



SUPREME COURT OF ILLINOIS

JUDICIAL BRANCH PROCUREMENT CODE



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TABLE OF CONTENTS

ARTICLE 1 General Provisions

Section		Page
1-1.	Title	1
1-5.	Purpose	1
1-10.	Application	1
1-15.	Definitions	1-3
1-25.	Property and Contract Rights	3
1-30.	No Obligation to Award	3

ARTICLE 10 Appointments

10-5.	Exercise of Procurement Authority	3
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ARTICLE 20 Source Selection and Contract Formation

20-1.	Master State Contract Purchases	3
20-5.	Method of Source Selection	3
20-10.	Competitive Sealed Bidding	3-4
20-20.	Small Purchases	4
20-25.	Sole Source Procurements	4
20-30.	Emergency Purchases	4-5
20-40.	Cancellation of Requests for Proposals	5
20-50.	Specifications	5
20-55.	Types of Contracts	5
20-60.	Duration of Contracts	5
20-65.	Right to Audit Records	5-6
20-70.	Finality of Determinations	6
20-75.	Execution of Contracts	6
20-80.	Contract Files	6
20-83.	Contracts \$250,000 or More	6
20-85.	Federal Requirements	6
20-95.	Donations	6
20-105.	Printing	6
20-110.	Printing Cost Offsets	7
20-160.	Registration as a Business Entity	7

ARTICLE 25 Supplies and Services

25-5.	Applicability	7
25-10.	Authority	7
25-15.	Method of Source Selection	7

TABLE OF CONTENTS

Section		Page
25-30.	More Favorable Terms	7
25-35.	Purchase of Postage and Shipping Services	7
25-45.	Energy Conservation Program	7
25-60.	Prevailing Wage Requirements	7–8

ARTICLE 40

Real Property and Capital Improvement Leases

40-5.	Applicability	8
40-10.	Authority	8
40-15.	Lease Selection	8
40-25.	Length of Leases	9
40-30.	Purchase Option	9
40-35.	Rent Without Occupancy	9
40-40.	Local Site Preferences	9

ARTICLE 45

Preferences

45-5.	Procurement Preferences	9
45-10.	Resident Bidders	9
45-20.	Recycled Supplies	9–10
45-25.	Recyclable Paper	10
45-35.	Not-for-Profit Agencies	10
45-45.	Small Businesses	10–11
45-50.	Illinois Agricultural Products	11
45-55.	Corn-Based Plastics	11
45-60.	Vehicles Powered by Agricultural Commodity Based Fuels	11

ARTICLE 50

Procurement Ethics and Disclosure

50-1.	Purpose	11
50-5.	Bribery	11–12
50-10.	Felons	12
50-10.5.	Prohibited Bidders and Contractors	12–13
50-11.	Debt Delinquency	13
50-12.	Collection and Remittance of Illinois Use Tax	13–14
50-13.	Conflicts of Interest	14
50-14.	Environmental Protection Act Violations	14
50-15.	Negotiations	14
50-20.	Exemptions	14
50-25.	Inducement	14

TABLE OF CONTENTS

Section		Page
50-30.	Revolving Door Prohibition	14
50-35.	Financial Disclosure and Potential Conflicts of Interest	14–16
50-36.	Disclosure of Business in Iran	16
50-37.	Prohibition of Political Contributions	16–17
50-38.	Lobbying Restrictions	17–18
50-40.	Reporting Anti-Competitive Practices	18
50-45.	Confidentiality	18
50-50.	Insider Information	18
50-55.	Supply Inventory	18
50-57.	Opportunity to Cure Defect or Violation	18
50-60.	Voidable Contracts	18
50-65.	Contractor Suspension	18
50-70.	Additional Provisions	18–19
50-75.	Sexual Harassment Policy	19

ARTICLE 53 Concessions

53-10.	Concessions and Leases of State Property	19
53-20.	Contract Duration and Terms	19

ARTICLE 55 Miscellaneous Provisions

55-5.	Right to Modify	19
55-10.	Exclusive Exercise of Powers	19
55-15.	Severability	19

ARTICLE 1
GENERAL PROVISIONS

Section

- 1-1. Title. This Code may be cited as the Supreme Court of Illinois Judicial Branch Procurement Code (Code).
- 1-5. Purpose. It is the purpose of this Code and the policy of the Supreme Court of Illinois that the principles of competitive bidding and economical and efficient procurement practices shall be applicable to purchases and contracts paid for in part or in whole by funds appropriated to the Supreme Court of Illinois.
- 1-10. Application.
- (a) The Supreme Court of Illinois Judicial Branch Procurement Code shall apply to all procurement activities, purchases, contracts, and other agreements paid for in part or in whole by funds appropriated to the Supreme Court of Illinois. This Code applies only to procurements for which contractors were first solicited on or after July 1, 1999. This Code shall not be construed to affect or impair any contract, or any provision of a contract entered into based on a solicitation prior to the implementation date of this Code. All procurements for which contracts are solicited between the effective date and July 1, 1999 shall be substantially in accordance with these rules and their intent.
- (b) Exceptions. This Code shall not apply to any of the following, regardless of the source of funds:
- (1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies except as specifically provided in these rules;
- (2) Grants, except for the filing requirements of Section 20-80;
- (3) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;
- (4) Collective bargaining contracts;
- (5) Purchase of real estate; and
- (6) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations.
- 1-15. Definitions. For the purposes of this Code, the words set forth in the following Sections of this Article have the meanings set forth in those Sections.
- (a) Bidder or Offeror. "Bidder" or "Offeror" means one who submits a response in a competitive sealed bidding process to a request for proposal, or who responds to any other solicitation for bids.
- (b) Business. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or other private legal entity.
- (c) Change order. "Change order" means a change in a contract term, other than as specifically provided for in the contract, which authorizes or necessitates any increase or decrease in the cost of the contract or the time for completion for procurements subject to this Code.
- (d) Contractor. "Contractor" means any person or business having a contract with a purchasing office as defined in Section 1-15.(e).
- (e) Contract. "Contract" means any type of agreement entered into under this Code, regardless of its title, for the acquisition, use, or disposal of supplies, services (including professional or artistic services), real property leases, or capital improvements. This term also encompasses renewals, master contracts, financing arrangements such as installment or lease-purchase agreements, renegotiated agreements, amendments, and change orders.

- (f) Cost-reimbursement contract. "Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs that are allowable and allocable in accordance with the contract terms and the provisions of this Code, and a fee, if any.
- (g) Director. "Director" means the Director of the Administrative Office of the Illinois Courts.
- (h) Grant. "Grant" means the furnishing of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the grantor, whether in the form of goods, services, or construction. A contract that results from such an award is not a grant and is subject to these rules.
- (i) Master contract. "Master contract" means a contract awarded in accordance with the Illinois Procurement Code (30 ILCS 500/1 et seq.), against which subsequent orders may be placed by a purchasing office as defined by Section 1-15.(o).
- (j) Negotiation. "Negotiation" means the process of selecting a contractor other than by competitive sealed bids, multi-step sealed bidding, or competitive sealed proposals, whereby a purchasing office can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.
- (k) Offer. "Offer" means a response submitted by an offeror in a competitive sealed proposal process or to a request for proposal.
- (l) Person. "Person" means any business, public or private corporation, partnership, individual, union, committee, club, unincorporated association or other organization or group of individuals, or other legal entity.
- (m) Proposal. "Proposal" means the response submitted by a bidder in a competitive sealed bidding process, to a request for proposal, or to a multi-step sealed bidding process.
- (n) Purchase description. "Purchase description" means the words used in a solicitation to describe the supplies, services, or professional or artistic services to be procured or real property or capital improvements to be leased and includes specifications attached to or made a part of the solicitation.
- (o) Purchasing office. "Purchasing office" means a judicial branch office, court or entity that is entering into a contract or engaging in any process subject to this Code.
- (p) Request for proposals. "Request for proposals" means the process by which a purchasing office requests information from bidders and offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.
- (q) Responsible bidder or offeror. "Responsible bidder or offeror" means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance.
- (r) Responsive bidder or offeror. "Responsive bidder or offeror" means a person who has submitted a bid/offer that conforms in all material respects to the request for proposals.
- (s) Services. "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance.
- (t) Specifications. "Specifications" means any description, provision, or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service, or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, or other item for delivery.

- (u) Subcontract. "Subcontract" means a contract that exceeds the small purchase maximum established by Section 20-20 of this code between a subcontractor and a contractor who has a contract with the Illinois state judicial branch that is subject to this Code ("primary contract"), pursuant to which the subcontractor provides to the contractor some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract. For purposes of this Code, a "subcontract" does not include purchases of goods or supplies that are incidental to the performance of the primary contract by the contractor.
- (v) Subcontractor. "Subcontractor" means a person or entity that enters into a contractual agreement with a total value that exceeds the small purchase maximum established by Section 20-20 of this Code with a contractor who has a contract subject to this Code pursuant to which the subcontractor provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract. For purposes of this Code, a person or entity is not a "subcontractor" if that person only provides goods or supplies that are incidental to the performance of the primary contract by the contractor.
- (w) Supplies. "Supplies" means all goods and personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies that can be procured regularly or are available on the commercial market.

1-25. Property and Contract rights. No person shall have any right to a specific contract subject to this Code unless that person has a contract that has been signed by a judicial branch officer or judicial branch employee with appropriate signature authority.

1-30. The judicial branch shall be under no obligation to issue an award or execute a contract.

ARTICLE 10 APPOINTMENTS

Section
10-5.

Exercise of procurement authority. At least one purchasing officer from each judicial branch office shall be designated to implement the procurement processes authorized by this Code subject to the authority of the Director.

ARTICLE 20 SOURCE SELECTION AND CONTRACT FORMATION

Section
20-1.

Master State Contract purchases. Purchasing offices may make purchases on State of Illinois master contracts as authorized under the Governmental Joint Purchasing Act (30 ILCS 525/0.01 et seq.)

20-5.

Method of source selection.

(a) Unless otherwise authorized by the Supreme Court, all judicial branch contracts in excess of \$100,000, except for leases of real property, shall be awarded by competitive sealed bidding, in accordance with Section 20-10 (competitive sealed bidding), except as provided in Sections 20-20 (small purchases), 20-25 (sole source procurements), and 20-30 (emergency purchases).

(b) Other methods. The Director may establish categories of purchases, including but not limited to non-governmental joint purchases, that may be made without competitive sealed bidding, and the Director may establish the alternate method of source selection that shall be used for each category of purchase.

20-10.

Competitive sealed bidding.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5.

- (b) Request for proposals. Proposals shall be solicited through a request for proposals. Requests for proposals shall include a purchase description, contractual terms and conditions applicable to the procurement, and shall attempt to solicit no less than 3 proposals. Requests for proposals may be published on the Supreme Court of Illinois' website but shall not be posted less than 14 days before the date of the opening of proposals.

Upon request, potential contractors shall submit statements of qualifications and expressions of interest in a format determined by the Administrative Office of the Illinois Courts. Potential contractors may amend these statements at any time by filing a new statement.

- (c) Receipt of proposals. Proposals shall be opened in the presence of one or more witnesses at the time and place designated in the request for proposals, but proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation. A record of proposals shall be prepared and after the contract is awarded, it shall be open for inspection by those offering proposals after contract award.
- (d) Evaluation factors. The requests for proposals shall state the relative importance of price and other evaluation factors.
- (e) Discussion with responsible bidders and revisions of proposals. As provided in the request for proposals and under this Code, discussions may be conducted with responsible bidders who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those bidders shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of any information derived from proposals submitted by competing bidders. If information is disclosed to any bidder, it shall be provided to all competing bidder.
- (f) Award. Awards shall be made to the responsible bidder whose proposal is determined in writing to be the most advantageous to the judicial branch, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

20-20. Small purchases.

- (a) Amount. Any individual procurement of goods or services including but not limited to professional or artistic services, not exceeding \$100,000, may be made without competitive sealed bidding. Procurements shall not be artificially divided so as to constitute a small purchase under this Section.
- (b) Adjustment. At the discretion of the Director, the small purchase maximum established in subsection (a) may be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100 or modified to an amount determined by the Director to be in the best interest of the judicial branch.

20-25. Sole source procurements. Contracts may be awarded without use of the specified method of source selection upon approval of the Director or the Director's designee when there is only one economically feasible source for the goods or services.

20-30. Emergency purchases.

- (a) Conditions for use. Emergency procurements may be made without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State or judicial branch property in order to protect against further loss of or damage to State or judicial branch property, to prevent or minimize serious disruption in State or judicial branch services that affect health, safety, or collection of substantial

State revenues, or to ensure the integrity of State records Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.

- (b) Quick purchases. The Director may extend the circumstances by which a purchasing office may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time.

20-40. Cancellation of requests for proposals. A request for proposals, or any other solicitation may be canceled without penalty, or any and all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the State and/or judicial branch. The reasons for cancellation or rejection shall be made part of the contract file.

20-50. Specifications. Specifications shall be prepared in accordance with consistent standards that are promulgated or adopted by the Director. Those standards shall include a prohibition against the use of brand-name only products, except for products intended for retail sale or when otherwise allowed by the Director. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the needs of the State and/or judicial branch and shall not be unduly restrictive.

Nothing herein shall prohibit the Director from adopting the specification standards established by the Department of Central Management Services.

20-55. Types of contracts. Subject to the limitations of this Section and unless otherwise authorized by law, any type of contract that will promote the best interests of the State and/or judicial branch may be used, except that cost-plus-a-percentage-of-cost contracts are prohibited. A cost-reimbursement contract may be used only when a determination is made that a cost-reimbursement contract is likely to be less costly to the judicial branch than any other type or that it is impracticable to obtain the item required except under that type of contract. The general form of contracts shall be determined by the Director.

20-60. Duration of contracts.

- (a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the judicial branch but not exceeding 10 years, inclusive of contract renewals or extensions. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25.
- (b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation if the State of Illinois fails to enact legislation that appropriates sufficient funds to make payments under the terms of the contract.

20-65. Right to audit records.

- (a) Maintenance of books and records. Every contract and subcontract shall require the contractor, subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged under the contract or subcontract. The books and records shall be maintained by the contractor for a period of 3 years from the later of the date of final payment under the contract or completion of the contract and by the subcontractor for a period of 3 years from the later of the date of final payment under the subcontract or completion of the subcontract. However, the 3-year period shall be extended for the duration of any audit in progress at the time of that period's expiration.
- (b) Audit. Every contract and subcontract shall provide that all books and records required to be maintained under subsection (a) shall be available for review and audit by the purchasing office, the Illinois Auditor General, Supreme Court Internal Audit, any person or entity authorized by the purchasing office, Supreme Court or by law to conduct a review and/or audit. Every contract and

subcontract shall require the contractor and subcontractor, as applicable, to cooperate fully with any audit.

- (c) Failure to maintain books and records. Failure to maintain the books and records required by this Section shall establish a presumption in favor of the State and judicial branch for the recovery of any funds paid by the State for which required books and records are not available.

20-70. Finality of determinations. Determinations made by a purchasing office under this Code are final and conclusive unless they are clearly erroneous, arbitrary, capricious, contrary to law, or rejected by the Director.

20-75. Execution of contracts. All contracts created pursuant to this Code that are over \$20,000 in a single fiscal year shall be in writing and shall be executed by the Director or the Director's designee.

20-80. Contract files.

- (a) Written determinations. All written determinations required under this Article shall be placed in the contract file maintained by the purchasing office.
- (b) Filing with Comptroller. Whenever a contract liability exceeding \$20,000 is incurred under this Code, a copy of the contract, purchase order, or lease may be filed with the Comptroller. Any cancellation or modification to any such contract liability may be filed with the Comptroller upon execution. This Section does not apply to contracts paid from personal services, or contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code.

20-83. Contracts in the amount of \$250,000 or more. In accordance with Section 9.02 of the State Finance Act (30 ILCS 105/9.02), Any new contract or contract amendment that obligates the amount of \$250,000 or more in a single fiscal year, or any order against a master state contract in the amount of \$250,000 or more in a single fiscal year, shall be signed by the Director, the Chief Legal Counsel and Director of Finance of the Administrative Office of the Illinois Courts. Any subsequent amendments to contracts under this subsection must also be signed by the Director, the Chief Legal Counsel and the Director of Finance of the Administrative Office of the Illinois Courts.

20-85. Federal requirements. A purchasing office receiving federal-aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States, in order to remain eligible for such federal-aid funds, grants, or loans.

20-95. Donations. Nothing in this Code shall prevent compliance with the terms and conditions of any grant, gift, or bequest that calls for the procurement of a particular good or service or the use of a particular contractor, provided that the grant, gift, or bequest provides majority funding for the contract.

20-105. Printing. All books, pamphlets, documents, and reports published and distributed to the public through or by the judicial branch shall have printed thereon "Printed by authority of the State of Illinois", the date of each publication, the number of copies printed, and the printing order number. Each purchasing office shall be responsible for ascertaining the compliance of printing materials procured by or for it with this Section. No printing or reproduction contract shall be awarded and no printing or reproduction shall be accomplished when that wording does not appear on the material to be printed or reproduced. No publication may have written, stamped, or printed on it, or attached to it, "Compliments of..... (naming a person)" or any words of similar import. This Section does not apply to the printing of material not paid for in any portion from funds appropriated to the Supreme Court of Illinois or printing that is performed in conjunction with contracts referenced in subsection (b)(1) of Section 1-10. The Director may waive any requirement set forth in this section upon a determination that such waiver is appropriate and in the best interest of the judicial branch. Electronic publications posted on the Supreme Court's website are exempt from this section.

- 20-110. Printing cost offsets. The Director may permit the exchange of advertising rights in or receipt of free copies of printed products procured under this Article as a means of reducing printing costs.
- 20-160. Registration as a business entity. The Supreme Court hereby adopts Section 20-160 of the Illinois Procurement Code (30 ILCS 500/20-160).

ARTICLE 25 SUPPLIES AND SERVICES

Section

- 25-5. Applicability. All contracts for supplies and services, shall be procured in accordance with the provisions of this Article.
- 25-10. Authority. The Director or the Director's designee shall have the authority to procure supplies and services in accordance with this Code.
- 25-15. Method of source selection. Contracts for supplies and services shall be awarded in accordance with Section 20-5.
- 25-30. More favorable terms. A supply or service contract may include, if determined by the Director or the Director's designee to be in the best interests of the State and/or judicial branch, a clause requiring that if more favorable terms are granted by the contractor to any similar state or local governmental agency in any state in a contemporaneous agreement let under the same or similar financial terms and circumstances for comparable supplies or services, the more favorable terms shall be applicable under the contract.
- 25-35. Purchase of postage and shipping services. All postage stamps purchased from State funds must be perforated for identification purposes. State purchased postage, Federal Express, UPS and other shipping services shall be used for official purposes only.
- 25-45. Energy conservation program contracts; energy saving contracts or leases. The Director or the Director's designee may enter into energy conservation program contracts or energy saving contracts that provide for cost savings. The Director may promulgate and adopt rules for the implementation of this Section.
- 25-60. Prevailing wage requirements.
- (a) All services furnished under service contracts of \$2,000 or more or \$200 or more per month and under printing contracts shall be subject to the following prevailing wage requirements:
 - (1) Not less than the general prevailing wage rate of hourly wages for work of a similar character in the locality in which the work is produced shall be paid by the successful bidder, offeror, or potential contractor to its employees who perform the work on the judicial branch contracts. The bidder, offeror, potential contractor or contractor in order to be considered to be a responsible bidder, offeror, potential contractor or contractor for the purposes of this Code, shall certify to the purchasing office that wages to be paid to its employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the contract is to be performed. Prevailing wages and working conditions shall be determined by the Director of the Illinois Department of Labor.
 - (2) Whenever a collective bargaining agreement is in effect between an employer, other than a governmental body, and service or printing employees as defined in this Section who are represented by a responsible organization that is in no way influenced or controlled by the management, that agreement and its provisions shall be considered as conditions prevalent in that locality and shall be the minimum requirements taken into consideration by the Director of Labor.
 - (b) As used in this Section, "services" means janitorial cleaning services, window cleaning services, building and grounds services, site technician services, natural resources services, food services,

and security services. "Printing" means and includes all processes and operations involved in printing, including but not limited to letterpress, offset, and gravure processes, the multilith method, photographic or other duplicating process, the operations of composition, platemaking, presswork, and binding, and the end products of those processes, methods, and operations. As used in this Code "printing" does not include photocopiers used in the course of normal business activities, photographic equipment used for geographic mapping, or printed matter that is commonly available to the general public from contractor inventory.

- (c) The terms "general prevailing rate of hourly wages", "general prevailing rate of wages", or "prevailing rate of wages" when used in this Section mean the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations, and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character.
- (d) This Section does not apply to vocational programs of training for persons with physical or mental disabilities or to sheltered workshops for persons with severe disabilities.

ARTICLE 40

REAL PROPERTY AND CAPITAL IMPROVEMENT LEASES

Section

40-5. Applicability. All leases for real property or capital improvements, including office and storage space, buildings, and other facilities, shall be procured in accordance with the provisions of this Article.

40-10. Authority. The Director or the Director's designee shall have the authority to procure leases for real property or capital improvements.

40-15. Lease selection.

- (a) The Director or the Director's designee may procure a lease for real property or capital improvements where the Director has determined that such lease is in the best interest of the judicial branch and where the terms of such lease are reasonable as provided in subsection (b).
- (b) To determine whether the terms of the lease are reasonable, the Director or the Director's designee may consider the following factors:
 - (1) the type of property to be leased;
 - (2) the proposed uses of the property;
 - (3) the square footage of the property relative to (2);
 - (4) the rental cost of comparable lease space;
 - (5) the availability of lease space in the area where the lease is sought;
 - (6) the location of the property to be leased;
 - (7) the duration of the lease;
 - (8) any applicable lease standards for the judicial branch tenant;
 - (9) any other pertinent factor.
- (c) Where the Director or the Director's designee determines that the renewal or extension of a lease is in the best interest of the judicial branch, said lease may be renewed or extended.
- (d) The Director or the Director's designee shall maintain lease files for each lease entered into. The Director may develop leasing standards and guidelines.

40-25. Length of leases.

- (a) Maximum term. Leases shall be for a term not to exceed 10 years including renewals and shall include a termination option in favor of the judicial branch.
- (b) Renewal. Leases may include a renewal option. An option to renew may be exercised only when the Director or the Director's designee determines that renewal is in the best interest of the judicial branch.
- (c) Subject to appropriation. All leases subject to this Code shall recite that they are subject to termination and cancellation if the State of Illinois fails to enact legislation that appropriates sufficient funds to make payments under the terms of the lease.
- (d) Holdover. No lease may continue on a month-to-month or other holdover basis for a total of more than 6 months.

40-30. Purchase option. Leases of all space in entire, free-standing buildings shall include an option to purchase exercisable by the judicial branch, unless the Director or the Director's designee determines that inclusion of such purchase option is not in the judicial branch's best interest. Leases from governmental units and not-for-profit entities are exempt from the requirements of this Section.

40-35. Rent without occupancy. Except when deemed by the Director to be in the best interest of the judicial branch, rental obligations shall not be incurred before occupation of the space rented.

40-40. Local site preferences. Upon the request of the chief executive officer of a unit of local government, leasing preferences may be given to sites located in enterprise zones, tax increment districts, or redevelopment districts.

ARTICLE 45 PREFERENCES

Section

45-5. Procurement preferences. To promote business and employment opportunities in Illinois, procurement preferences are established and shall be applicable to any procurement made under this Code.

45-10. Resident bidders.

- (a) Amount of preference. Unless otherwise determined by the Director or the Director's designee to be in the best interests of the judicial branch, when a contract is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference as against a non-resident bidder from any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder. Further, if only non-resident bidders are bidding, the purchasing office is within its right to specify that Illinois labor and manufacturing locations be used as part of the manufacturing process, if applicable. This specification may be negotiated as part of the solicitation process.
- (b) Residency. A resident bidder is a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced. A resident bidder includes a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced.
- (c) Federal funds. This section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

45-20. Recycled supplies. When a public contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of products made of recycled supplies may,

be given preference over bidders or offerors unable to do so, provided that the cost included in the bid of supplies made of recycled materials is equal or less than other bids or offers, unless the use of the product constitutes an undue practical hardship.

45-25. Recyclable paper. All paper supplies purchased under this Code must be recyclable paper unless recyclable paper cannot be used to meet the requirements of the purchasing office or would constitute an undue economic or practical hardship.

45-35. Not-for-profit agencies for persons with significant disabilities.

- (a) Qualification. Supplies and services may be procured without advertising or calling for bids from any qualified not-for-profit agency for persons with significant disabilities that:
 - (1) complies with Illinois laws governing private not-for-profit organizations;
 - (2) provides for payment of a wage for contractual services under this Section that is no less than the applicable local or Illinois minimum wage, whichever is higher, for all employees performing work on the contract, including subcontractors performing work on the contract; and
 - (3) is (A) a disability-serving organization that is accredited by a nationally recognized accrediting organization or licensed by the Department of Human Services or (B) a Center for Independent Living.
- (b) Participation. To participate, the not-for-profit agency must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the using agency, and must set a fair and reasonable price.

45-45. Small businesses.

- (a) Set-asides. The Director or the Director's designee has authority to designate as small business set-asides a fair proportion of supply and service contracts for award to small businesses in Illinois. Advertisements for bids or offers for those contracts shall specify designation as small business set-asides. In awarding the contracts, only bids or offers from qualified small businesses shall be considered.
- (b) Small business. "Small business" means a business that is independently owned and operated and that is not dominant in its field of operation. The Director may establish a detailed definition by rule, using in addition to the foregoing criteria other criteria, including the number of employees and the dollar volume of business. When computing the size status of a potential contractor, annual sales and receipts of the potential contractor and all of its affiliates shall be included. The maximum number of employees and the maximum dollar volume that a small business may have under the rules promulgated by the Director may vary from industry to industry to the extent necessary to reflect differing characteristics of those industries, subject to the following limitations:
 - (1) No wholesale business is a small business if its annual sales for its most recently completed fiscal year exceed \$13,000,000.
 - (2) No retail business or business selling services is a small business if its annual sales and receipts exceed \$8,000,000.
 - (3) No manufacturing business is a small business if it employs more than 250 persons.
 - (4) No construction business is a small business if its annual sales and receipts exceed \$14,000,000.
- (c) Withdrawal of designation. A small business set-aside designation may be withdrawn by the Director when deemed in the best interests of the judicial branch. Upon withdrawal, all bids or

offers shall be rejected and the bidders or offerors shall be notified of the reason for rejection. The contract shall then be awarded in accordance with this Code without the designation of small business set aside.

- 45-50. Illinois agricultural products. In awarding contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of agricultural products grown in Illinois.
- 45-55. Corn-based plastics. In awarding contracts requiring the procurement of plastic products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of plastic products made from Illinois corn by-products.
- 45-60. Vehicles powered by agricultural commodity-based fuel. In awarding contracts requiring the procurement of vehicles, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans.

ARTICLE 50

PROCUREMENT ETHICS AND DISCLOSURE

Section

- 50-1. Purpose. It is the express duty of the Director, the Director's designees and purchasing offices to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the judicial branch and to act in a manner that maintains the integrity and public trust of the judicial branch and State government. In discharging this duty, they are charged to use available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the judicial branch.
- 50-5. Bribery.
- (a) Prohibition. No person or business shall be awarded a contract or subcontract under this Code who:
- (1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois, the judicial branch or any other state in that officer's or employee's official capacity; or
 - (2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.
- (b) Businesses. No business shall be barred from contracting with the judicial branch, or subcontracting under such a contract, as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:
- (1) the business has been finally adjudicated not guilty; or
 - (2) the business demonstrates to the entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in paragraph (2) of subsection (a) of Section 5-4 of the Criminal Code of 2012.
- (c) Conduct on behalf of business. For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of the business, the business shall be chargeable with the conduct.
- (d) Certification. Every bid or offer submitted to every contract executed by the judicial branch shall contain a certification by the bidder, offeror, potential contractor, or contractor that the bidder, offeror, potential contractor, contractor and their subcontractors are not barred from being

awarded a contract or subcontract under this Section and acknowledges that the Director may declare the related contract void if any certifications required by this Section are false. A bidder, offeror, potential contractor, contractor, or subcontractor who makes a false statement, material to the certification, commits a Class 3 felony as set forth in Section 50-5 of the Illinois Procurement Code.

50-10. Felons.

- (a) Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or the judicial branch or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.
- (b) For purposes of this subsection (a), "completion of sentence" means completion of all sentencing related to the felony conviction or admission and includes, but is not limited to, the following: incarceration, mandatory supervised release, probation, work release, house arrest, or commitment to a mental facility.
- (c) Every bid or offer submitted to a purchasing office and every contract executed by a purchasing office shall contain a certification that the bidder, offeror, potential contractor or contractor, and their subcontractors, are not barred from being awarded a contract or subcontract under this Section and acknowledges that the Director may declare the related contract void if any of the certifications required by this Section are false.

50-10.5. Prohibited bidders and contractors.

- (a) Unless otherwise provided, no business shall bid or enter into a contract under this Code if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 for a period of 5 years from the date of conviction.
- (b) Every bid and offer submitted under this Code, every contract executed under this Code may contain a certification that the bidder, offeror, potential contractor, contractor and their subcontractors are not barred from being awarded a contract or subcontract under this Section and acknowledges that the Director may declare the related contract void if the certifications completed pursuant to this subsection (b) are false.
- (c) If a business is not a natural person, the prohibition in subsection (a) applies only if:
 - (1) the business itself is convicted of a felony referenced in subsection (a); or
 - (2) the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).
- (d) A natural person who is convicted of a felony referenced in subsection (a) remains subject to Section 50-10.
- (e) No person or business shall bid, offer, or enter into a contract under this Code if the person or business assisted an employee of the State of Illinois, judicial branch or purchasing office, who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a judicial branch contract, by reviewing, drafting, directing, or preparing any request for proposals, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents.

This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business: (i) initiates a communication with an employee to provide

general information about products, services, or industry best practices, (ii) responds to a communication initiated by an employee of the judicial branch for the purposes of providing information to evaluate new products, trends, services, or technologies, or (iii) asks for clarification regarding a solicitation, so long as there is no competitive advantage to the person or business.

Nothing in this Section prohibits a vendor developing technology, goods, or services from bidding or offering to supply that technology or those goods or services if the subject demonstrated represents industry trends and innovation and is not specifically designed to meet the judicial branch's needs.

For purposes of this subsection (e), "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, or manager of a business.

No person or business shall submit specifications to a purchasing office unless requested to do so by an employee of the judicial branch. No person or business who contracts with a purchasing office to write specifications for a particular procurement need shall submit a bid or proposal or receive a contract for that procurement need.

50-11. Debt Delinquency.

- (a) No person shall submit a bid for or enter into a contract with the judicial branch under this Code if that person knows or should know that they or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), a person controls an entity if the person owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.
- (b) Every bid and offer submitted to and contract executed by the judicial branch may contain a certification that the bidder, offeror, potential contractor, contractor and its affiliates are not barred from being awarded a contract or subcontract under this Section and acknowledges that the Director may declare the related contract void if the certifications completed pursuant to this subsection (b) are false.

50-12. Collection and remittance of Illinois Use Tax.

- (a) No person shall enter into a contract with the judicial branch under this Code unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

- (b) Every bid and offer submitted and contract executed by the judicial branch may contain a certification that the bidder offeror, potential contractor, contractor, and their subcontractors are not barred from bidding for or entering into a contract or subcontract under subsection (a) of this Section and acknowledges that the Director may declare the related contract void if the certifications completed pursuant to this subsection (b) are false.

50-13. Conflicts of interest. The Supreme Court hereby adopts Section 50-13 of the Illinois Procurement Code (30 ILCS 500/50-13).

50-14. Environmental Protection Act violations.

- (a) Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act shall do business with the judicial branch or enter into a subcontract that is subject to this Code from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.
- (b) A person or business otherwise barred from doing business with the judicial branch under subsection (a) may be allowed to do business with the judicial branch if it is shown that there is no practicable alternative to the judicial branch to contracting with that person or business.
- (c) Every bid or offer submitted to and contract executed by the judicial branch may contain a certification that the bidder offeror, potential contractor, contractor, and their subcontractors are not barred from being awarded a contract or subcontract under this Section and acknowledges that the Director may declare the contract void if the certification completed pursuant to this subsection (c) is false.

50-15. Negotiations. The Supreme Court hereby adopts Section 50-15 of the Illinois Procurement Code (30 ILCS 500/50-15).

50-20. Exemptions. The Director may exempt individuals from the prohibitions of section 50-13 when, in the Director's judgment, the public interest in having the individual in the service of the judicial branch outweighs the public policy evidenced in that Section. Such exemption shall be made in writing and shall set forth the reason for the exemption.

50-25. Inducement. The Supreme Court hereby adopts Section 50-25 of the Illinois Procurement Code (30 ILCS 500/50-25).

50-30. Revolving door prohibition. The Supreme Court hereby adopts Section 50-30 of the Illinois Procurement Code (30 ILCS 500/50-30).

50-35. Financial Disclosure and potential conflicts of interest.

- (a) All bids and offers from responsive bidders or offerors with an annual value that exceeds the small purchase threshold established under subsection (a) of Section 20-20 of this Code shall be accompanied by disclosure of the financial interests of the bidder, or offeror. The financial disclosure of each successful bidder or offeror may be incorporated as a material term of the contract and shall become part of the contract or procurement file maintained by the Director or the Director's designee. Each disclosure under this Section shall be signed and made under penalty of perjury by an authorized officer or employee on behalf of the bidder, offeror, potential contractor, contractor, or subcontractor,
- (b) Disclosure by the responsive bidders or offerors shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the disclosing entity or its parent entity, whichever is less, unless the bidder or offeror (i) is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure, or (ii) is a privately held entity that is exempt from

Federal 10k reporting but has more than 100 shareholders, in which case it may submit the information that Federal 10k reporting companies are required to report under 17 CFR 229.401 and list the names of any person or entity holding any ownership share that is in excess of 5% in place of the prescribed disclosure. The form of disclosure shall be prescribed by the Director and must include at least the names, addresses, and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each individual identified in this Section having in addition any of the following relationships:

- (1) State employment, currently or in the previous 3 years, including contractual employment of services.
 - (2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.
 - (3) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.
 - (4) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.
 - (5) Appointive office; the holding of 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 currently or in the previous 3 years.
 - (6) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.
 - (7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.
 - (8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.
 - (9) Compensated employment, currently or in the previous 3 years, 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.
 - (10) Relationship to anyone; spouse, father, mother, son, or daughter, who is or was a compensated employee in the last 2 years of 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.
- (b-1) The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act and other agent of the bidder, offeror, potential contractor, contractor, or subcontractor who is not identified under subsections (a) and (b) and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.
- (b-2) The disclosure required under this Section must also include, for each of the persons identified in subsection (b) or (b-1), each of the following that occurred within the previous 10 years: suspension

or debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

- (c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the Director and the Director's designees so they may adequately discharge their duty to protect the State and judicial branch.
- (d) When a potential for a conflict of interest is identified, discovered, or reasonably suspected it shall be forwarded to, reviewed, and commented on in writing by the Chief Justice of the Supreme Court of Illinois or their designee. The comment shall be returned to the Director who shall rule in writing whether to void or allow the contract, bid, offer, or proposal weighing the best interest of the judicial branch. The comment and determination shall become a part of the contract, bid, or proposal file.
- (e) These disclosures do not relieve the Director or the Director's designee(s) from reasonable care and diligence for any contract, bid, offer, or proposal. The Director or the Director's designee shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.
- (f) Inadvertent or accidental failure to fully disclose shall render the contract, bid, offer, proposal, or relationship voidable by the Director if the Director deem it in the best interest of the judicial branch and, at the Director's discretion, may be cause for barring from future contracts, bids, proposals, or procurement relationships subject to this Code for a period of up to 2 years.
- (g) Intentional, willful, or material failure to disclose shall render the contract, bid, offer, proposal, or relationship voidable by the Director if the Director deem it in the best interest of the judicial branch and shall result in debarment from future contracts, bids, offers, proposals, or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented on in writing by the Chief Justice of the Illinois Supreme Court, or by their designee. The comment shall be returned to the Director who must rule in writing whether and when to reinstate.
- (h) In addition, all disclosures shall note any other current or pending contracts, bids, offers, proposals, leases, or other ongoing procurement relationships the bidding, proposing, or offering entity has with any other unit of State government and shall clearly identify the unit and the contract, proposal, lease, or other relationship.
- (i) The bidder, offeror, potential contractor, or contractor has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process during the term of any contract.
- (j) If a bid or offer is received from a responsive bidder or offeror with an annual value of more than \$100,000 and the bidder or offeror has an active contract with the judicial branch and already has submitted their financial disclosures and potential conflicts of interest within the last 12 months, a new financial disclosure is not necessary. The form and content of the affidavit shall be prescribed by the Director or the Director's designee.

50-36. Disclosure of business in Iran. The Supreme Court hereby adopts Section 50-36 of the Illinois Procurement Code (30 ILCS 500/50-36).

50-37. Prohibition of political contributions.

- (a) As used in this Section:

"Contribution" means a contribution as defined in Section 9-1.4 of the Election Code.

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse of any such persons. Affiliated person does not include a person prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

"Affiliated entity" means (i) any corporate parent and each operating subsidiary of the bidding or contracting business entity, (ii) each operating subsidiary of the corporate parent of the bidding or contracting business entity, (iii) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity. Affiliated entity does not include an entity prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

- (b) Any business entity whose contracts under this Code, in the aggregate, total more than \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committees established to promote the candidacy or retention of (i) any justice of the Supreme Court of Illinois or (ii) any other declared candidate for justice of the Supreme Court of Illinois. This prohibition shall be effective for a period of 2 years following the expiration or termination of the contracts.
- (c) Any business entity whose aggregate pending bids and offers under this Code total more than \$50,000, or whose aggregate pending bids and offers on contracts combined with the business entity's aggregate total value of contracts under this Code exceed \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committee established to promote the candidacy or retention of (i) any justice of the Supreme Court of Illinois or (ii) any other declared candidate for justice of the Supreme Court of Illinois during the period beginning on the date the request for proposals, or any other procurement opportunity is issued and ending on the day after the date the contract is awarded.
- (d) All contracts with business entities that violate subsection (b) or (c) shall be voidable under Section 50-60. If a business entity violates subsection (b) 3 or more times within a 36-month period, then all contracts entered under this Code with that business entity shall be void, and that business entity shall not bid or respond to any request for proposals from the judicial branch or otherwise enter into any contract with the judicial branch for 3 years from the date of the last violation.

50-38. Lobbying restrictions.

- (a) A person or business that is awarded a contract under this Code is not entitled to receive any payment, compensation, or other remuneration from the judicial branch to compensate the person or business for any expenses related to travel, lodging, or meals paid by the person or business to any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder.
- (b) Any bidder, offeror, potential contractor, or contractor on a judicial branch contract that hires a person required to register under the Lobbyist Registration Act to assist in obtaining a contract shall (i) disclose all costs, fees, compensation, reimbursements, and other remunerations paid or to be paid to the lobbyist related to the contract, (ii) not bill or otherwise cause the judicial branch to pay for any of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration, and (iii) sign a verification certifying that none of the lobbyist's costs, fees, compensation,

reimbursements, or other remuneration were billed to the State or judicial branch. This information, along with all supporting documents, shall be filed with the Administrative Office of the Illinois Courts.

- 50-40. Reporting anti-competitive practices. When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, purchasing officer, purchasing office, judicial branch officer or any judicial branch employee suspects collusion or other anti- competitive practice among any bidders, offerors, contractors, proposers, judicial branch officers or judicial branch employees, a notice of the relevant facts shall be transmitted to the Chief Justice, the Director and the Attorney General.
- 50-45. Confidentiality. Any purchasing office, purchasing officer, judicial branch officer, or judicial branch employee who willfully uses or allows the use of specifications, competitive bid documents, proprietary competitive information, proposals, contracts, or selection information to compromise the fairness or integrity of the procurement, bidding, or contract process shall be subject to immediate dismissal, regardless of the Personnel Code, any contract, or any collective bargaining agreement, and may in addition be subject to criminal prosecution.
- 50-50. Insider information. No current or former elected or appointed judicial branch official or employee shall knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for themselves or another person.
- 50-55. Supply inventory. Every purchasing office shall inventory or stock no more than a 12-month need of equipment, supplies, commodities, articles, and other items, except as otherwise authorized by the Director. Every purchasing office shall periodically review its inventory to ensure compliance with this Section. If, upon review, a purchasing office determines it has more than a 12-month supply of any equipment, supplies, commodities, or other items, the office shall undertake transfers of the oversupplied items or other action necessary to maintain compliance with this Section. This Section shall not apply to life-saving medications, mechanical spare parts, and items for which the supplier requires a minimum order stipulation.
- 50-57. Opportunity to Cure Defect or Violation. If, during an active procurement, a violation or deficiency of this Code occurs, then the Director may determine that curing the violation or deficiency is in the best interest of the judicial branch.
- 50-60. Voidable contracts. If any contract is entered into or purchase or expenditure of funds is made in violation of this Code or any other law, the contract may be declared void by the Director or may be ratified and affirmed, provided the Director determines that ratification is in the best interests of the judicial branch. If the contract is ratified and affirmed, it shall be without prejudice to the judicial branch's rights to any appropriate damages.
- 50-65. Contractor suspension. Any contractor may be suspended for violation of this Code or for failure to conform to specifications or terms of delivery. Suspension shall be for cause and may be for a period of up to 10 years at the discretion of the Director. Contractors may be debarred in accordance with rules promulgated by the Director or as otherwise provided by law.
- 50-70. Additional provisions. This Code is subject to applicable provisions of the following Acts:
- (1) Article 33E of the Criminal Code of 2012 (720 ILCS 5/33E-1 *et seq.*);
 - (2) the Illinois Human Rights Act (775 ILCS 5/1-101 *et seq.*);
 - (3) the Discriminatory Club Act (775 ILCS 25/0.01 *et seq.*);
 - (4) the Illinois Governmental Ethics Act (5 ILCS 420/1-101 *et seq.*);
 - (5) the State Prompt Payment Act (30 ILCS 540/0.01 *et seq.*);
 - (6) the Public Officer Prohibited Activities Act (50 ILCS 105/0.01 *et seq.*);

- (7) the Drug Free Workplace Act (30 ILCS 580/1 *et seq.*);
- (8) the Employee Classification Act (820 ILCS 185/1 *et seq.*);
- (9) the Department of Employment Security Law (20 ILCS 1005/1005-1 *et seq.*)

50-75. Sexual harassment policy. Each bidder who submits a bid or offer under this Code shall have a sexual harassment policy in accordance with paragraph (4) of subsection (A) of Section 2-105 of the Illinois Human Rights Act. A copy of the policy shall be provided to the purchasing office upon request.

ARTICLE 53 CONCESSIONS

Section
53-10.

Concessions and leases of State property.

- (a) Concessions, including the assignment, license, sale, or transfer of interests in or rights to discoveries, inventions, patents, or copyrightable works, may be entered into by the judicial branch whether tangible or intangible.
- (b) All concessions shall be reduced to writing and shall be awarded under the provisions of Article 20, except that the contract shall be awarded to the highest and best bidder or offeror.

53-20. Contract duration and terms. The duration and terms of concessions and leases of judicial branch property shall be in accordance with these rules or other applicable law.

ARTICLE 55 MISCELLANEOUS PROVISIONS

Section
55-5.

Right to modify. Subject to the approval of the Supreme Court of Illinois, the Director of the Administrative Office of the Illinois Courts shall have the right to modify, change, add to, or delete any article or section of this Code and in such event shall make a written record thereof.

55-10. Exclusive exercise of powers. The powers granted under this Code shall be exercised exclusively as granted under this Code, and no purchasing office may concurrently exercise any such power, unless specifically authorized by the Supreme Court of Illinois.

55-15. Severability. If any provision of this Code or any application of it to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this Code that can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared to be severable.