

## 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, 102<sup>nd</sup> General Assembly

CC: Commission on Equity and Inclusion Procurement Policy Board

As a result of Public Acts enacted during the 102<sup>nd</sup> 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.