



Sen. Bill Cunningham

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10000SB0222sam002

LRB100 04154 NHT 25473 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) If the General Assembly appropriates and the State
18 Comptroller makes available to the University an amount for
19 operations that is not less than \$647,186,400 for Fiscal Year
20 2018, then subsections (c), (d), and (e) of this Section apply
21 to the University during Fiscal Year 2018. If, for any
22 subsequent fiscal year, the General Assembly appropriates
23 before the beginning of that fiscal year and the State
24 Comptroller makes available to the University within 12 months

1 from the effective date of that appropriation an amount for
2 operations that is not less than \$647,186,400, increased by a
3 percentage equal to the percentage increase, if any, in the
4 Consumer Price Index for All Urban Consumers (CPI-U) published
5 by the Bureau of Labor Statistics of the United States
6 Department of Labor for the period beginning on January 1, 2018
7 and ending on the most recent December 31, then subsections
8 (c), (d), and (e) of this Section apply to the University
9 during that fiscal year.

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

25 (d) For Fiscal Year 2018 and every fiscal year thereafter,
26 the University shall implement the Invest in Illinoisans

1 program to provide to residents of this State \$170,000,000 in
2 annual financial aid. A percentage of this financial aid shall
3 be provided annually to Illinois students of historically
4 underrepresented populations. Such students shall include the
5 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (5) The total undergraduate enrollment.

21 (6) The number of undergraduate degrees issued.

22 (7) The number of graduate degrees issued.

23 (8) The number of professional degrees issued.

24 (9) The total number of degrees issued.

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

1 (11) The direct appropriation per undergraduate
2 degree.

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

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

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

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

12 (g) The requirements of subsections (c), (d), and (e) of
13 this Section do not apply to the University during any fiscal
14 year in which the General Assembly does not make an
15 appropriation in accordance with subsection (b) of this Section
16 or during any fiscal year in which the State Comptroller fails
17 to make available the amounts required under subsection (b) of
18 this Section. Nothing in this Section is intended to grant to
19 the University a vested, contractual right to a particular
20 level of funding for any fiscal year.

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

22 (110 ILCS 305/105 new)

23 Sec. 105. Certificates of participation for capital
24 improvements.

25 (a) For the purposes of this Section, "Commission" means

1 the Commission on Government Forecasting and Accountability.

2 (b) The power of the Board of Trustees to enter into
3 contracts includes the power to enter into financing agreements
4 in connection with the financing of capital improvements,
5 including technology or other related improvements, by selling
6 certificates of participation in the installment payments made
7 under such financing agreements. These financing agreements
8 may be entered into for any period of time less than or equal
9 to 30 years, but not to exceed the useful life of the capital
10 improvement. Nothing in this Section authorizes the Board to
11 incur State debt, as that term is defined in subsection (a) of
12 Section 9 of Article IX of the Constitution of the State of
13 Illinois.

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

22 (d) Before issuance of any certificate of participation,
23 the Board or its representatives shall appear before the
24 Commission and present the details of the proposal. This
25 presentation shall include such information as the Commission
26 may request in relation to the proposed certificate of

1 participation issuance. This information shall include, but is
2 not limited to, the amount being financed, the nature of the
3 project being financed, the proposed funding stream to pay for
4 the certificate of participation issuance, the current
5 outstanding indebtedness of the University, and the status of
6 all currently issued certificates of participation.

7 Upon receipt of a request by the University for a
8 certificate of participation presentation, the Commission
9 shall hold a public hearing and, upon adoption by a vote of the
10 majority of appointed members, issue a record of findings in
11 regards to the issuance of the certificate of participation
12 within 60 days after the request.

13 As part of the Commission's considerations and findings,
14 the Commission shall consider the effect the issuance of a
15 certificate of participation shall have on the University's
16 annual debt service and overall fiscal condition.

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

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

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

26 (2) The Minority Leader of the House of

1 Representatives.

2 (3) The President of the Senate.

3 (4) The Minority Leader of the Senate.

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

5 (6) The President of the University.

6 Upon a finding of "non-support of issuance", the University
7 may not proceed with the issuance of the certificate of
8 participation involved in the finding without the approval of
9 the General Assembly through the adoption of a joint
10 resolution.

11 (e) Upon receipt of the external Auditor General audit
12 report of each year, the University shall file with the
13 Commission a report stating the status of all outstanding
14 certificates of participation the University has issued and a
15 copy of the annual budget as approved by the Board.

16 (f) Each issuance of a certificate of participation shall
17 include within the appropriate documents related to its
18 execution the following statement, which sets forth required
19 limitations in relation to the certificate:

20 "THE BOARD OF TRUSTEES' OBLIGATION TO MAKE INSTALLMENT
21 PAYMENTS DOES NOT CONSTITUTE A DEBT OF THE BOARD OR THE STATE
22 OF ILLINOIS WITHIN THE MEANING OF ANY CONSTITUTIONAL OR
23 STATUTORY LIMITATION. THE INSTALLMENT PAYMENTS REQUIRED UNDER
24 CERTIFICATES OF PARTICIPATION INCURRED BY THE UNIVERSITY ARE
25 NOT SECURED BY THE FULL FAITH AND CREDIT OF THE STATE AND ARE
26 NOT REQUIRED TO BE REPAID AND MAY NOT BE REPAID, DIRECTLY OR

1 INDIRECTLY, FROM TAX REVENUE."

2 (g) The maximum annual debt service for the University's
3 total certificate of participation obligation must not exceed
4 \$100,000,000.

5 (110 ILCS 305/110 new)

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

14 The Illinois Excellence Fund is created as a special fund
15 in the State treasury. All money in the Fund may be used,
16 subject to appropriation, by the Board of Trustees for the
17 administration of the Illinois Excellence Program.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."