

SB2039



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2039

Introduced 2/15/2019, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-80

Amends the Illinois Procurement Code. Provides that whenever a grant or a contract liability exceeding \$100,000 (currently, \$20,000) is incurred by any State agency, a copy of the contract, purchase order, grant, or lease shall be filed with the Comptroller within 30 calendar days thereafter.

LRB101 10724 RJF 55836 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 20-80 as follows:

6 (30 ILCS 500/20-80)

7 Sec. 20-80. Contract files.

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

11 (b) Filing with Comptroller. Whenever a grant, defined
12 pursuant to accounting standards established by the
13 Comptroller, or a contract liability, except for: (1) contracts
14 paid from personal services, or (2) contracts between the State
15 and its employees to defer compensation in accordance with
16 Article 24 of the Illinois Pension Code, exceeding \$100,000
17 ~~\$20,000~~ is incurred by any State agency, a copy of the
18 contract, purchase order, grant, or lease shall be filed with
19 the Comptroller within 30 calendar days thereafter. Beginning
20 January 1, 2013, the Comptroller may require that contracts and
21 grants required to be filed with the Comptroller under this
22 Section shall be filed electronically, unless the agency is
23 incapable of filing the contract or grant electronically

1 because it does not possess the necessary technology or
2 equipment. Any State agency that is incapable of electronically
3 filing its contracts or grants shall submit a written statement
4 to the Governor and to the Comptroller attesting to the reasons
5 for its inability to comply. This statement shall include a
6 discussion of what the State agency needs in order to
7 effectively comply with this Section. Prior to requiring
8 electronic filing, the Comptroller shall consult with the
9 Governor as to the feasibility of establishing mutually
10 agreeable technical standards for the electronic document
11 imaging, storage, and transfer of contracts and grants, taking
12 into consideration the technology available to that agency,
13 best practices, and the technological capabilities of State
14 agencies. Nothing in this amendatory Act of the 97th General
15 Assembly shall be construed to impede the implementation of an
16 Enterprise Resource Planning (ERP) system. For each State
17 contract for supplies or services awarded on or after July 1,
18 2010, the contracting agency shall provide the applicable rate
19 and unit of measurement of the supplies or services on the
20 contract obligation document as required by the Comptroller. If
21 the contract obligation document that is submitted to the
22 Comptroller contains the rate and unit of measurement of the
23 supplies or services, the Comptroller shall provide that
24 information on his or her official website. Any cancellation or
25 modification to any such contract liability shall be filed with
26 the Comptroller within 30 calendar days of its execution.

1 (c) Late filing affidavit. When a contract, purchase order,
2 grant, or lease required to be filed by this Section has not
3 been filed within 30 calendar days of execution, the
4 Comptroller shall refuse to issue a warrant for payment
5 thereunder until the agency files with the Comptroller the
6 contract, purchase order, grant, or lease and an affidavit,
7 signed by the chief executive officer of the agency or his or
8 her designee, setting forth an explanation of why the contract
9 liability was not filed within 30 calendar days of execution. A
10 copy of this affidavit shall be filed with the Auditor General.

11 (d) Timely execution of contracts. Except as set forth in
12 subsection (b) of this Section, no voucher shall be submitted
13 to the Comptroller for a warrant to be drawn for the payment of
14 money from the State treasury or from other funds held by the
15 State Treasurer on account of any contract unless the contract
16 is reduced to writing before the services are performed and
17 filed with the Comptroller. Contractors shall not be paid for
18 any supplies that were received or services that were rendered
19 before the contract was reduced to writing and signed by all
20 necessary parties. A chief procurement officer may request an
21 exception to this subsection by submitting a written statement
22 to the Comptroller and Treasurer setting forth the
23 circumstances and reasons why the contract could not be reduced
24 to writing before the supplies were received or services were
25 performed. A waiver of this subsection must be approved by the
26 Comptroller and Treasurer. This Section shall not apply to

1 emergency purchases if notice of the emergency purchase is
2 filed with the Procurement Policy Board and published in the
3 Bulletin as required by this Code.

4 (e) Method of source selection. When a contract is filed
5 with the Comptroller under this Section, the Comptroller's file
6 shall identify the method of source selection used in obtaining
7 the contract.

8 (Source: P.A. 100-43, eff. 8-9-17.)