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| **Notice 2025-01**  **Chief Procurement Office Notice**  **Request for Cure** | |
| **To:** | **Department Procurement Staff** |
| **From:** | **Bill Grunloh – Chief Procurement Officer for the Illinois Department of Transportation** |
| **Date:** | **01/01/2025** |
| **CC:** | **Procurement Policy Board** |

The Chief Procurement Officer for the Illinois Department of Transportation issues the following CPO notice.

Effective January 1, 2025, Section 50-57 of the Procurement Code provides that a Chief Procurement Officer (CPO) may cure a violation or deficiency in a procurement when they determine it is in the best interest of the State.

The department and State Purchasing Officers (SPO) shall submit a completed *Request for Cure* form (issued with this notice) when requesting approval from the CPO to cure a violation or deficiency of statute, rule, regulation, CPO Notice, Departmental Orders, or practice promulgated by the CPO. Ensuring that procurements are conducted lawfully, competitively, transparently, and fairly is the goal of the department and the statutory responsibility of SPOs and CPO. As few procurements fall short of these standards and even fewer will justify this cure, the CPO anticipates that these requests and authorizations will be minimal in number. If the violation or deficiency is discovered after the department executes the contract, then the cure provided by Section 50-57 is no longer available and the contract is void unless ratified pursuant to Section 50-60 of the Procurement Code.

Please consider the following guidelines when completing the *Request for Cure* form.

1. Determine if a cure by the CPO is necessary to resolve the harm caused by the violation or deficiency. In other words, without the CPO’s cure, the solicitation must be cancelled, or a potential contractor must be determined non-responsive or not responsible. The department and SPO shall consider whether the

violation or deficiency is curable without the CPO’s intervention, or whether the situation can be

resolved through an amendment or addendum.

1. Review whether a cure by the CPO is appropriate to resolve the harm caused by the violation or

deficiency. Evaluate how each stakeholder (e.g. state, contractor, consultant, vendor, department, taxpayer, stakeholder that did not participate) may be harmed if the cure is authorized or is not authorized. Harm could include lost time, lost revenue, inflated costs, legal disputes, or receiving the wrong item or result, among other things.

1. In section 2 on the *Request for Cure* form, provide a detailed explanation justifying that the benefit of curing the violation or deficiency outweighs the identified harm to stakeholders.
2. In section 3 on the *Request for Cure* form, include a time frame to complete each action. The time frame may be the number of calendar days to complete each action or the date when the action will be completed. If the CPO authorizes a cure, then the authorization may be contingent upon an agreed upon time frame.

If you have questions about this notice, please contact your State Purchasing Officer.