

#### **Sec. 7-4. Substitute Competitive Solicitations for Certain Purchases.**

- (a) *Charter and Contract School Solicitations.* Charter School and Contract School charters and contracts shall be made only after an annual competitive process determined by the Chief Executive Officer. Charter School and Contract School renewals shall be determined in accordance with processes determined by the Chief Executive Officer.
- (b) *Piggy-back On Other Public Entity Procurements.* The CPO is authorized to approve the purchase of Non-biddable Items and Biddable Items based on contracts between another governmental entity and its respective vendors (the “Reference Contract”), subject to the following conditions:
  - (i) The procurement process used to form the Reference Contract shall substantially comply with the competitive procurement requirements of these Rules and shall comply with all legal obligations applicable to the Board.
  - (ii) A separate contract between the Board and the governmental entity’s vendor that includes all of the material terms in the Reference Contract shall be executed prior to any purchases. The contract entered into between the Board and the vendor may contain:
    - (1) pricing or compensation terms equivalent to, or more favorable to the Board than those contained in the Reference Contract;
    - (2) a period of duration or term which may vary from the term of the Reference Contract;
    - (3) a remedial program for minority and women-owned business enterprise participation in goods and service terms equivalent or more favorable to the Board than those contained in the Reference Contract;
    - (4) such additional provisions as the CPO determines to be in the best interests of the Board; or
    - (5) such insertions to or deletions from the Reference Contract as are required by law or regulation applicable to the Board.
  - (iii) All purchases pursuant to this subsection must be approved by the CPO and require a contract, and those purchases over

\$150,000 require Board approval. The contract between the Board and the governmental entity's vendor is subject to the review and approval of the General Counsel.

- (c) *Other Education-related Procurement Processes Mandated by Statute or Regulation.* Other education-related expenditures subject to statutory or regulatory procurement procedures outside the scope of these Rules shall be made in accordance with those procedures, including, but not limited to engagement of Illinois State Board of Education certified special education providers who are providing specialized services as mandated by the Individuals with Disabilities in Education Act.
- (d) *Textbooks and Instructional Materials with Favored Pricing.* Purchases of textbooks and instructional materials are subject to the favored pricing obligations set out in 105 ILCS 5/28-1, et seq., and therefore the procurement rules set out in Section 7-2 or 7-3 shall not apply to such purchases. Suppliers of textbooks and instructional materials shall file a sworn statement annually with the CPO attesting that prices charged to the Board for textbooks and instructional materials are the lowest net prices for such materials as charged elsewhere in Illinois and in the United States. Suppliers charging higher prices in violation of their sworn statements are subject to penalties which include, but are not limited to, rebates for pricing overages. The Chief Education Officer may establish lists of recommended textbooks and instructional materials and provide guidelines for the selection and purchase of textbooks and instructional materials.
- (e) *Purchases of Non-Biddable and Biddable Items through the Illinois School Purchasing Network or Government Purchasing Cooperative Contracts.* The CPO is authorized to approve the purchase of Non-biddable Items and Biddable Items through contracts (a) authorized under the Illinois School Purchasing Network in accordance with Article 28A of the Illinois School Code, or (b) procured from another governmental agency and offered by or through a government purchasing cooperative in which the contracts were entered into in accordance with the purchasing laws and regulations of the procuring government entity. Any expenditure over \$150,000 further requires Board approval. For all such purchases, the CPO and the General Counsel shall also identify the method of purchase and contract requirements pertinent to the transaction. The contract between the Board and the Illinois School Purchasing

Network, the government purchasing cooperative or their authorized vendor is subject to the review and approval of the General Counsel.