

# Vendor Communication Reporting – Training

# Illinois Procurement Code

## 30 ILCS 500/50-39

- **Sec. 50-39. Procurement communications reporting requirement.**
- **Any written or oral communication received by a State employee that imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, including, but not limited to, an application, a contract, or a project, shall be reported to the Procurement Policy Board.**
- **The written report should be submitted online at the following address: <http://pcrs.illinois.gov>**

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- The following information should be part of the report:
  - (1) Names of any party to the communication
  - (2) The date on which the communication occurred.
  - (3) The time at which the communication occurred.
  - (4) The duration of the communication.
  - (5) The method of communication (written, oral, etc.)
  - (6) A general summary of the substantive content of the communication.

# Who Must Report?

- **REPORTING IS REQUIRED OF:**

**State employees with the authority to participate personally and substantially in the decision to award a State contract.**

# WHAT IS A REPORTABLE COMMUNICATION?

- A communication must:
  - (1) Be material
  - (2) Be regarding a potential action
  - (3) Pertain to an active procurement matter

## TO SIMPLIFY...

- A reportable communication is one that involves a negotiation of price, terms, or the conditions of items or services; communications involving change orders, renewals, or extensions of an existing contract; or include a material argument that a reasonable person would believe was made for the purpose of influencing a procurement decision.

- **“Material Information”** is information that a reasonable person would deem important in determining his or her course of action.

It is information pertaining to significant issues, including, but not limited to, price, quantity, term and terms of payment or performance.

**(30 ILCS 500/39(g))**

- A “material argument” is a communication that a reasonable person would believe was made for the purpose of influencing procurement decisions. It does not include general information about products, services, or industry best practices, or a response to a communication initiated by an employee of the State for the purpose of providing information to evaluate new products, trends, services, or technologies (30 ILCS 500/39(g)).
- To determine if a communication is material, a State employee should consider (a) whether the information conveyed is new or already known to the State agency involved, or (b) the likelihood the information would influence an active procurement matter.

# EXCEPTIONS TO REPORTING

- Statements made in a public forum.
- Statements in regards to procedure/practice such as format, number of copies, status, and filing manner.
- Intra-agency and Inter-agency communications regarding procurements.
- Unsolicited communications providing general information about products, services, or industry best practices before products involved in procurement matter.

# EXCEPTIONS TO REPORTING

- **Communications received in response to procurement solicitations including (but not limited to): RFP's, RFI's, Invitation for Bids, or a small purchase, sole source, emergency solicitation, or questions/answers posted to the Illinois Procurement Bulletin to supplement the procurement action.**
- **Privileged, protected, or confidential communications under law.**
- **Communications regarding matters exempt from the Illinois Procurement Code.**
- **Communications that are part of the formal procurement process as specified by state statute, rule, guidance, or procedures.**

# **FILING A COMMUNICATION REPORT**

# WHERE TO REPORT?

- Reports are made on the Procurement Policy Board website at:

<http://pcrs.illinois.gov>

- First time users must first set up a Illinois.gov user id and password.

- After the initial setup, the “Domain” name should read ‘Other Employees’.

- User name: sps/first name.last name

- Password as configured on:

<http://id.illinois.gov>

# WHEN TO REPORT?

- Reportable communications must be reported as soon as practicable, but in no event more than 30 days after receipt of the communication, or the first in a series of communications.

# WHAT TO REPORT?

Details including:

- Date, time, & duration
- Identities of persons/individuals/entities represented, communicating, receiving, and responding
- Action requested or recommended
- General summary of points made
- Location of all persons involved
- Telephone numbers if communication by phone
- Email address of contacts
- (30 ILCS 500/50-39(b))

## Procurement Communications Reporting Worksheet

Notice to vendor or lobbyist:

"You should be aware that if I believe this communication imparts or requests material information or makes a material argument regarding potential action concerning a procurement matter, I am required to report our communication to the Procurement Policy Board."

Use this worksheet to collect necessary information when participating in procurement-related discussions to ensure accurate and detailed reporting at: <http://pcrs.illinois.gov>.

Topic:	
Mode:	
Date/Time of Communication:	
Duration in Minutes:	
Reference Number:	61201

Information to collect from ALL University participants: (use additional sheets if needed)  
Each participant must submit a separate report.

Name:			
Role:			
Job Title:			
Location:			
Phone Number:			
Email Address:			

Information to collect from the Vendor Representative(s) or Lobbyist:

Name:			
Role:			
Job Title:			
Representing:			
Location:			
Phone Number:			
Email Address:			

Additional information you will be expected to provide in your reports:

Action Requested or Recommended:	
Summary of Communication:	
Any Additional Information:	

# SAMPLE FORM TO RECORD INFORMATION