



## ILLINOIS MEDICAL DISTRICT COMMISSION PROCUREMENT POLICY

### **I. INTRODUCTION**

The Illinois Medical District Commission (the “Commission”) has established this procurement policy (the “Policy”) for the procurement of contracts and purchases that benefit the Commission. This Policy generally outlines the open and competitive process established by the Commission for the procurement of contracts and purchases and the respective roles of the Commission and its staff.

This Policy is consistent with the Commission’s long-standing commitment to transparency and making procurement decisions characterized by competitive selection, objective evaluation and proper documentation — all in accordance with the Commission’s overriding fiduciary obligations and considerations.

**A. Policy Effective Date; No Modification of Existing Contracts.** This Policy is effective as of the date adopted by the Commission, as amended from time to time. This Policy does not amend or otherwise modify the Commission’s existing contracts, which may only be amended or otherwise modified consistent with their terms. Further, nothing in this Policy is intended to limit the Commission’s authority under existing contracts to review and approve extensions or modification of terms or otherwise take actions consistent with the existing contractual terms, all as the Commission deems prudent in light of then-existing circumstances.

**B. Pre-Solicitation Assistance.** Any person or business who, at the request of the Commission or with the consent of the Commission, reviews or analyzes the Commission’s assets, activities, documents, functions, organization, programs or anything of similar nature to aid in the determination of whether the Commission has a need for some good or service is prohibited from bidding on or receiving a contract to meet that need. Further, a person or business is prohibited from bidding on a solicitation and from having a contract arising from any of the following activities if the person or business, at the request of the Commission or with the consent of the Commission, assisted in the preparation of procurement documents in any of the following ways: (i) drafts, writes or assists the Commission with writing all or any part of a solicitation document; (ii) reviews or reads the solicitation document or comments on same; or (iii) participates in any activity relating to the organization or distribution of solicitation documents. Exception: Any person or business who responds to a posted or advertised request for information related to a procurement need of the Commission shall not be disqualified by virtue of responding to the Commission’s publicly advertised request.

### **II. PROCUREMENT PROCESS**

**A. In General—Documentation.** Solicitation documents that may be used include, without limitation, Request for Proposals (RFP), Request for Qualifications (RFQ) and Invitation for Bids (IFB). Generally, the Commission will approve the issuance of any specific RFP, RFQ or IFB.

**B. Form of Solicitation.** Each solicitation document (RFP, RFQ, IFB or other) shall contain, inter alia, some or all of the following depending on the form of solicitation:

1. A description of the required services, materials or goods including any and all relevant specifications.



2. A date certain by which responses to the solicitation shall be returned, submission location for responses and the Commission's designated point of contact.
3. The qualifying criteria and the associated evaluation factors to be utilized in the selection process.
4. Scope of work.
5. A statement of the minimum information that the response and/or proposal to the solicitation shall contain which may, by way of example, include
  - (a) principal place of business and, if different, the place of performance of the proposed contract;
  - (b) if deemed relevant, the age of the responder's business and average number of employees over a previous period of time, as specified in the solicitation document;
  - (c) A listing of individuals with ownership interest and the percentage amount thereof in the responder's business and the identity of any lobbyist or governmental consultant under existing contract;
  - (d) the abilities, qualifications, and experience of all persons who would be assigned to provide the required services;
  - (e) a listing of other contracts under which services similar in scope, size or discipline to the required services were performed or undertaken within a previous period of time, as specified in the solicitation document;
  - (f) a plan, giving as much detail as is practical, explaining how the services will be performed;
  - (g) price; and
  - (h) certain required certifications.

**C. Questions regarding Solicitation.** Any questions regarding a specific solicitation must be submitted in writing only to the designated point of contact for the solicitation in accordance with the timing and other related terms outlined in the solicitation. Responses to such questions will be posted on the Commission's website.

**D. Pre-Submission Conference.** A pre-submission conference may be conducted, in the sole discretion of the Commission and/or Commission staff, to enhance potential vendors' understanding of the procurement requirements. A pre-submission conference, if required, shall be announced as part of the solicitation document. The conference may be designated as "attendance mandatory" or "attendance optional".

**E. Responses to Solicitation; Evaluation.**

1. Delivery and Opening of Responses. Responses must be submitted to the designated contact in accordance with the terms stated in the solicitation document. Upon receipt, responses shall be date and time stamped but not opened and shall be stored in a secure place until the time and dates set for bid or response opening. Bids and/or responses shall be opened publicly at the time, date and place designated in the solicitation document.

2. Initial Evaluation of Responses. Each response will be evaluated as designated by the Commission by either Commission staff and/or Commissioners based on the evaluation factors stated in the subject solicitation document. A list of all respondents to the solicitation will be compiled and posted on the Commission website upon award. The relative importance of the evaluation factors will vary based on the parameters of the subject solicitation.

3. Due Diligence. Designated Commission staff shall conduct appropriate due diligence. As specified in Section II.F of this Policy, the Commission's Quiet Period Policy does not prevent due diligence meetings and communications.



**F. Quiet Period.** The Quiet Period is intended to establish guidelines by which Commissioners and Commission staff will communicate with prospective vendors during the pendency of a solicitation. The objectives of such a Quiet Period are to ensure that prospective vendors competing for contracts with the Commission have equal access to information regarding selection parameters, communications related to selection are consistent and accurate and the process of selecting vendors is transparent, efficient, diligent and fair. The following guidelines will be instituted during the pendency of solicitations issued by the Commission:

1. A quiet period will commence upon the issuance of a solicitation by the Commission and/or Commission staff and end upon award of any resulting contracts from the subject solicitation.
2. Initiation, continuation and conclusion of the quiet period shall be publicly communicated to prevent inadvertent violations.
3. All Commissioners and Commission staff not directly involved in the solicitation process shall refrain from communicating with potential vendors regarding any product or service related to any pending solicitation throughout the quiet period and shall refrain from accepting meals, travel, hotel or other value from the potential vendors.
4. Throughout the quiet period, if any Commissioner is contacted by a potential vendor, the Commissioner shall refer the vendor to the Chief Legal Counsel or Commission staff member directly involved in the solicitation process.
5. The quiet period does not prevent Commission approved due diligence or communications with an existing vendor that happens to be a competing vendor in the ordinary course of services provided by such vendor; however, discussions related to the pending selection shall be avoided during such activities.
6. A potential vendor maybe disqualified from the consideration under the solicitation for a knowing violation of this quiet period policy.

**G. Making/Effecting Selection; Notice of Selection.**

1. Selection from Finalists. The Commissioners or designated Commission staff will make the final recommendations with respect to any selection resulting from the search. One or more responders may be selected, as appropriate. The Commission may either elect to delegate final approval authority to Commissioners or designated Commission staff tasked with evaluation of the responses or require final approval to be determined by the Commission. The process for final approval shall be stated in the solicitation document. The Commission reserves the right to make no selection as a result of a search.
2. Prevailing Wage. Potential vendors of the following classifications of services must certify that wages to be paid to their employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the proposed contract is to be performed and having a total value of \$50,000 or more: (i) printing, (ii) janitorial cleaning services, (iii) window cleaning services, (iv) building and grounds services, (v) site technician services, (vi) natural resources services, (vii) food services and (viii) security guard services. This section shall not apply to services furnished under contracts for professional or artistic services. Additionally, this section shall not apply to services performed by social enterprises operated by not-for-profit entities.
3. Project Labor Agreements. The Commission may, in its sole and absolute discretion, utilize project labor agreements (PLA) for projects exceeding \$5M in cost to ensure the highest standards of quality and efficiency at the lowest responsible cost.



4. Award Notice. Bidders/respondents shall be notified of contract award. The notification shall be issued electronically, and additionally may be in the form of a letter, purchase order or other communication. Notices of awards for any solicitation document shall be posted on the Commission's website.

5. Negotiation of Contract. The Chief Legal Counsel or his or her designee shall negotiate the final terms of resulting contracts as directed by the Board. In the event a contract is not able to be completed with a finalist, the Commission may select another finalist from among the remaining responders.

6. Consideration of Best Value. Nothing in this Policy shall prohibit the Commission or designated Commission staff from making a selection that represents the best value based on qualifications, fees and other relevant factors.

7. Notice of Contract; Public Documentation. Following successful completion of the related contract(s), the Commission's decision shall be public information and shall be posted on the Commission's website. Such notice shall include the name of the successful respondents or offerors, the total amount applicable to the contract(s) if available, the basis for determining the total fees to be paid, and a disclosure approved by the Commission describing the factors that contributed to the selection.

**H. Minority Business Enterprise.** The Commission encourages the use of vendors that are owned by Minorities, Women or Persons with Disabilities. The Commission and Commission staff shall give consideration to certified Minority, Woman or Disabled owned businesses.

### **III. EXCEPTIONS**

This Policy does not apply to the following procurements that are/involve:

#### **A. Leases of property owned or controlled by the Commission**

#### **B. Sole source procurements**

- "Sole source" means that particular goods or services are available from only one responsible source, or that obtaining particular goods or services from any other source would not be economically feasible (sometimes referred to as a "single source").
- Written justification of a sole source procurement and approval by the Commission are required to authorize a sole source procurement.

#### **C. Emergency procurements**

- "Emergency" means a situation involving public health, public safety or cases where immediate expenditure is necessary for repairs to Commission property to protect against further loss or damage, to prevent or minimize disruption in Commission services, or to insure the integrity of Commission operations.
- Efforts will be made to accelerate or modify normal procedures to accommodate an emergency rather than to eliminate all such procedures. Examples of such efforts include requesting quotations verbally or by email or facsimile machine.
- The Commission, by this Policy, has delegated authority for emergency transactions, which in the opinion of the Executive Director require immediate action, to the Executive Director. Notwithstanding the above, sole source procurements and leases of property shall be subject to approval of the Commission.

#### **D. Small purchases**

- "Small purchase" means any individual procurement of supplies or services not exceeding \$50,000.



- When practicable, quotations shall be solicited from a reasonable number of sources to promote competition. The following factors should be considered when determining how many quotations will be solicited: the nature of the item or service and whether it is readily available from several or limited sources; information obtained in making recent similar purchases; the urgency of the purchase; the anticipated dollar value; and knowledge of or past experience with specific vendor services and/or prices. Generally, solicitation of at least three sources should be considered; however, the number of “reasonable” solicitations will depend on the specific situation.
- Quotations may be solicited in writing or over the phone, provided, however, that written records of all solicitations shall be maintained. Small purchases may be made at the discretion of the Executive Director.

*A record of all exceptions to this Policy shall be maintained by the Commission. Dividing or planning procurements to avoid use of competitive procedures (stringing) is prohibited.*

#### **IV. FURTHER AMENDMENTS**

The Commission expressly reserves the right to amend this Policy, from time to time, without prior notice.