



ACCOUNTING BULLETIN

TO: Fiscal Officers of All State Agencies

FROM: Steven L. Valasek, Director of State Accounting

DATE: December 23, 2008

SUBJECT: New Contract Certification Legislation

NUMBER: 144

Public Act 95-0971 amends the Illinois State Procurement Code (30 ILCS 500) by adding Sections 20-160 and 50-37.

Section 20-160 (b) states “Every bid submitted to and every contract executed by the State on or after the effective date of this amendatory Act of the 95th General Assembly shall contain (1) a certification by the bidder or contractor that either (i) the bidder or contractor is not required to register as a business entity with the State Board of Elections pursuant to this Section or (ii) the bidder or contractor has registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration and (2) a statement that the contract is voidable under Section 50-60 for the bidder’s or contractor’s failure to comply with this Section.”

The following are the recommended certification options for contracts subject to Public Act 95-0971:

The contractor certifies that they are not required to register as a business entity with the State Board of Elections pursuant to the Procurement Code (30 ILCS 500/20-160). Further, the contractor acknowledges that all contracts between State agencies and a business entity that do not comply with this Section shall be voidable under Section 50-60 of the Procurement Code (30 ILCS 500/50-60).

(or)

The contractor certifies that they have registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration pursuant to the Procurement Code (30 ILCS 500/20-160). Further, the contractor acknowledges that all contracts between State agencies and a business entity that do not comply with this Section shall be voidable under Section 50-60 of the Procurement Code (30 ILCS 500/50-60).

The IOC will begin to reject contracts for non-compliance with this statute for all contracts initiated on or after February 1, 2009. The date of initiation will be evidenced by the earliest date of the signatures on the contract.

If you have any questions pertaining to this bulletin, please contact Brett Cox at (217) 782-3686. Agencies may access this and other Payroll, SAMS and Accounting Bulletins on the Comptroller's website at www.ioc.state.il.us under Resource Library.