

Vendor Communications

FAQ's

■ Q1:

Is there a dollar threshold for reporting to occur or should everything be reported?

■ **A1:**

No, there is no monetary amount that exempts the reporting requirements.

■ **Q2:**

Would Foundation or Grant funded vendor communications need to be reported or are these exempt?

■ **A2:**

Yes, Grants are exempt from the procurement code.

Foundation purchases are not exempt.

■ Q3:

Is each person that calls a vendor to place an order required to file a report?

■ **A3:**

All state employees are subject to the reporting requirements.

■ Q4:

Are internal orders placed within WIU exempt from reporting? (e.g. Orders placed with DPS)

■ **A4:**

Yes, most orders between state agencies are exempt from the procurement code.

■ Q5:

Some contracts for professional services are placed regardless of price (e.g. vocal performance). Are these contracts exempt or must they be reported?

■ **A5:**

If a contract/purchase is exempted from the procurement code, it is also exempt from the reporting requirement. (See Section 1-13 of the code)

■ Q6:

What is considered to be
“materially important” or
“makes a material argument”?

■ **A6:**

“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.”

■ Q7:

Does an employee have to file a report when negotiating a contract with a specific performer?

■ A7:

“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.”

■ **Q8:**

To add something to an existing contract (e.g. training services), does the employee need to file a vendor communication report?

■ **A8:**

Yes, any change to an existing contract requires that a vendor communication report be filed.

- Q9:

If a department is considering the purchase of an item and calls different vendors to inquire about availability, does each vendor contact need to be reported if pricing is not discussed?

■ A9:

“A ‘material argument’ is a communication that a reasonable person would believe was made for the purpose of influencing procurement decisions.”

(30 ILCS 500/39(g))

- **A9: Continued...**

“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 purposes of providing information to evaluate new products, trends, services, or technologies.”

(30 ILCS 500/39(g))

- **Q10:**

Does an employee need to file a report for unsolicited sales calls?

- **A10:**

No, unsolicited calls do not need to be reported. If more information is requested from the vendor, the reporting requirement depends upon the type of information requested. (Refer to definition for “Material Argument”.)