
- ☐ Subcontractor(s) >\$50,000
- ☐ Subcontractor's Parent Entity(ies) > \$50,000

Project Name: _____

Procurement Bulletin Reference #: _____

Vendor Name: _____

Doing Business As (DBA): _____

Disclosing Entity Name: _____

Disclosing Entity's Parent Entity: _____

Instrument of Ownership or Beneficial Interest (check one):

- ☐ Sole Proprietorship
 - ☐ Corporate Stock (C-Corporation, S-Corporation, Professional Corporation, Service Corporation)
 - ☐ Limited Liability Company Membership Agreement (Series LLC, Low-Profit Limited Liability Partnership)
 - ☐ Partnership Agreement (General Partnership, Limited Partnership, Limited Liability Partnership, Limited Liability Limited Partnership)
 - ☐ Not-for-Profit
 - ☐ Trust Agreement (Beneficiary)
 - ☐ Other
- If you selected Other, please describe: _____

STEP 1

SUPPORTING DOCUMENTATION SUBMITTAL

(All vendors complete regardless of annual bid, offer, or contract value)
(Subcontractors with subcontract annual value of more than \$50,000 must complete)

You must select one of the six options below and select the documentation you are submitting. You must provide the documentation the applicable section requires with this form.

- ☐ Option 1 – Publicly Traded Entities
- 1.A. ☐ Complete Step 2, Option A for each qualifying individual or entity holding any ownership or distributive income share in excess of 5% or an amount greater than 60% (\$106,447.20) of the annual salary of the Governor.
- OR
- 1.B. ☐ Attach a copy of the Federal 10-K or provide a web address of an electronic copy of the Federal 10-K, and skip to Step 3.
- ☐ Option 2 – Privately Held Entities with more than 100 Shareholders
- 2.A. ☐ Complete Step 2, Option A for each qualifying individual or entity holding any ownership or distributive income share in excess of 5% or an amount greater than 60% (\$106,447.20) of the annual salary of the Governor.
- OR
- 2.B. ☐ Complete Step 2, Option A for each qualifying individual or entity holding any ownership share in excess of 5% and attach the information Federal 10-K reporting companies are required to report under 17 CFR 229.401.
- ☐ Option 3 – All other Privately Held Entities, not including Sole Proprietorships
- 3.A. ☐ Complete Step 2, Option A for each qualifying individual or entity holding any ownership or distributive income share in excess of 5% or an amount greater than 60% (\$106,447.20) of the annual salary of the Governor.
- ☐ Option 4 – Foreign Entities
- 4.A. ☐ Complete Step 2, Option A for each qualifying individual or entity holding any ownership or distributive income share in excess of 5% or an amount greater than 60% (\$106,447.20) of the annual salary of the Governor.
- OR
- 4.B. ☐ Attach a copy of the Securities Exchange Commission Form 20-F or 40-F and skip to Step 3.
- ☐ Option 5 – Not-for-Profit Entities
- ☐ Complete Step 2, Option B.
- ☐ Option 6 – Sole Proprietorships
- ☐ Skip to Step 3.

STEP 2**DISCLOSURE OF FINANCIAL INTEREST OR BOARD OF DIRECTORS**

(All vendors, except sole proprietorships, must complete regardless of annual bid, offer, or contract value)
(Subcontractors with subcontract annual value of more than \$50,000 must complete)

Complete **either** Option A (for all entities other than not-for-profits) or Option B (for not-for-profits). Additional rows may be inserted into the tables or an attachment may be provided if needed.

OPTION A – Ownership Share and Distributive Income

Ownership Share – If you selected Option 1.A., 2.A., 2.B., 3.A., or 4.A. in Step 1, provide the name and address of each individual or entity and their percentage of ownership if said percentage exceeds 5%, or the dollar value of their ownership if said dollar value exceeds \$106,447.20.

☐ Check here if including an attachment with requested information in a format substantially similar to the format below.

TABLE – X			
Name	Address	Percentage of Ownership	\$ Value of Ownership

Distributive Income – If you selected Option 1.A., 2.A., 3.A., or 4.A. in Step 1, provide the name and address of each individual or entity and their percentage of the disclosing vendor's total distributive income if said percentage exceeds 5% of the total distributive income of the disclosing entity, or the dollar value of their distributive income if said dollar value exceeds \$106,447.20.

☐ Check here if including an attachment with requested information in a format substantially similar to the format below.

TABLE – Y			
Name	Address	% of Distributive Income	\$ Value of Distributive Income

Please certify that the following statements are true.

I have disclosed all individuals or entities that hold an ownership interest of greater than 5% or greater than \$106,447.20.

☐ Yes ☐ No

I have disclosed all individuals or entities that were entitled to receive distributive income in an amount greater than \$106,447.20 or greater than 5% of the total distributive income of the disclosing entity. ☐ Yes ☐ No

OPTION B – Disclosure of Board of Directors (Not-for-Profits)

If you selected Option 5 in Step 1, list members of your board of directors. Please include an attachment if necessary.

TABLE – Z	
Name	Address

STEP 3**DISCLOSURE OF LOBBYIST OR AGENT**

(Complete only if bid, offer, or contract has an annual value over \$50,000)
 (Subcontractors with subcontract annual value of more than \$50,000 must complete)

☐ Yes ☐ No. Is your company represented by or do you employ a lobbyist required to register under the Lobbyist Registration Act (lobbyist must be registered pursuant to the Act with the Secretary of State) or other agent who is not identified through Step 2, Option A above and who has communicated, is communicating, or may communicate with any State/Public University officer or employee concerning this solicitation? If yes, please identify each lobbyist and agent, including the name and address below.

If you have a lobbyist that does not meet the criteria, then you do not have to disclose the lobbyist's information.

Name	Address	Relationship to Disclosing Entity

Describe all costs/fees/compensation/reimbursements related to the assistance provided by each representative lobbyist or other agent to obtain this Agency/University contract:

STEP 4**PROHIBITED CONFLICTS OF INTEREST**

(All vendors must complete regardless of annual bid, offer, or contract value)
 (Subcontractors with subcontract annual value of more than \$50,000 must complete)

Step 4 must be completed for each person disclosed in Step 2, Option A and for sole proprietors identified in Step 1, Option 6 above. Please provide the name of the person for which responses are provided:

- Do you hold or are you the spouse or minor child who holds an elective office in the State of Illinois or hold a seat in the General Assembly? ☐ Yes ☐ No
- Have you, your spouse, or minor child been appointed to or employed in any offices or agencies of State government and receive compensation for such employment in excess of 60% (\$106,447.20) of the salary of the Governor? ☐ Yes ☐ No
- Are you or are you the spouse or minor child of an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority? ☐ Yes ☐ No
- Have you, your spouse, or an immediate family member who lives in your residence currently or who lived in your residence within the last 12 months been appointed as a member of a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor? ☐ Yes ☐ No
- If you answered yes to any question in 1-4 above, please answer the following: Do you, your spouse, or minor child receive from the vendor more than 7.5% of the vendor's total distributable income or an amount of distributable income in excess of the salary of the Governor (\$177,412.00)? ☐ Yes ☐ No
- If you answered yes to any question in 1-4 above, please answer the following: Is there a combined interest of self with spouse or minor child more than 15% in the aggregate of the vendor's distributable income or an amount of distributable income in excess of two times the salary of the Governor(\$354,824.00)? ☐ Yes ☐ No

STEP 5
POTENTIAL CONFLICTS OF INTEREST RELATING TO PERSONAL RELATIONSHIPS
(Complete only if bid, offer, or contract has an annual value over \$50,000)
(Subcontractors with subcontract annual value of more than \$50,000 must complete)

Step 5 must be completed for each person disclosed in Step 2, Option A and for sole proprietors identified in Step 1, Option 6 above.

Please provide the name of the person for which responses are provided:

1. Do you currently have, or in the previous 3 years have you had State employment, including contractual employment of services? ☐ Yes ☐ No
2. Has your spouse, father, mother, son, or daughter, had State employment, including contractual employment for services, in the previous 2 years? ☐ Yes ☐ No
3. Do you hold currently or have you held in the previous 3 years elective office of the State of Illinois, the government of the United States, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois? ☐ Yes ☐ No
4. Do you have a relationship to anyone (spouse, father, mother, son, or daughter) holding elective office currently or in the previous 2 years? ☐ Yes ☐ No
5. Do you hold or have you held in the previous 3 years 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? ☐ Yes ☐ No
6. Do you have a relationship to anyone (spouse, father, mother, son, or daughter) holding appointive office currently or in the previous 2 years? ☐ Yes ☐ No
7. Do you currently have or in the previous 3 years had employment as or by any registered lobbyist of the State government? ☐ Yes ☐ No
8. Do you currently have or in the previous 2 years had a relationship to anyone (spouse, father, mother, son, or daughter) that is or was a registered lobbyist? ☐ Yes ☐ No
9. Do you currently have or in the previous 3 years had compensated employment 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? ☐ Yes ☐ No
10. Do you currently have or in the previous 2 years had a relationship to anyone (spouse, father, mother, son, or daughter) who is or was a compensated employee of any registered election or reelection 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? ☐ Yes ☐ No

STEP 6
EXPLANATION OF AFFIRMATIVE RESPONSES

(All vendors must complete regardless of annual bid, offer, or contract value)
(Subcontractors with subcontract annual value of more than \$50,000 must complete)

If you answered "Yes" in Step 4 or Step 5, please provide on an additional page a detailed explanation that includes, but is not limited to the name, salary, State agency or university, and position title of each individual.

STEP 7**POTENTIAL CONFLICTS OF INTEREST RELATING TO DEBARMENT & LEGAL PROCEEDINGS**

(Complete only if bid, offer, or contract has an annual value over \$50,000)

(Subcontractors with subcontract annual value of more than \$50,000 must complete)

This step must be completed for each person disclosed in Step 2, Option A, Step 3, and for each entity and sole proprietor disclosed in Step 1.

Please provide the name of the person or entity for which responses are provided:

1. Within the previous ten years, have you had debarment from contracting with any governmental entity? ☐ Yes ☐ No
2. Within the previous ten years, have you had any professional licensure discipline? ☐ Yes ☐ No
3. Within the previous ten years, have you had any bankruptcies? ☐ Yes ☐ No
4. Within the previous ten years, have you had any adverse civil judgments and administrative findings? ☐ Yes ☐ No
5. Within the previous ten years, have you had any criminal felony convictions? ☐ Yes ☐ No

If you answered "Yes", please provide a detailed explanation that includes, but is not limited to the name, State agency or university, and position title of each individual.

STEP 8**DISCLOSURE OF CURRENT AND PENDING CONTRACTS**

(Complete only if bid, offer, or contract has an annual value over \$50,000)

(Subcontractors with subcontract annual value of more than \$50,000 must complete)

If you selected Option 1, 2, 3, 4, or 6 in Step 1, do you have any contracts, pending contracts, bids, proposals, subcontracts, leases or other ongoing procurement relationships with units of State of Illinois government? ☐ Yes ☐ No.

If "Yes", please specify below. Attach an additional page in the same format as provided below, if desired.

Agency/University	Project Title	Status	Value	Contract Reference/P.O./Illinois Procurement Bulletin #

Please explain the procurement relationship:

SIGN THE DISCLOSURE

(All vendors must complete regardless of annual bid, offer, or contract value)

(Subcontractors with subcontract annual value of more than \$50,000 must complete)

This disclosure is signed, and made under penalty of perjury for all for-profit entities, by an authorized officer or employee on behalf of the bidder or offeror pursuant to Sections 50-13 and 50-35 of the Illinois Procurement Code. This disclosure information is submitted on behalf of:

Name of Disclosing Entity:

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Phone Number: _____

Email Address: _____

FORM B
IPG Registration and Additional Certifications

STOP – Please read the following instructions carefully.

FORM B may be used when the vendor is **registered** in the Illinois Procurement Gateway (IPG) and **does have** an active unexpired IPG registration number.

To verify registration, go to the Illinois Procurement Gateway (<https://ipg.vendorreg.com>) and search the "IPG Registered Vendor Directory". If you do not find your company name, you will need to complete and submit your Illinois Vendor Registration on the website AND you must submit FORM A with your solicitation response.

If the vendor **IS NOT** registered in the Illinois Procurement Gateway (IPG) and **DOES NOT HAVE** an active IPG Registration Number with an unexpired date, the vendor must complete and submit the information requested on **FORM A** with their response.

Failure to provide the correct form may render the submission non-responsive and will result in disqualification.

Please read this entire section and provide the requested information as applicable. All parts in Form B must be completed in full and submitted along with the vendor's response.

1. Certification of Illinois Procurement Gateway Registration

My business has registered in the Illinois Procurement Gateway (IPG). The State of Illinois Chief Procurement Office approved the registration and provided the IPG registration number and expiration date disclosed below.

IPG Registration #: _____ IPG Expiration Date: _____

2. Certification Timely to this Solicitation

Vendor certifies it is not barred from having a contract with the State based upon violating the prohibitions related to either submitting/writing specifications or providing assistance to an employee of the State of Illinois by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request of information, or similar assistance (except as part of a public request for such information). 30 ILCS 500/50-10.5(e), amended by Pub. Act No. 97-0895 (August 3, 2012). ☐ Yes ☐ No

3. Replacement Certification to IPG Certification #6 (supersedes response in IPG)

If Vendor has been convicted of a felony, Vendor certifies at least five years have passed since the date of completion of the sentence for such felony, unless no person held responsible by a prosecutor's office for the facts upon which the conviction was based continues to have any involvement with the business. Vendor further certifies that it is not barred from being awarded a contract. 30 ILCS 500/50-10 ☐ Yes ☐ No

4. Disclosure of Lobbyist or Agent (Complete only if bid, offer, or contract has an annual value over \$50,000)

Is your company or parent entity(ies) represented by or do you or your parent entity(ies) employ a lobbyist required to register under the Lobbyist Registration Act (lobbyist must be registered pursuant to the Act with the Secretary of State) or an agent who has communicated, is communicating, or may communicate with any State/Public University officer or employee concerning this solicitation? ☐ Yes ☐ No If yes, please identify each lobbyist and agent, including the name and address below. If you have a lobbyist that does not meet the

criteria, then you do not have to disclose the lobbyist's information.

Name	Address	Relationship to Disclosing Entity

Describe all costs/fees/compensation/reimbursements related to the assistance provided by each representative lobbyist or other agent to obtain this University contract:

5. Disclosure of Current and Pending Contracts

Complete only if: (a) your business is for-profit and (b) the bid, offer, or contract has an annual value over \$50,000. Do not complete if you are a not-for-profit entity.

☐ Yes ☐ No. Do you have any contracts, pending contracts, bids, proposals, subcontracts, leases or other ongoing procurement relationships with any units of State of Illinois government?

If "Yes", please specify below. Attach an additional page in the same format as provided below, if desired.

Agency/University	Project Title	Status	Value	Contract Reference/P.O./Illinois Procurement Bulletin #

6. Signature

As of the date signed below, I certify that:

- My business' information and the certifications made in the Illinois Procurement Gateway are truthful, current and accurate.
- The certifications and disclosures made in this Form B are truthful and accurate.

This Form B is signed by an authorized officer or employee on behalf of the bidder, offeror, vendor, or vendor pursuant to Sections 50-13 and 50-35 of the Illinois Procurement Code, and the affirmation of the accuracy of the financial disclosures is made under penalty of perjury.

This information is submitted on behalf of:

Vendor Name: _____
Street Address: _____
City, State Zip: _____

Phone: _____
Email: _____
Vendor Contact: _____

Signature: _____
Printed Name: _____

Date: _____
Title: _____

Form B
IPG Form I (Redacted)

Generated by Joe Kim, Joe's Car Wash, LLC on 5/27/2015

Vendor Registration: Edit Form

Help & Tools 

Complete the form below. Fields marked with a red asterisk are required and must be answered to submit this form.

Having trouble with this form? See the [State of Illinois Vendor Registration FAQ's](#).

* required entry

Vendor Registration	
Form Name	I. Financial Disclosure & Conflicts of Interest
Description	Complete the Financial Disclosure & Conflicts of Interest form

I. Financial Disclosure & Conflicts of Interest - Instructions

Financial Disclosures and Conflicts of Interest information must be accurately completed and submitted by the prime contractor, any parent entity(ies) and any subcontractors. State agencies and universities will consider this information when evaluating individual solicitations or awarding contracts.

The requirement of disclosure of financial interests and conflicts of interest is a continuing obligation. If circumstances change and the previously submitted information is no longer accurate, disclosing entities must provide an updated form.

The attached Financial Disclosure and Conflicts of Interest form must be completed if your business is 100% owned by another entity, called a "parent." If there are several layers of 100% ownership parents, then a separate form for each 100% ownership parent is required.

I. Financial Disclosures & Conflicts of Interest


A. Identify the applicable entity type. *

Select ONE:

- ☐ Publicly Traded Entity
- ☐ Privately Held Entity with more than 100 shareholders
- ☐ Foreign Entity (non-U.S.)
- ☐ Sole Proprietorship
- ☐ Not-for-profit entity
- ☐ Other Privately Held Entity (i.e. LLC, partnership, privately held corporation with 100 or fewer shareholders, or other entity type not clearly identified in another option)

B. Is there a parent entity that owns 100% of the business? *

- ☐ No
- ☐ Yes

Attach	Document	Instructions	Download Form	Status (refresh)
Attach	Parent Form	Document is REQUIRED when option is selected - You MUST download the form, fill in, and upload to this record.	Download	 Not Attached

C. Instrument of Ownership or Beneficial Interest *

Select ONE:

- ☐ Corporate Stock (C-Corporation, S-Corporation, Professional Corporation, Service Corporation)
- ☐ Limited Liability Company Membership Agreement (Series LLC, Low-Profit Limited Liability Partnership)
- ☐ Partnership Agreement (General Partnership, Limited Partnership, Limited Liability Partnership, Limited Liability Limited Partnership)

- ☐ Trust Agreement (Beneficiary)
- ☐ Sole Proprietorship
- ☐ Not-for-Profit
- ☐ Other

Please describe:

1. Is there any individual or entity who meets ANY of the following thresholds: (a) Owns more than 5% of the business, (b) Holds ownership share of the business valued in excess of \$106,447.20, (c) Is entitled to more than 5% of the business' distributive income, or (d) Is entitled to more than \$106,447.20 of the business' distributive income? *

Select ONE:

- ☐ Yes, the information is publicly available on a website

Provide a web address to retrieve an electronic copy of your entity's Federal 10K, 20F, 40F, or, if a Privately Held Entity with more than 100 Shareholders, equivalent information required to be reported pursuant to 17 CFR 229.401.

- ☐ Yes, the information is publicly available as a document

Attach a copy of your entity's Federal 10K, 20F, 40F, or, if a Privately Held Entity with more than 100 Shareholders, equivalent information required to be reported pursuant to 17 CFR 229.401.

Attach	Document	Instructions	Download Form	Status (refresh)
Attach	Federal 10K, 20F, 40F, or, if a Privately Held Entity with more than 100 Shareholders, equivalent information required to be reported pursuant to 17 CFR 229.401.	Document is REQUIRED when option is selected - Attach a copy of the document.		Not Attached

- ☐ Yes, the information is not publicly available (If any individuals are listed, answer Yes or No to questions 5-8 and 11-20.)

Download and complete the provided form (below) for each owning individual. Attach the completed form for all owners.

Attach	Document	Instructions	Download Form	Status (refresh)
Attach	List of individuals or entities meeting one or more of the listed thresholds.	Document is REQUIRED when option is selected - Download the form, fill in, and upload to this record.	Download	Not Attached

- ☐ Yes - Sole Proprietor (answer Yes or No to Questions 5-8 and 11-20)

Enter the owner's first and last name:

- ☐ No, there are no individuals or entities that meet any of these thresholds. NOTE: Most privately-held businesses have at least one person or entity who owns more than 5% of the business or meets another threshold requiring disclosure.
- ☐ Not applicable - Not-for-Profit Entity

5. For the individuals disclosed above in question 1 and for sole proprietors, are any of them a person who holds an elective office in the State of Illinois or holds a seat in the General Assembly, or are they the spouse or minor child of such person? *

- ☐ Not applicable - Not-for-Profit Entity
- ☐ Not applicable - In question 1, I provided my entity's Federal 10K, 20F, 40F or 17 CFR 229.401 equivalent information as an attachment.
- ☐ Not applicable - No individuals disclosed in question 1
- ☐ No
- ☐ Yes

Identify each applicable individual disclosed and provide a detailed explanation that includes salary, and position title of each individual and their relationship to the office holder.

6. For the individuals disclosed above in question 1 and for sole proprietors, are any of them appointed to or employed in any offices or agencies of State government and receive compensation for such employment in excess of 60% (\$106,447.20) of the salary of the Governor, or are any of them the spouse or minor child of such person? *

- ☐ Not applicable - Not-for-Profit Entity
- ☐ Not applicable - In question 1, I provided my entity's Federal 10K, 20F, 40F or 17 CFR 229.401 equivalent information as an attachment.
- ☐ Not applicable - No individuals disclosed in question 1
- ☐ No
- ☐ Yes

Identify each applicable individual disclosed and provide a detailed explanation that includes salary, State agency or university, and position title of each individual and their relationship to the office holder.

7. For the individuals disclosed above in question 1 and for sole proprietors, are any of them an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or are any of them the spouse or minor child of such person? *

- ☐ Not applicable - Not-for-Profit Entity
- ☐ Not applicable - In question 1, I provided my entity's Federal 10K, 20F, 40F or 17 CFR 229.401 equivalent information as an attachment.
- ☐ Not applicable - No individuals disclosed in question 1
- ☐ No
- ☐ Yes

Identify each applicable individual disclosed and provide a detailed explanation that includes salary, State agency or university, and position title of each individual and their relationship to the office holder.

8. For the individuals disclosed above in question 1 and for sole proprietors, are any of them appointed as a member of a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor, or are they the spouse or an immediate family member who currently resides or resided with such person within the last 12 months? *

- ☐ Not applicable - Not-for-Profit Entity
- ☐ Not applicable - In question 1, I provided my entity's Federal 10K, 20F, 40F or 17 CFR 229.401 equivalent information as an attachment.
- ☐ Not applicable - No individuals disclosed in question 1
- ☐ No
- ☐ Yes

Identify each applicable individual disclosed and provide a detailed explanation that includes salary, State agency or university, and position title of each individual and their relationship to the office holder.

9. If any question in 5-8 above is answered yes, please answer the following: Do any of the individuals identified, their spouse, or minor child receive from the entity more than 7.5% of the entity's total distributable income or an amount of distributable income in excess of the salary of the Governor (\$177,412.00)? *

- ☐ Not applicable - Not-for-Profit Entity
- ☐ Not applicable - In question 1, I provided my entity's Federal 10K, 20F, 40F or 17 CFR 229.401 equivalent information as an attachment.
- ☐ Not applicable - I answered No in Questions 5-8
- ☐ No
- ☐ Yes

Provide a detailed explanation that includes the name, salary, State agency or university, and position title of each individual.

10. If any question in 5-8 above is answered yes, please answer the following: Is there a combined interest of any individual identified along with their spouse or minor child of more than 15% in the aggregate of the entity's distributable income or an amount of distributable income in excess of two times the salary of the Governor (\$354,824.00)? *

- ☐ Not applicable - Not-for-Profit Entity
- ☐ Not applicable - In question 1, I provided my entity's Federal 10K, 20F, 40F or 17_CFR_229.401 equivalent information as an attachment.
- ☐ Not applicable - I answered No in Questions 5-8
- ☐ No
- ☐ Yes

Provide a detailed explanation that includes the name, salary, State agency or university, and position title of each individual.

**Chief Procurement Office for Higher Education
Certification of No Change**

This certification applies to: ☐ Contract Renewal ☐ Annual Recertification of multi-year contract (30 ILCS 500/50-2)

Project Title: _____

Original Bulletin Reference #: _____ Original Bulletin Award Date: _____

Contract #: _____ Contract Term: _____

This certification is submitted on behalf of (submit one form for each entity as applicable):

☐ Vendor ☐ Vendors Parent Entity(ies) ☐ Subcontractor(s) ☐ Subcontractors Parent Entity(ies)

Company Name: _____

Address: _____

City, State, Zip Code: _____

☐ **I hereby certify that the information contained on the following forms originally submitted for the above referenced contract has not changed.**

- ☐ Financial Disclosures and Conflicts of Interest (30 ILCS 500/50-13 & 50-35)
☐ Certifications

☐ **Information contained on the following forms originally submitted for the above referenced contract has changed.**

- ☐ I have attached the appropriate updated information or attached new forms.
☐ Financial Disclosures and Conflicts of Interest (30 ILCS 500/50-13 & 50-35)
☐ Certifications

☐ My business has registered in the Illinois Procurement Gateway (IPG). As of the date of signature on this document, all information contained in my IPG registration is complete, true and accurate. The State of Illinois Chief Procurement Office approved the registration and provided the IPG registration number and expiration date disclosed below.

IPG Registration #: _____ IPG Expiration Date: _____

This certification is signed by an authorized officer or employee on behalf of the vendor and the affirmation of the accuracy of the financial disclosures is made under penalty of perjury.

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Phone: _____

Email: _____

