



Sen. Bill Cunningham

**Filed: 3/15/2017**

10000SB0222sam001

LRB100 04154 MLM 23579 a

1 AMENDMENT TO SENATE BILL 222

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 222 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding  
5 Section 5.878 as follows:

6 (30 ILCS 105/5.878 new)

7 Sec. 5.878. The Illinois Excellence Fund.

8 Section 10. The Illinois Procurement Code is amended by  
9 reenacting and changing Section 1-13, by changing Sections  
10 1-10, 1-15.20, 1-15.93, 1-15.107, 5-30, 20-20, 20-43, 20-80,  
11 20-160, 30-30, 35-30, and 40-25, and by adding Sections 1-13.1  
12 and 1-15.46 as follows:

13 (30 ILCS 500/1-10)

14 Sec. 1-10. Application.

1           (a) This Code applies only to procurements for which  
2 bidders, offerors, potential contractors, or contractors were  
3 first solicited on or after July 1, 1998. This Code shall not  
4 be construed to affect or impair any contract, or any provision  
5 of a contract, entered into based on a solicitation prior to  
6 the implementation date of this Code as described in Article  
7 99, including but not limited to any covenant entered into with  
8 respect to any revenue bonds or similar instruments. All  
9 procurements for which contracts are solicited between the  
10 effective date of Articles 50 and 99 and July 1, 1998 shall be  
11 substantially in accordance with this Code and its intent.

12           (b) This Code shall apply regardless of the source of the  
13 funds with which the contracts are paid, including federal  
14 assistance moneys. This Code shall not apply to:

15           (1) Contracts between the State and its political  
16 subdivisions or other governments, or between State  
17 governmental bodies except as specifically provided in  
18 this Code.

19           (2) Grants, except for the filing requirements of  
20 Section 20-80.

21           (3) Purchase of care.

22           (4) Hiring of an individual as employee and not as an  
23 independent contractor, whether pursuant to an employment  
24 code or policy or by contract directly with that  
25 individual.

26           (5) Collective bargaining contracts.

1           (6) (Blank). ~~Purchase of real estate, except that~~  
2 ~~notice of this type of contract with a value of more than~~  
3 ~~\$25,000 must be published in the Procurement Bulletin~~  
4 ~~within 10 calendar days after the deed is recorded in the~~  
5 ~~county of jurisdiction. The notice shall identify the real~~  
6 ~~estate purchased, the names of all parties to the contract,~~  
7 ~~the value of the contract, and the effective date of the~~  
8 ~~contract.~~

9           (7) Contracts necessary to prepare for anticipated  
10 litigation, enforcement actions, or investigations,  
11 provided that the chief legal counsel to the Governor shall  
12 give his or her prior approval when the procuring agency is  
13 one subject to the jurisdiction of the Governor, and  
14 provided that the chief legal counsel of any other  
15 procuring entity subject to this Code shall give his or her  
16 prior approval when the procuring entity is not one subject  
17 to the jurisdiction of the Governor.

18           (8) Contracts for services to Northern Illinois  
19 University by a person, acting as an independent  
20 contractor, who is qualified by education, experience, and  
21 technical ability and is selected by negotiation for the  
22 purpose of providing non-credit educational service  
23 activities or products by means of specialized programs  
24 offered by the university.

25           (9) Procurement expenditures by the Illinois  
26 Conservation Foundation when only private funds are used.

1           (10) Procurement expenditures by the Illinois Health  
2 Information Exchange Authority involving private funds  
3 from the Health Information Exchange Fund. "Private funds"  
4 means gifts, donations, and private grants.

5           (11) Public-private agreements entered into in  
6 accordance with the laws of this State ~~according to the~~  
7 ~~procurement requirements of Section 20 of the~~  
8 ~~Public Private Partnerships for Transportation Act and~~  
9 ~~design build agreements entered into according to the~~  
10 ~~procurement requirements of Section 25 of the~~  
11 ~~Public Private Partnerships for Transportation Act.~~

12           (12) Contracts for legal, financial, and other  
13 professional and artistic services entered into on or  
14 before December 31, 2018 by the Illinois Finance Authority  
15 in which the State of Illinois is not obligated. Such  
16 contracts shall be awarded through a competitive process  
17 authorized by the Board of the Illinois Finance Authority  
18 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
19 50-35, and 50-37 of this Code, as well as the final  
20 approval by the Board of the Illinois Finance Authority of  
21 the terms of the contract.

22           (13) The provisions of this paragraph (13), other than  
23 this sentence, are inoperative on and after January 1, 2019  
24 or 2 years after the effective date of this amendatory Act  
25 of the 99th General Assembly, whichever is later. Contracts  
26 for services, commodities, and equipment to support the

1 delivery of timely forensic science services in  
2 consultation with and subject to the approval of the Chief  
3 Procurement Officer as provided in subsection (d) of  
4 Section 5-4-3a of the Unified Code of Corrections, except  
5 for the requirements of Sections 20-60, 20-65, 20-70, and  
6 20-160 and Article 50 of this Code; however, the Chief  
7 Procurement Officer may, in writing with justification,  
8 waive any certification required under Article 50 of this  
9 Code. For any contracts for services which are currently  
10 provided by members of a collective bargaining agreement,  
11 the applicable terms of the collective bargaining  
12 agreement concerning subcontracting shall be followed.

13 Notwithstanding any other provision of law, contracts  
14 entered into under item (12) of this subsection (b) shall be  
15 published in the Procurement Bulletin within 14 calendar days  
16 after contract execution. The chief procurement officer shall  
17 prescribe the form and content of the notice. The Illinois  
18 Finance Authority shall provide the chief procurement officer,  
19 on a monthly basis, in the form and content prescribed by the  
20 chief procurement officer, a report of contracts that are  
21 related to the procurement of goods and services identified in  
22 item (12) of this subsection (b). At a minimum, this report  
23 shall include the name of the contractor, a description of the  
24 supply or service provided, the total amount of the contract,  
25 the term of the contract, and the exception to the Code  
26 utilized. A copy of each of these contracts shall be made

1 available to the chief procurement officer immediately upon  
2 request. The chief procurement officer shall submit a report to  
3 the Governor and General Assembly no later than November 1 of  
4 each year that shall include, at a minimum, an annual summary  
5 of the monthly information reported to the chief procurement  
6 officer.

7 (c) This Code does not apply to the electric power  
8 procurement process provided for under Section 1-75 of the  
9 Illinois Power Agency Act and Section 16-111.5 of the Public  
10 Utilities Act.

11 (d) Except for Section 20-160 and Article 50 of this Code,  
12 and as expressly required by Section 9.1 of the Illinois  
13 Lottery Law, the provisions of this Code do not apply to the  
14 procurement process provided for under Section 9.1 of the  
15 Illinois Lottery Law.

16 (e) This Code does not apply to the process used by the  
17 Capital Development Board to retain a person or entity to  
18 assist the Capital Development Board with its duties related to  
19 the determination of costs of a clean coal SNG brownfield  
20 facility, as defined by Section 1-10 of the Illinois Power  
21 Agency Act, as required in subsection (h-3) of Section 9-220 of  
22 the Public Utilities Act, including calculating the range of  
23 capital costs, the range of operating and maintenance costs, or  
24 the sequestration costs or monitoring the construction of clean  
25 coal SNG brownfield facility for the full duration of  
26 construction.

1           (f) This Code does not apply to the process used by the  
2 Illinois Power Agency to retain a mediator to mediate sourcing  
3 agreement disputes between gas utilities and the clean coal SNG  
4 brownfield facility, as defined in Section 1-10 of the Illinois  
5 Power Agency Act, as required under subsection (h-1) of Section  
6 9-220 of the Public Utilities Act.

7           (g) This Code does not apply to the processes used by the  
8 Illinois Power Agency to retain a mediator to mediate contract  
9 disputes between gas utilities and the clean coal SNG facility  
10 and to retain an expert to assist in the review of contracts  
11 under subsection (h) of Section 9-220 of the Public Utilities  
12 Act. This Code does not apply to the process used by the  
13 Illinois Commerce Commission to retain an expert to assist in  
14 determining the actual incurred costs of the clean coal SNG  
15 facility and the reasonableness of those costs as required  
16 under subsection (h) of Section 9-220 of the Public Utilities  
17 Act.

18           (h) This Code does not apply to the process to procure or  
19 contracts entered into in accordance with Sections 11-5.2 and  
20 11-5.3 of the Illinois Public Aid Code.

21           (i) Each chief procurement officer may access records  
22 necessary to review whether a contract, purchase, or other  
23 expenditure is or is not subject to the provisions of this  
24 Code, unless such records would be subject to attorney-client  
25 privilege.

26           (j) This Code does not apply to the process used by the

1 Capital Development Board to retain an artist or work or works  
2 of art as required in Section 14 of the Capital Development  
3 Board Act.

4 (k) This Code does not apply to the process to procure  
5 contracts, or contracts entered into, by the State Board of  
6 Elections or the State Electoral Board for hearing officers  
7 appointed pursuant to the Election Code.

8 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
9 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.  
10 1-1-15; 99-801, eff. 1-1-17.)

11 (30 ILCS 500/1-13)

12 (Section scheduled to be repealed on December 31, 2016)

13 Sec. 1-13. Applicability to public institutions of higher  
14 education.

15 (a) This Code shall apply to public institutions of higher  
16 education, regardless of the source of the funds with which  
17 contracts are paid, except as provided in this Section.

18 (b) Except as provided in this Section, this Code shall not  
19 apply to procurements made by or on behalf of public  
20 institutions of higher education for any of the following:

21 (1) Memberships in professional, academic, research,  
22 or athletic organizations on behalf of a public institution  
23 of higher education, an employee of a public institution of  
24 higher education, or a student at a public institution of  
25 higher education.



1 (2) Procurement expenditures for events or activities  
2 paid for exclusively by revenues generated by the event or  
3 activity, gifts or donations for the event or activity,  
4 private grants, or any combination thereof.

5 (3) Procurement expenditures for events or activities  
6 for which the use of specific potential contractors is  
7 mandated or identified by the sponsor of the event or  
8 activity, provided that the sponsor is providing a majority  
9 of the funding for the event or activity.

10 (4) Procurement expenditures necessary to provide  
11 athletic, artistic, or musical services, performances,  
12 events, or productions ~~held at a venue operated by~~ or for a  
13 public institution of higher education.

14 (5) Procurement expenditures for periodicals, ~~and~~  
15 books, subscriptions, database licenses, and other  
16 publications procured for use by a university library or  
17 academic department, except for expenditures related to  
18 procuring textbooks for student use or materials for resale  
19 or rental.

20 (6) Procurement expenditures for placement of students  
21 in externships, practicums, and field experiences, ~~and~~ for  
22 medical residencies and rotations.

23 (7) Contracts for programming and broadcast license  
24 rights for university-operated radio and television  
25 stations.

26 (8) Procurement expenditures necessary to perform

1 sponsored research and other sponsored activities under  
2 grants and contracts funded by the sponsor or by sources  
3 other than State appropriations.

4 (9) Contracts with a foreign entity for research or  
5 educational activities, provided that the foreign entity  
6 either does not maintain an office in the United States or  
7 is the sole source of the service or product.

8 (10) Procurement of food items for commercial resale on  
9 the campus of or at a facility controlled by an institution  
10 of higher education.

11 (11) Procurement expenditures for new and used  
12 textbooks offered for resale.

13 (12) Procurement expenditures for goods and services  
14 provided by national and regional higher education  
15 consortium groups pursuant to competitive solicitation  
16 where fair pricing is determined.

17 (13) Procurement expenditures for used equipment.

18 (14) Procurement expenditures for investments,  
19 banking, custody services, insurance, insurance services,  
20 tax services, and debt underwriting.

21 Notice of each contract entered into by a public institution of  
22 higher education that is related to the procurement of goods  
23 and services identified in items (1) through (14) ~~(7)~~ of this  
24 subsection shall be published in the Procurement Bulletin  
25 within 14 calendar days after contract execution. The Chief  
26 Procurement Officer shall prescribe the form and content of the

1 notice. Each public institution of higher education shall  
2 provide the Chief Procurement Officer, on a monthly basis, in  
3 the form and content prescribed by the Chief Procurement  
4 Officer, a report of contracts that are related to the  
5 procurement of goods and services identified in this  
6 subsection. At a minimum, this report shall include the name of  
7 the contractor, a description of the supply or service  
8 provided, the total amount of the contract, the term of the  
9 contract, and the exception to the Code utilized. A copy of any  
10 or all of these contracts shall be made available to the Chief  
11 Procurement Officer immediately upon request. The Chief  
12 Procurement Officer shall submit a report to the Governor and  
13 General Assembly no later than November 1 of each year that  
14 shall include, at a minimum, an annual summary of the monthly  
15 information reported to the Chief Procurement Officer.

16 (b-5) Except as provided in this subsection, the provisions  
17 of this Code shall not apply to contracts for medical  
18 ~~FDA-regulated~~ supplies, and to contracts for medical services  
19 necessary for the delivery of care and treatment at medical,  
20 dental, or veterinary teaching facilities utilized by Southern  
21 Illinois University or the University of Illinois and at any  
22 university-operated health care center or dispensary that  
23 provides care, treatment, and medications for students,  
24 faculty and staff. Other supplies and services needed for these  
25 teaching facilities shall be subject to the jurisdiction of the  
26 Chief Procurement Officer for Public Institutions of Higher

1 Education who may establish expedited procurement procedures  
2 and may waive or modify certification, contract, hearing,  
3 process and registration requirements required by the Code. All  
4 procurements made under this subsection shall be documented and  
5 may require publication in the Illinois Procurement Bulletin.

6 (c) Procurements made by or on behalf of public  
7 institutions of higher education for any of the following shall  
8 be made in accordance with the requirements of this Code to the  
9 extent practical as provided in this subsection:

10 (1) (Blank). ~~Contracts with a foreign entity necessary~~  
11 ~~for research or educational activities, provided that the~~  
12 ~~foreign entity either does not maintain an office in the~~  
13 ~~United States or is the sole source of the service or~~  
14 ~~product.~~

15 (2) (Blank).

16 (3) (Blank).

17 (4) Procurements required for fulfillment of a grant.

18 Upon the written request of a public institution of higher  
19 education, the Chief Procurement Officer may waive  
20 registration, certification, and hearing requirements of this  
21 Code if, based on the item to be procured or the terms of a  
22 grant, compliance is impractical. The public institution of  
23 higher education shall provide the Chief Procurement Officer  
24 with specific reasons for the waiver, including the necessity  
25 of contracting with a particular potential contractor, and  
26 shall certify that an effort was made in good faith to comply

1 with the provisions of this Code. The Chief Procurement Officer  
2 shall provide written justification for any waivers. By  
3 November 1 of each year, the Chief Procurement Officer shall  
4 file a report with the General Assembly identifying each  
5 contract approved with waivers and providing the justification  
6 given for any waivers for each of those contracts. Notice of  
7 each waiver made under this subsection shall be published in  
8 the Procurement Bulletin within 14 calendar days after contract  
9 execution. The Chief Procurement Officer shall prescribe the  
10 form and content of the notice.

11 (d) Notwithstanding this Section, a waiver of the  
12 registration requirements of Section 20-160 does not permit a  
13 business entity and any affiliated entities or affiliated  
14 persons to make campaign contributions if otherwise prohibited  
15 by Section 50-37. The total amount of contracts awarded in  
16 accordance with this Section shall be included in determining  
17 the aggregate amount of contracts or pending bids of a business  
18 entity and any affiliated entities or affiliated persons.

19 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
20 this Code, the Chief Procurement Officer, with the approval of  
21 the Executive Ethics Commission, may permit a public  
22 institution of higher education to accept a bid or enter into a  
23 contract with a business that assisted the public institution  
24 of higher education in determining whether there is a need for  
25 a contract or assisted in reviewing, drafting, or preparing  
26 documents related to a bid or contract, provided that the bid

1 or contract is essential to research administered by the public  
2 institution of higher education and it is in the best interest  
3 of the public institution of higher education to accept the bid  
4 or contract. For purposes of this subsection, "business"  
5 includes all individuals with whom a business is affiliated,  
6 including, but not limited to, any officer, agent, employee,  
7 consultant, independent contractor, director, partner,  
8 manager, or shareholder of a business. The Executive Ethics  
9 Commission may promulgate rules and regulations for the  
10 implementation and administration of the provisions of this  
11 subsection (e).

12 (f) As used in this Section:

13 "Grant" means non-appropriated funding provided by a  
14 federal or private entity to support a project or program  
15 administered by a public institution of higher education and  
16 any non-appropriated funding provided to a sub-recipient of the  
17 grant.

18 "Public institution of higher education" means Chicago  
19 State University, Eastern Illinois University, Governors State  
20 University, Illinois State University, Northeastern Illinois  
21 University, Northern Illinois University, Southern Illinois  
22 University, University of Illinois, Western Illinois  
23 University, and, for purposes of this Code only, the Illinois  
24 Mathematics and Science Academy.

25 (g) (Blank). ~~This Section is repealed on December 31, 2016.~~

26 (Source: P.A. 97-643, eff. 12-20-11; 97-895, eff. 8-3-12;

1 98-1076, eff. 1-1-15.)

2 (30 ILCS 500/1-13.1 new)

3 Sec. 1-13.1. Continuation of Section 1-13 of this Code;  
4 validation.

5 (a) The General Assembly finds and declares that:

6 (1) Public Act 98-1076, which took effect on January 1,  
7 2015, changed the repeal date set for Section 1-13 of this  
8 Code from December 31, 2014 to December 31, 2016.

9 (2) The Statute on Statutes sets forth general rules on  
10 the repeal of statutes and the construction of multiple  
11 amendments, but Section 1 of that Act also states that  
12 these rules will not be observed when the result would be  
13 "inconsistent with the manifest intent of the General  
14 Assembly or repugnant to the context of the statute".

15 (3) This amendatory Act of the 100th General Assembly  
16 manifests the intention of the General Assembly to remove  
17 the repeal of Section 1-13 of this Code.

18 (4) Section 1-13 of this Code was originally enacted to  
19 protect, promote, and preserve the general welfare. Any  
20 construction of Section 1-13 of this Code that results in  
21 the repeal of that Section on December 31, 2014 would be  
22 inconsistent with the manifest intent of the General  
23 Assembly and repugnant to the context of this Code.

24 (b) It is hereby declared to have been the intent of the  
25 General Assembly that Section 1-13 of this Code not be subject

1 to repeal on December 31, 2014.

2 (c) Section 1-13 of this Code shall be deemed to have been  
3 in continuous effect since December 20, 2011 (the effective  
4 date of Public Act 97-643), and it shall continue to be in  
5 effect henceforward until it is otherwise lawfully repealed.  
6 All previously enacted amendments to Section 1-13 of this Code  
7 taking effect on or after December 31, 2014, are hereby  
8 validated.

9 (d) All actions taken in reliance on or pursuant to Section  
10 1-13 of this Code by any public institution of higher  
11 education, person, or entity are hereby validated.

12 (e) In order to ensure the continuing effectiveness of  
13 Section 1-13 of this Code, it is set forth in full and  
14 re-enacted by this amendatory Act of the 100th General  
15 Assembly. This re-enactment is intended as a continuation of  
16 that Section. It is not intended to supersede any amendment to  
17 that Section that is enacted by the 100th General Assembly.

18 (f) In this amendatory Act of the 100th General Assembly,  
19 the base text of the reenacted Section is set forth as amended  
20 by Public Act 98-1076. Striking and underscoring is used only  
21 to show changes being made to the base text.

22 (g) Section 1-13 of this Code applies to all procurements  
23 made on or before the effective date of this amendatory Act of  
24 the 100th General Assembly.



1           Sec. 1-15.20. Construction; ~~and~~ construction-related  
2 services; and construction support services. "Construction"  
3 means building, altering, repairing, improving, or demolishing  
4 any public structure or building, or making improvements of any  
5 kind to public real property. Construction does not include the  
6 routine operation, routine repair, or routine maintenance of  
7 existing structures, buildings, or real property.

8           "Construction-related services" means those services  
9 including construction design, layout, inspection, support,  
10 feasibility or location study, research, development,  
11 planning, or other investigative study undertaken by a  
12 construction agency concerning construction or potential  
13 construction.

14           "Construction support" means all equipment, supplies, and  
15 services that are necessary to the operation of a construction  
16 agency's construction program. "Construction support" does not  
17 include construction-related services.

18           (Source: P.A. 90-572, eff. 2-6-98.)

19           (30 ILCS 500/1-15.46 new)

20           Sec. 1-15.46. Master contract. "Master contract" means a  
21 definite quantity, indefinite quantity, or requirements  
22 contract awarded in accordance with this Code, against which  
23 subsequent orders may be placed to meet the needs of a State  
24 purchasing entity. A master contract may be for use by a single  
25 State purchasing entity or for multiple State purchasing

1 entities and other entities as authorized under the  
2 Governmental Joint Purchasing Act.

3 (30 ILCS 500/1-15.93)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 1-15.93. Single prime. "Single prime" means the  
6 design-bid-build procurement delivery method for a building  
7 construction project in which the Capital Development Board or  
8 a public institution of higher education is the construction  
9 agency procuring 2 or more subdivisions of work enumerated in  
10 paragraphs (1) through (5) of subsection (a) of Section 30-30  
11 of this Code under a single contract. This Section is repealed  
12 on January 1, 2020.

13 (Source: P.A. 99-257, eff. 8-4-15.)

14 (30 ILCS 500/1-15.107)

15 Sec. 1-15.107. Subcontract. "Subcontract" means a contract  
16 between a person and a person who has a contract subject to  
17 this Code, pursuant to which the subcontractor provides to the  
18 contractor, or, if the contract price exceeds \$100,000 ~~\$50,000~~,  
19 another subcontractor, some or all of the goods, services, real  
20 property, remuneration, or other monetary forms of  
21 consideration that are the subject of the primary contract and  
22 includes, among other things, subleases from a lessee of a  
23 State agency. For purposes of this Code, a "subcontract" does  
24 not include purchases of goods or supplies that are incidental

1 to the performance of a contract by a person who has a contract  
2 subject to this Code.

3 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

4 (30 ILCS 500/5-30)

5 Sec. 5-30. Proposed contracts; Procurement Policy Board.

6 (a) Except as provided in subsection (c), within 14 ~~30~~  
7 calendar days after notice of the awarding or letting of a  
8 contract has appeared in the Procurement Bulletin in accordance  
9 with subsection (b) of Section 15-25, the Board may request in  
10 writing from the contracting agency and the contracting agency  
11 shall promptly, but in no event later than 7 calendar days  
12 after receipt of the request, provide to the Board, by  
13 electronic or other means satisfactory to the Board,  
14 documentation in the possession of the contracting agency  
15 concerning the proposed contract. Nothing in this subsection is  
16 intended to waive or abrogate any privilege or right of  
17 confidentiality authorized by law.

18 (b) No contract subject to this Section may be entered into  
19 until the 14-day ~~30-day~~ period described in subsection (a) has  
20 expired, unless the contracting agency requests in writing that  
21 the Board waive the period and the Board grants the waiver in  
22 writing.

23 (c) This Section does not apply to (i) contracts entered  
24 into under this Code for small and emergency procurements as  
25 those procurements are defined in Article 20 and (ii) contracts

1 for professional and artistic services that are nonrenewable,  
2 one year or less in duration, and have a value of less than  
3 \$20,000. If requested in writing by the Board, however, the  
4 contracting agency must promptly, but in no event later than 10  
5 calendar days after receipt of the request, transmit to the  
6 Board a copy of the contract for an emergency procurement and  
7 documentation in the possession of the contracting agency  
8 concerning the contract.

9 (Source: P.A. 98-1076, eff. 1-1-15.)

10 (30 ILCS 500/20-20)

11 Sec. 20-20. Small purchases.

12 (a) Amount. Any individual procurement of supplies or  
13 services ~~other than professional or artistic services,~~ not  
14 exceeding \$100,000 ~~\$10,000~~ and any procurement of construction  
15 not exceeding \$100,000, or any individual procurement of  
16 professional or artistic services not exceeding \$100,000  
17 ~~\$30,000~~ may be made without competitive sealed bidding.  
18 Procurements shall not be artificially divided so as to  
19 constitute a small purchase under this Section. Any procurement  
20 of construction not exceeding \$100,000 may be made by an  
21 alternative competitive source selection. The construction  
22 agency shall establish rules for an alternative competitive  
23 source selection process. This Section does not apply to  
24 construction-related professional services contracts awarded  
25 in accordance with the provisions of the Architectural,

1 Engineering, and Land Surveying Qualifications Based Selection  
2 Act.

3 (b) Adjustment. Each July 1, the small purchase maximum  
4 established in subsection (a) shall be adjusted for inflation  
5 as determined by the Consumer Price Index for All Urban  
6 Consumers as determined by the United States Department of  
7 Labor and rounded to the nearest \$100.

8 (c) Based upon rules proposed by the Board and rules  
9 promulgated by the chief procurement officers, the small  
10 purchase maximum established in subsection (a) may be modified.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

12 (30 ILCS 500/20-43)

13 Sec. 20-43. Bidder or offeror authorized to transact  
14 business or conduct affairs ~~do business~~ in Illinois. In  
15 addition to meeting any other requirement of law or rule, a  
16 person (other than an individual acting as a sole proprietor)  
17 may qualify as a bidder or offeror under this Code only if the  
18 person is a legal entity prior to submitting the bid, offer, or  
19 proposal. The legal entity must be authorized to transact  
20 business or conduct affairs in Illinois prior to execution of  
21 the contract ~~submitting the bid, offer, or proposal.~~

22 (Source: P.A. 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/20-80)

24 Sec. 20-80. Contract files.

1 (a) Written determinations. All written determinations  
2 required under this Article shall be placed in the contract  
3 file maintained by the chief procurement officer.

4 (b) Filing with Comptroller. Whenever a grant, defined  
5 pursuant to accounting standards established by the  
6 Comptroller, or a contract liability, except for: (1) contracts  
7 paid from personal services, ~~or~~ (2) contracts between the State  
8 and its employees to defer compensation in accordance with  
9 Article 24 of the Illinois Pension Code, or (3) contracts paid  
10 from non-State appropriations, exceeding \$20,000 is incurred  
11 by any State agency, a copy of the contract, purchase order,  
12 grant, or lease shall be filed with the Comptroller within 30  
13 calendar days thereafter. Beginning January 1, 2013, the  
14 Comptroller may require that contracts and grants required to  
15 be filed with the Comptroller under this Section shall be filed  
16 electronically, unless the agency is incapable of filing the  
17 contract or grant electronically because it does not possess  
18 the necessary technology or equipment. Any agency that is  
19 incapable of electronically filing its contracts or grants  
20 shall submit a written statement to the Governor and to the  
21 Comptroller attesting to the reasons for its inability to  
22 comply. This statement shall include a discussion of what the  
23 agency needs in order to effectively comply with this Section.  
24 Prior to requiring electronic filing, the Comptroller shall  
25 consult with the Governor as to the feasibility of establishing  
26 mutually agreeable technical standards for the electronic

1 document imaging, storage, and transfer of contracts and  
2 grants, taking into consideration the technology available to  
3 that agency, best practices, and the technological  
4 capabilities of State agencies. Nothing in this amendatory Act  
5 of the 97th General Assembly shall be construed to impede the  
6 implementation of an Enterprise Resource Planning (ERP)  
7 system. For each State contract for goods, supplies, or  
8 services awarded on or after July 1, 2010, the contracting  
9 agency shall provide the applicable rate and unit of  
10 measurement of the goods, supplies, or services on the contract  
11 obligation document as required by the Comptroller. If the  
12 contract obligation document that is submitted to the  
13 Comptroller contains the rate and unit of measurement of the  
14 goods, supplies, or services, the Comptroller shall provide  
15 that information on his or her official website. Any  
16 cancellation or modification to any such contract liability  
17 shall be filed with the Comptroller within 30 calendar days of  
18 its execution.

19 (c) Late filing affidavit. When a contract, purchase order,  
20 grant, or lease required to be filed by this Section has not  
21 been filed within 30 calendar days of execution, the  
22 Comptroller shall refuse to issue a warrant for payment  
23 thereunder until the agency files with the Comptroller the  
24 contract, purchase order, grant, or lease and an affidavit,  
25 signed by the chief executive officer of the agency or his or  
26 her designee, setting forth an explanation of why the contract

1 liability was not filed within 30 calendar days of execution. A  
2 copy of this affidavit shall be filed with the Auditor General.

3 (d) Timely execution of contracts. No voucher shall be  
4 submitted to the Comptroller for a warrant to be drawn for the  
5 payment of money from the State treasury or from other funds  
6 held by the State Treasurer on account of any contract unless  
7 the contract is reduced to writing before the services are  
8 performed and filed with the Comptroller. Vendors shall not be  
9 paid for any goods that were received or services that were  
10 rendered before the contract was reduced to writing and signed  
11 by all necessary parties. A chief procurement officer may  
12 request an exception to this subsection by submitting a written  
13 statement to the Comptroller and Treasurer setting forth the  
14 circumstances and reasons why the contract could not be reduced  
15 to writing before the supplies were received or services were  
16 performed. A waiver of this subsection must be approved by the  
17 Comptroller and Treasurer. This Section shall not apply to  
18 emergency purchases if notice of the emergency purchase is  
19 filed with the Procurement Policy Board and published in the  
20 Bulletin as required by this Code.

21 (e) Method of source selection. When a contract is filed  
22 with the Comptroller under this Section, the Comptroller's file  
23 shall identify the method of source selection used in obtaining  
24 the contract.

25 (Source: P.A. 97-932, eff. 8-10-12; 98-1076, eff. 1-1-15.)



1 (30 ILCS 500/20-160)

2 Sec. 20-160. Business entities; certification;  
3 registration with the State Board of Elections.

4 (a) For purposes of this Section, the terms "business  
5 entity", "contract", "State contract", "contract with a State  
6 agency", "State agency", "affiliated entity", and "affiliated  
7 person" have the meanings ascribed to those terms in Section  
8 50-37.

9 (b) Every bid and offer submitted to and every contract  
10 executed by the State on or after January 1, 2009 (the  
11 effective date of Public Act 95-971) and every submission to a  
12 vendor portal shall contain (1) a certification by the bidder,  
13 offeror, vendor, or contractor that either (i) the bidder,  
14 offeror, vendor, or contractor is not required to register as a  
15 business entity with the State Board of Elections pursuant to  
16 this Section or (ii) the bidder, offeror, vendor, or contractor  
17 has registered as a business entity with the State Board of  
18 Elections and acknowledges a continuing duty to update the  
19 registration and (2) a statement that the contract is voidable  
20 under Section 50-60 for the bidder's, offeror's, vendor's, or  
21 contractor's failure to comply with this Section.

22 (c) Each business entity (i) whose aggregate bids and  
23 proposals on State contracts annually total more than \$50,000,  
24 (ii) whose aggregate bids and proposals on State contracts  
25 combined with the business entity's aggregate annual total  
26 value of State contracts exceed \$50,000, or (iii) whose

1 contracts with State agencies, in the aggregate, annually total  
2 more than \$50,000 shall register with the State Board of  
3 Elections in accordance with Section 9-35 of the Election Code.  
4 A business entity required to register under this subsection  
5 due to item (i) or (ii) has a continuing duty to ensure that  
6 the registration is accurate during the period beginning on the  
7 date of registration and ending on the day after the date the  
8 contract is awarded; any change in information must be reported  
9 to the State Board of Elections 5 business days following such  
10 change or no later than a day before the contract is awarded,  
11 whichever date is earlier. A business entity required to  
12 register under this subsection due to item (iii) has a  
13 continuing duty to ensure that the registration is accurate in  
14 accordance with subsection (e).

15 (d) Any business entity, not required under subsection (c)  
16 to register, whose aggregate bids and proposals on State  
17 contracts annually total more than \$50,000, or whose aggregate  
18 bids and proposals on State contracts combined with the  
19 business entity's aggregate annual total value of State  
20 contracts exceed \$50,000, shall register with the State Board  
21 of Elections in accordance with Section 9-35 of the Election  
22 Code prior to submitting to a State agency the bid or proposal  
23 whose value causes the business entity to fall within the  
24 monetary description of this subsection. A business entity  
25 required to register under this subsection has a continuing  
26 duty to ensure that the registration is accurate during the

1 period beginning on the date of registration and ending on the  
2 day after the date the contract is awarded. Any change in  
3 information must be reported to the State Board of Elections  
4 within 5 business days following such change or no later than a  
5 day before the contract is awarded, whichever date is earlier.

6 (e) A business entity whose contracts with State agencies,  
7 in the aggregate, annually total more than \$50,000 must  
8 maintain its registration under this Section and has a  
9 continuing duty to ensure that the registration is accurate for  
10 the duration of the term of office of the incumbent  
11 officeholder awarding the contracts or for a period of 2 years  
12 following the expiration or termination of the contracts,  
13 whichever is longer. A business entity, required to register  
14 under this subsection, has a continuing duty to report any  
15 changes on a quarterly basis to the State Board of Elections  
16 within 14 calendar days following the last day of January,  
17 April, July, and October of each year. Any update pursuant to  
18 this paragraph that is received beyond that date is presumed  
19 late and the civil penalty authorized by subsection (e) of  
20 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be  
21 assessed.

22 Also, if a business entity required to register under this  
23 subsection has a pending bid or offer, any change in  
24 information shall be reported to the State Board of Elections  
25 within 7 calendar days following such change or no later than a  
26 day before the contract is awarded, whichever date is earlier.

1 (f) A business entity's continuing duty under this Section  
2 to ensure the accuracy of its registration includes the  
3 requirement that the business entity notify the State Board of  
4 Elections of any change in information, including but not  
5 limited to changes of affiliated entities or affiliated  
6 persons.

7 (g) For any bid or offer for a contract with a State agency  
8 by a business entity required to register under this Section,  
9 the chief procurement officer may ~~shall~~ verify that the  
10 business entity is required to register under this Section and  
11 is in compliance with the registration requirements on the date  
12 the bid or offer is due. A chief procurement officer shall not  
13 accept a bid or offer if the business entity is not in  
14 compliance with the registration requirements as of the date  
15 bids or offers are due. Upon discovery of noncompliance with  
16 this Section, if the bidder or offeror made a good faith effort  
17 to comply with registration efforts prior to the date the bid  
18 or offer was due, a chief procurement officer may provide the  
19 bidder or offeror 5 business days to achieve compliance. The  
20 chief procurement officer may extend the time to prove  
21 compliance by as long as necessary in the event that there is a  
22 failure within the State Board of Elections's registration  
23 system.

24 (h) A registration, and any changes to a registration, must  
25 include the business entity's verification of accuracy and  
26 subjects the business entity to the penalties of the laws of

1 this State for perjury.

2 In addition to any penalty under Section 9-35 of the  
3 Election Code, intentional, willful, or material failure to  
4 disclose information required for registration shall render  
5 the contract, bid, offer, or other procurement relationship  
6 voidable by the chief procurement officer if he or she deems it  
7 to be in the best interest of the State of Illinois.

8 (i) This Section applies regardless of the method of source  
9 selection used in awarding the contract.

10 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;  
11 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/30-30)

13 Sec. 30-30. Design-bid-build construction.

14 (a) The provisions of this subsection are operative through  
15 December 31, 2019.

16 For building construction contracts in excess of \$250,000,  
17 separate specifications may be prepared for all equipment,  
18 labor, and materials in connection with the following 5  
19 subdivisions of the work to be performed:

20 (1) plumbing;

21 (2) heating, piping, refrigeration, and automatic  
22 temperature control systems, including the testing and  
23 balancing of those systems;

24 (3) ventilating and distribution systems for  
25 conditioned air, including the testing and balancing of

1           those systems;

2                 (4) electric wiring; and

3                 (5) general contract work.

4           The specifications may be so drawn as to permit separate  
5 and independent bidding upon each of the 5 subdivisions of  
6 work. All contracts awarded for any part thereof may award the  
7 5 subdivisions of work separately to responsible and reliable  
8 persons, firms, or corporations engaged in these classes of  
9 work. The contracts, at the discretion of the construction  
10 agency, may be assigned to the successful bidder on the general  
11 contract work or to the successful bidder on the subdivision of  
12 work designated by the construction agency before the bidding  
13 as the prime subdivision of work, provided that all payments  
14 will be made directly to the contractors for the 5 subdivisions  
15 of work upon compliance with the conditions of the contract.

16           Beginning on the effective date of this amendatory Act of  
17 the 99th General Assembly and through December 31, 2019, for  
18 single prime projects: (i) the bid of the successful low bidder  
19 shall identify the name of the subcontractor, if any, and the  
20 bid proposal costs for each of the 5 subdivisions of work set  
21 forth in this Section; (ii) the contract entered into with the  
22 successful bidder shall provide that no identified  
23 subcontractor may be terminated without the written consent of  
24 the Capital Development Board; (iii) the contract shall comply  
25 with the disadvantaged business practices of the Business  
26 Enterprise for Minorities, Females, and Persons with

1 Disabilities Act and the equal employment practices of Section  
2 2-105 of the Illinois Human Rights Act; (iv) the Capital  
3 Development Board and public institutions of higher education  
4 shall submit a quarterly report to the Procurement Policy Board  
5 with information on the general scope, project budget, and  
6 established Business Enterprise Program goals for any single  
7 prime procurement bid in the previous 3 months with a total  
8 construction cost valued at \$10,000,000 or less; and (v) the  
9 Capital Development Board and public institutions of higher  
10 education shall submit an annual report to the General Assembly  
11 and Governor on the bidding, award, and performance of all  
12 single prime projects.

13 For building construction projects with a total  
14 construction cost valued at \$5,000,000 or less, the Capital  
15 Development Board and public institutions of higher education  
16 shall not use the single prime procurement delivery method for  
17 more than 50% of the total number of projects bid for each  
18 fiscal year. Any project with a total construction cost valued  
19 greater than \$5,000,000 may be bid using single prime at the  
20 discretion of the Executive Director of the Capital Development  
21 Board or the president of a public institution of higher  
22 education, as applicable.

23 Beginning on the effective date of this amendatory Act of  
24 the 99th General Assembly and through December 31, 2017, the  
25 Capital Development Board and public institutions of higher  
26 education shall, on a weekly basis: review the projects that

1 have been designed, and approved to bid; and, for every fifth  
2 determination to use the single prime procurement delivery  
3 method for a project under \$10,000,000, submit to the  
4 Procurement Policy Board a written notice of its intent to use  
5 the single prime method on the project. The notice shall  
6 include the reasons for using the single prime method and an  
7 explanation of why the use of that method is in the best  
8 interest of the State. The Capital Development Board or a  
9 public institution of higher education, as applicable, shall  
10 post the notice on its online procurement webpage and on the  
11 online Procurement Bulletin at least 3 business days following  
12 submission. The Procurement Policy Board shall review and  
13 provide its decision on the use of the single prime method for  
14 every fifth use of the single prime procurement delivery method  
15 for a project under \$10,000,000 within 7 business days of  
16 receipt of the notice from the Capital Development Board or the  
17 public institution of higher education, as applicable.  
18 Approval by the Procurement Policy Board shall not be  
19 unreasonably withheld and shall be provided unless the  
20 Procurement Policy Board finds that the use of the single prime  
21 method is not in the best interest of the State. Any decision  
22 by the Procurement Policy Board to disapprove the use of the  
23 single prime method shall be made in writing to the Capital  
24 Development Board or the public institution of higher  
25 education, as applicable, posted on the online Procurement  
26 Bulletin, and shall state the reasons why the single prime



1 method was disapproved and why it is not in the best interest  
2 of the State. For the requirements under this Section, the  
3 Capital Development Board shall have responsibility for only  
4 those projects that are managed pursuant to the Capital  
5 Development Board Act.

6 (b) The provisions of this subsection are operative on and  
7 after January 1, 2020. For building construction contracts in  
8 excess of \$250,000, separate specifications shall be prepared  
9 for all equipment, labor, and materials in connection with the  
10 following 5 subdivisions of the work to be performed:

11 (1) plumbing;

12 (2) heating, piping, refrigeration, and automatic  
13 temperature control systems, including the testing and  
14 balancing of those systems;

15 (3) ventilating and distribution systems for  
16 conditioned air, including the testing and balancing of  
17 those systems;

18 (4) electric wiring; and

19 (5) general contract work.

20 The specifications must be so drawn as to permit separate  
21 and independent bidding upon each of the 5 subdivisions of  
22 work. All contracts awarded for any part thereof shall award  
23 the 5 subdivisions of work separately to responsible and  
24 reliable persons, firms, or corporations engaged in these  
25 classes of work. The contracts, at the discretion of the  
26 construction agency, may be assigned to the successful bidder

1 on the general contract work or to the successful bidder on the  
2 subdivision of work designated by the construction agency  
3 before the bidding as the prime subdivision of work, provided  
4 that all payments will be made directly to the contractors for  
5 the 5 subdivisions of work upon compliance with the conditions  
6 of the contract.

7 (Source: P.A. 98-431, eff. 8-16-13; 98-1076, eff. 1-1-15;  
8 99-257, eff. 8-4-15.)

9 (30 ILCS 500/35-30)

10 Sec. 35-30. Awards.

11 (a) All State contracts for professional and artistic  
12 services, except as provided in this Section, shall be awarded  
13 using the competitive request for proposal process outlined in  
14 this Section.

15 (b) For each contract offered, the chief procurement  
16 officer, State purchasing officer, or his or her designee shall  
17 use the appropriate standard solicitation forms available from  
18 the chief procurement officer for matters other than  
19 construction or the higher education chief procurement  
20 officer.

21 (c) Prepared forms shall be submitted to the chief  
22 procurement officer for matters other than construction or the  
23 higher education chief procurement officer, whichever is  
24 appropriate, for publication in its Illinois Procurement  
25 Bulletin and circulation to the chief procurement officer for

1 matters other than construction or the higher education chief  
2 procurement officer's list of prequalified vendors. Notice of  
3 the offer or request for proposal shall appear at least 14  
4 calendar days before the response to the offer is due.

5 (d) All interested respondents shall return their  
6 responses to the chief procurement officer for matters other  
7 than construction or the higher education chief procurement  
8 officer, whichever is appropriate, which shall open and record  
9 them. The chief procurement officer for matters other than  
10 construction or higher education chief procurement officer  
11 then shall forward the responses, together with any information  
12 it has available about the qualifications and other State work  
13 of the respondents.

14 (e) After evaluation, ranking, and selection, the  
15 responsible chief procurement officer, State purchasing  
16 officer, or his or her designee shall notify the chief  
17 procurement officer for matters other than construction or the  
18 higher education chief procurement officer, whichever is  
19 appropriate, of the successful respondent and shall forward a  
20 copy of the signed contract for the chief procurement officer  
21 for matters other than construction or higher education chief  
22 procurement officer's file. The chief procurement officer for  
23 matters other than construction or higher education chief  
24 procurement officer shall publish the names of the responsible  
25 procurement decision-maker, the agency letting the contract,  
26 the successful respondent, a contract reference, and value of

1 the let contract in the next appropriate volume of the Illinois  
2 Procurement Bulletin.

3 (f) For all professional and artistic contracts with  
4 annualized value that exceeds \$100,000 ~~\$25,000~~, evaluation and  
5 ranking by price are required. Any chief procurement officer or  
6 State purchasing officer, but not their designees, may select a  
7 respondent other than the lowest respondent by price. In any  
8 case, when the contract exceeds the \$100,000 ~~\$25,000~~ threshold  
9 and the lowest respondent is not selected, the chief  
10 procurement officer or the State purchasing officer shall  
11 forward together with the contract notice of who the low  
12 respondent by price was and a written decision as to why  
13 another was selected to the chief procurement officer for  
14 matters other than construction or the higher education chief  
15 procurement officer, whichever is appropriate. The chief  
16 procurement officer for matters other than construction or  
17 higher education chief procurement officer shall publish as  
18 provided in subsection (e) of Section 35-30, but shall include  
19 notice of the chief procurement officer's or State purchasing  
20 officer's written decision.

21 (g) The chief procurement officer for matters other than  
22 construction and higher education chief procurement officer  
23 may each refine, but not contradict, this Section by  
24 promulgating rules for submission to the Procurement Policy  
25 Board and then to the Joint Committee on Administrative Rules.  
26 Any refinement shall be based on the principles and procedures

1 of the federal Architect-Engineer Selection Law, Public Law  
2 92-582 Brooks Act, and the Architectural, Engineering, and Land  
3 Surveying Qualifications Based Selection Act; except that  
4 pricing shall be an integral part of the selection process.

5 (Source: P.A. 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/40-25)

7 Sec. 40-25. Length of leases.

8 (a) Maximum term. Leases shall be for a term not to exceed  
9 10 years inclusive, beginning January, 1, 2010, of proposed  
10 contract renewals and shall include a termination option in  
11 favor of the State after 5 years. The duration of any lease for  
12 real property entered into by a public institution of higher  
13 education that requires a capital improvement in excess of  
14 \$100,000 as a condition of the lease may exceed 10 years, but  
15 not more than 30 years, if the governing board of a public  
16 institution of higher education, during a public hearing,  
17 determines that a lease in excess of 10 years is required or  
18 necessary for the use or benefit of that public institution of  
19 higher education and that the lease is in the best interest of  
20 the public institution of higher education. On July 1, 2022 and  
21 every 5 years thereafter, the capital improvement minimum  
22 established in this subsection (a) shall be adjusted for  
23 inflation by the chief procurement officer for higher education  
24 as determined by the Consumer Price Index for All Urban  
25 Consumers as determined by the United States Department of

1 Labor and rounded to the nearest \$100.

2 (b) Renewal. Leases may include a renewal option. An option  
3 to renew may be exercised only when a State purchasing officer  
4 determines in writing that renewal is in the best interest of  
5 the State and notice of the exercise of the option is published  
6 in the appropriate volume of the Procurement Bulletin at least  
7 60 calendar days prior to the exercise of the option.

8 (c) Subject to appropriation. All leases shall recite that  
9 they are subject to termination and cancellation in any year  
10 for which the General Assembly fails to make an appropriation  
11 to make payments under the terms of the lease.

12 (d) Holdover. Beginning January 1, 2010, no lease may  
13 continue on a month-to-month or other holdover basis for a  
14 total of more than 6 months. Beginning July 1, 2010, the  
15 Comptroller shall withhold payment of leases beyond this  
16 holdover period.

17 (Source: P.A. 98-1076, eff. 1-1-15.)

18 Section 15. The State Property Control Act is amended by  
19 changing Sections 1.02, 6.02, 6.04, 7a, and 7.3 as follows:

20 (30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

21 Sec. 1.02. "Property" means State owned property and  
22 includes all real estate, with the exception of rights of way  
23 for State water resource and highway improvements, traffic  
24 signs and traffic signals, and with the exception of common

1 school property; and all tangible personal property with the  
2 exception of properties specifically exempted by the  
3 administrator, provided that any property originally  
4 classified as real property which has been detached from its  
5 structure shall be classified as personal property.

6 "Property" does not include property owned by the Illinois  
7 Medical District Commission and leased or occupied by others  
8 for purposes permitted under the Illinois Medical District Act.

9 "Property" also does not include property owned and held by the  
10 Illinois Medical District Commission for redevelopment.

11 "Property" does not include property described under  
12 Section 5 of Public Act 92-371 with respect to depositing the  
13 net proceeds from the sale or exchange of the property as  
14 provided in Section 10 of that Act.

15 "Property" does not include that property described under  
16 Section 5 of Public Act 94-405.

17 "Property" does not include real property owned or operated  
18 by the Illinois Power Agency or any electricity generated on  
19 that real property or by the Agency. For purposes of this  
20 subsection only, "real property" includes any interest in land,  
21 all buildings and improvements located thereon, and all  
22 fixtures and equipment used or designed for the production and  
23 transmission of electricity located thereon.

24 "Property" does not include tangible personal property  
25 owned by the Board of Trustees of the University of Illinois  
26 utilized for purposes permitted under the University of

1 Illinois Act.

2 (Source: P.A. 94-405, eff. 8-2-05; 95-331, eff. 8-21-07;  
3 95-481, eff. 8-28-07.)

4 (30 ILCS 605/6.02) (from Ch. 127, par. 133b9.2)

5 Sec. 6.02. Each responsible officer shall maintain a  
6 permanent record of all items of tangible personal property  
7 under his jurisdiction and control, provided the administrator  
8 may exempt tangible personal property of nominal value or in  
9 the nature of consumable supplies, or both; and provided  
10 further that "textbooks" as defined in Section 18-17 of The  
11 School Code shall be exempted by the administrator after those  
12 textbooks have been on loan pursuant to that Section for a  
13 period of 5 years or more. The listing shall include all  
14 property being acquired under agreements which are required by  
15 the State Comptroller to be capitalized for inclusion in the  
16 statewide financial statements. Each responsible officer shall  
17 submit a listing of the permanent record at least annually to  
18 the administrator in such format as the administrator shall  
19 require. The record may be submitted in either hard copy or  
20 computer readable form. The administrator may require more  
21 frequent submissions when in the opinion of the administrator  
22 the agency records are not sufficiently reliable to justify  
23 annual submissions.

24 (Source: P.A. 85-432; 86-1288.)



1 (30 ILCS 605/6.04) (from Ch. 127, par. 133b9.4)

2 Sec. 6.04. Annually, and upon at least 30 days notice, the  
3 administrator may require each responsible officer to make, or  
4 cause to be made, an actual physical inventory check of all  
5 items of tangible personal property under his jurisdiction and  
6 control and said inventory shall be certified to the  
7 administrator with a full accounting of all errors or  
8 exceptions reported therein.

9 (Source: Laws 1955, p. 34.)

10 (30 ILCS 605/7a)

11 Sec. 7a. Surplus furniture. It is declared to be the public  
12 policy of this State, and the General Assembly determines, that  
13 it is in the best interest of the people of this State to  
14 expend the least amount of funds possible on the purchase of  
15 furniture.

16 Agencies that desire to purchase new furniture shall first  
17 check with the administrator if any of the surplus furniture  
18 under the administrator's control can be used in place of new  
19 furniture. If an agency finds that it is unable to use the  
20 surplus property, the agency shall file an affidavit with the  
21 administrator prior to any purchase, specifying the types of  
22 new furniture to be bought, the quantities of each type of new  
23 furniture, the cost per type, and the total cost per category.  
24 The affidavit shall also clearly state why the furniture must  
25 be purchased new as opposed to obtained from the

1 administrator's surplus. The affidavits shall be made  
2 available by the administrator for public inspection and  
3 copying.

4 This Section applies only to the purchase of an item of  
5 furniture with a purchase price of \$500 or more.

6 For the purposes of this Section, "agency" does not include  
7 the Board of Trustees of the University of Illinois.

8 (Source: P.A. 88-515; 88-656, eff. 9-16-94.)

9 (30 ILCS 605/7.3) (from Ch. 127, par. 133b10.3)

10 Sec. 7.3. (a) The Administrator shall have charge of all  
11 transferable property and shall have authority to take  
12 possession and control of such property in order to transfer or  
13 assign any such property to any other State agency that has  
14 need or use for such property or to dispose of said property in  
15 accordance with Section 7 of this Act.

16 The Administrator may not dispose of a transferable  
17 airplane by sale until he or she determines that (i) the agency  
18 no longer has a need for the airplane, (ii) the airplane will  
19 not be used as a trade-in on another aircraft, and (iii) no  
20 public university or college in Illinois that offers courses in  
21 aviation, flight training, or other subjects involving  
22 knowledge of the workings of an airplane has listed the need  
23 for an airplane as provided in this Section.

24 Responsible officers shall periodically report all  
25 transferable property at locations under their jurisdictions

1 to the Administrator. The Administrator shall review such  
2 reports and arrange for physical examination of said property  
3 if necessary to determine if said items of transferable  
4 property should be transferred to another State agency,  
5 transferred to a central warehouse, or disposed of. The  
6 Administrator shall advise responsible officers of the results  
7 of these reviews as necessary.

8 The staff under the jurisdiction of the Administrator shall  
9 review as necessary State agencies' inventories for potential  
10 items of transferable property. If in the opinion of the  
11 Administrator's staff, any property appears to be  
12 transferable, the Administrator shall notify the responsible  
13 officer of his determination. The executive head of the agency  
14 holding the property in question may appeal the determination  
15 in writing to the Administrator.

16 The Administrator will review the determination in  
17 accordance with rules and procedures established pursuant to  
18 Section 5 of this Act.

19 The Administrator shall maintain lists of transferable  
20 property and of State agency needs for such property and will  
21 transfer where appropriate listed transferable property to  
22 agencies listing their needs for such property as detailed by  
23 their responsible officers. The Administrator must give  
24 priority for transfer of an airplane, that is not to be used as  
25 a trade-in, to a public university or college in Illinois that  
26 offers courses in aviation, flight training, or other subjects

1 involving knowledge of the workings of an airplane and that has  
2 listed the need for an airplane.

3 (b) The Board of Trustees of the University of Illinois  
4 shall transfer or assign to the Administrator, for disposition  
5 in accordance with subsection (b) of Section 7, any tangible  
6 personal property in its possession, custody, or control that  
7 would otherwise qualify as transferable property.

8 (Source: P.A. 91-432, eff. 1-1-00.)

9 Section 20. The University of Illinois Act is amended by  
10 adding Sections 100, 105, and 110 as follows:

11 (110 ILCS 305/100 new)

12 Sec. 100. University of Illinois Investment, Performance,  
13 and Accountability Commitment.

14 (a) This Section may be referred to as the University of  
15 Illinois Investment, Performance, and Accountability  
16 Commitment.

17 (b) For Fiscal Year 2018, the General Assembly shall  
18 appropriate and the State Comptroller shall make available to  
19 the University an amount for operations that is not less than  
20 \$647,186,400. For Fiscal Year 2019 and every fiscal year  
21 thereafter, the General Assembly shall appropriate, before the  
22 beginning of each fiscal year, an amount not less than the  
23 amount appropriated for operations in the prior fiscal year,  
24 increased by a percentage equal to the percentage increase, if

1 any, in the Consumer Price Index for All Urban Consumers  
2 (CPI-U) published by the Bureau of Labor Statistics of the  
3 United States Department of Labor for the 12 months ending on  
4 the previous December 31, and the State Comptroller shall make  
5 available to the University within 12 months from the effective  
6 date of the appropriation an amount for operations that is not  
7 less than the amount appropriated and made available to the  
8 University for the prior fiscal year.

9 (c) In this subsection (c), "mandatory fees" excludes  
10 mandatory fees approved by students by referendum. Beginning  
11 with the 2018-2019 academic year, the Board of Trustees may not  
12 increase the base rate of in-State, undergraduate tuition and  
13 mandatory fees by more than the rate of inflation, if any, as  
14 measured by the Consumer Price Index for all Urban Consumers  
15 (CPI-U) published by the Bureau of Labor Statistics of the  
16 United States Department of Labor for the 12 months ending on  
17 the previous December 31 above the base rate of in-State,  
18 undergraduate tuition and mandatory fees set by the Board of  
19 Trustees for an undergraduate academic program in the previous  
20 academic year. This subsection (c) does not apply to health  
21 insurance fees, fees approved prior to the effective date of  
22 this amendatory Act of the 100th General Assembly, or fees  
23 approved by a student referendum.

24 (d) For Fiscal Year 2018 and every fiscal year thereafter,  
25 the University shall implement the Invest in Illinoisans  
26 program to provide to residents of this State \$170,000,000 in

1 annual financial aid. A percentage of this financial aid shall  
2 be provided annually to Illinois students of historically  
3 underrepresented populations. Such students shall include the  
4 following:

5 (1) students who are Black or African American,  
6 Hispanic or Latino, American Indian or Alaska Native, or  
7 Native Hawaiian or Other Pacific Islander;

8 (2) students from counties in this State from which the  
9 University of Illinois at Urbana-Champaign campus, the  
10 University of Illinois at Chicago campus, and the  
11 University of Illinois at Springfield campus combined have  
12 enrolled on average 2 or fewer students from the county  
13 over the last 3 years; and

14 (3) students from families who are classified as in  
15 poverty with an expected family contribution equal to zero.

16 (e) For the 2018-2019 academic year and every academic year  
17 thereafter, the University shall achieve performance goals  
18 defined by all of the following key performance indicators:

19 (1) The Board of Trustees shall admit as new and  
20 transfer students no fewer than 14,000 residents of this  
21 State in undergraduate programs at the University of  
22 Illinois at Urbana-Champaign campus, 11,800 residents of  
23 this State in undergraduate programs at the University of  
24 Illinois at Chicago campus, and 1,500 residents of this  
25 State in undergraduate programs at the University of  
26 Illinois at Springfield campus, provided the requisite

1 number of residents of this State seeking admission to  
2 undergraduate programs at the University meet the  
3 requirements of Section 8 of this Act. Residents of this  
4 State must comprise at least 50%, combined, of any growth  
5 in on-campus undergraduate enrollment above the level for  
6 the 2015-2016 academic year.

7 (2) The University shall maintain a first-to-second  
8 year retention rate in undergraduate programs greater than  
9 or equal to a combined 87% at the University of Illinois at  
10 Urbana-Champaign campus, the University of Illinois at  
11 Chicago campus, and the University of Illinois at  
12 Springfield campus.

13 (3) The University shall maintain a 6-year graduation  
14 rate for first-time freshmen in undergraduate programs  
15 greater than or equal to a combined 72% at the University  
16 of Illinois at Urbana-Champaign campus, the University of  
17 Illinois at Chicago campus, and the University of Illinois  
18 at Springfield campus.

19 For any academic year in which the University does not meet  
20 or exceed the key performance indicators listed in this  
21 subsection (e), the appropriation required by subsection (b) of  
22 this Section for the following fiscal year may be adjusted  
23 appropriately by the passage of a joint resolution of the  
24 General Assembly. However, any adjustment made under this  
25 subsection (e) must not be the basis for any future fiscal year  
26 appropriation under subsection (b) of this Section. If an

1 adjustment is made under this subsection (e), the basis for any  
2 future fiscal year appropriation under subsection (b) of this  
3 Section must be the previous fiscal year in which an adjustment  
4 was not made.

5 (f) Beginning September 1, 2018 and every September 1  
6 thereafter, the University shall publish on its website and  
7 make publicly available an annual report related to the  
8 previous academic and fiscal year at the University of Illinois  
9 at Urbana-Champaign campus, at the University of Illinois at  
10 Chicago campus, and at the University of Illinois at  
11 Springfield campus. The annual report shall include all of the  
12 following information:

13 (1) The number of first-time freshmen enrolled.

14 (2) The number of new transfer students enrolled.

15 (3) The number of undergraduates enrolled who are  
16 residents of this State.

17 (4) The number of underrepresented minority  
18 undergraduate students enrolled.

19 (5) The total undergraduate enrollment.

20 (6) The number of undergraduate degrees issued.

21 (7) The number of graduate degrees issued.

22 (8) The number of professional degrees issued.

23 (9) The total number of degrees issued.

24 (10) The number of science, technology, engineering,  
25 and mathematics degrees issued.

26 (11) The direct appropriation per undergraduate



1 degree.

2 (12) The direct appropriation per undergraduate degree  
3 issued to a resident of this State.

4 (13) The direct appropriation as a percentage of total  
5 expenditures.

6 (14) The number of undergraduate students enrolled in  
7 each college of each campus.

8 (15) The number of undergraduate students who are  
9 residents of this State enrolled in each college of each  
10 campus.

11 (g) The requirements of subsections (c), (d), and (e) of  
12 this Section are not applicable to the University in any fiscal  
13 year in which the General Assembly fails to appropriate and the  
14 State Comptroller fails to make available the amounts required  
15 under subsection (b) of this Section.

16 (h) This Section is repealed on June 30, 2022.

17 (110 ILCS 305/105 new)

18 Sec. 105. Certificates of participation for capital  
19 improvements.

20 (a) For the purposes of this Section, "Commission" means  
21 the Commission on Government Forecasting and Accountability.

22 (b) The power of the Board of Trustees to enter into  
23 contracts includes the power to enter into financing agreements  
24 in connection with the financing of capital improvements,  
25 including technology or other related improvements, by selling

1 certificates of participation in the installment payments made  
2 under such financing agreements. These financing agreements  
3 may be entered into for any period of time less than or equal  
4 to 30 years, but not to exceed the useful life of the capital  
5 improvement. Nothing in this Section authorizes the Board to  
6 incur State debt, as that term is defined in subsection (a) of  
7 Section 9 of Article IX of the Constitution of the State of  
8 Illinois.

9 (c) Upon determination by the Board to undertake a  
10 transaction for the sale of certificates of participation and  
11 enter into related financing agreements in connection with the  
12 financing of capital improvements, the Board shall adopt a  
13 resolution or resolutions describing in a general way the  
14 contemplated facilities or a combination thereof designated as  
15 the project, the estimated cost thereof, and any additional  
16 relevant information.

17 (d) Before issuance of any certificate of participation,  
18 the Board or its representatives shall appear before the  
19 Commission and present the details of the proposal. This  
20 presentation shall include such information as the Commission  
21 may request in relation to the proposed certificate of  
22 participation issuance. This information shall include, but is  
23 not limited to, the amount being financed, the nature of the  
24 project being financed, the proposed funding stream to pay for  
25 the certificate of participation issuance, the current  
26 outstanding indebtedness of the University, and the status of

1 all currently issued certificates of participation.

2 Upon receipt of a request by the University for a  
3 certificate of participation presentation, the Commission  
4 shall hold a public hearing and, upon adoption by a vote of the  
5 majority of appointed members, issue a record of findings in  
6 regards to the issuance of the certificate of participation  
7 within 60 days after the request.

8 As part of the Commission's considerations and findings,  
9 the Commission shall consider the effect the issuance of a  
10 certificate of participation shall have on the University's  
11 annual debt service and overall fiscal condition.

12 Within the Commission's findings must be a statement in  
13 which the Commission makes a recommendation to the University  
14 as to proceeding with the certificate of participation  
15 issuance. The recommendation shall be either (i) "favorably  
16 recommended", (ii) "recommended with concerns", or (iii)  
17 "non-support of issuance".

18 The Commission shall report the findings within 15 days  
19 after the hearing to all of the following:

20 (1) The Speaker of the House of Representatives.

21 (2) The Minority Leader of the House of  
22 Representatives.

23 (3) The President of the Senate.

24 (4) The Minority Leader of the Senate.

25 (5) The Governor's Office of Management and Budget.

26 (6) The President of the University.

1       Upon a finding of "non-support of issuance", the University  
2 may not proceed with the issuance of the certificate of  
3 participation involved in the finding without the approval of  
4 the General Assembly through the adoption of a joint  
5 resolution.

6       (e) Upon receipt of the external Auditor General audit  
7 report of each year, the University shall file with the  
8 Commission a report stating the status of all outstanding  
9 certificates of participation the University has issued and a  
10 copy of the annual budget as approved by the Board.

11       (f) Each issuance of a certificate of participation shall  
12 include within the appropriate documents related to its  
13 execution the following statement, which sets forth required  
14 limitations in relation to the certificate:

15       "THE BOARD OF TRUSTEES' OBLIGATION TO MAKE INSTALLMENT  
16 PAYMENTS DOES NOT CONSTITUTE A DEBT OF THE BOARD OR THE STATE  
17 OF ILLINOIS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR  
18 STATUTORY LIMITATION. THE INSTALLMENT PAYMENTS REQUIRED UNDER  
19 CERTIFICATES OF PARTICIPATION INCURRED BY THE UNIVERSITY ARE  
20 NOT SECURED BY THE FULL FAITH AND CREDIT OF THE STATE AND ARE  
21 NOT REQUIRED TO BE REPAYED AND MAY NOT BE REPAYED, DIRECTLY OR  
22 INDIRECTLY, FROM TAX REVENUE."

23       (g) The maximum annual debt service for the University's  
24 total certificate of participation obligation must not exceed  
25 \$100,000,000.

1 (110 ILCS 305/110 new)

2 Sec. 110. Illinois Excellence Program. Subject to  
3 appropriation, the Board of Trustees shall establish and  
4 administer a program, to be called the Illinois Excellence  
5 Program, to recruit and retain promising faculty throughout the  
6 University of Illinois system through capital investment in  
7 both new and distressed facilities. The Program shall focus on  
8 capital investment in facilities designed to attract and retain  
9 sought-after faculty to the University of Illinois system.

10 The Illinois Excellence Fund is created as a special fund  
11 in the State treasury. All money in the Fund may be used,  
12 subject to appropriation, by the Board of Trustees for the  
13 administration of the Illinois Excellence Program.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.".