

SB3155



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3155

Introduced 2/6/2020, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-15.15

30 ILCS 500/10-20

Amends the Illinois Procurement Code. Provides for the appointment of an independent chief procurement officer for all procurements made by the Illinois State Police. Makes conforming changes.

LRB101 18836 RJF 68293 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 Sections 1-15.15 and 10-20 as follows:

6 (30 ILCS 500/1-15.15)

7 Sec. 1-15.15. Chief Procurement Officer. "Chief
8 Procurement Officer" means any of the 5 4 persons appointed or
9 approved by a majority of the members of the Executive Ethics
10 Commission:

11 (1) for procurements for construction and
12 construction-related services committed by law to the
13 jurisdiction or responsibility of the Capital Development
14 Board, the independent chief procurement officer appointed
15 by a majority of the members of the Executive Ethics
16 Commission.

17 (2) for procurements for all construction,
18 construction-related services, operation of any facility,
19 and the provision of any construction or
20 construction-related service or activity committed by law
21 to the jurisdiction or responsibility of the Illinois
22 Department of Transportation, including the direct or
23 reimbursable expenditure of all federal funds for which the

1 Department of Transportation is responsible or accountable
2 for the use thereof in accordance with federal law,
3 regulation, or procedure, the independent chief
4 procurement officer appointed by the Secretary of
5 Transportation with the consent of the majority of the
6 members of the Executive Ethics Commission.

7 (3) for all procurements made by a public institution
8 of higher education, the independent chief procurement
9 officer appointed by a majority of the members of the
10 Executive Ethics Commission.

11 (4) (Blank).

12 (4.5) for all procurements made by the Illinois State
13 Police, the independent chief procurement officer
14 appointed by a majority of the members of the Executive
15 Ethics Commission.

16 (5) for all other procurements, the independent chief
17 procurement officer appointed by a majority of the members
18 of the Executive Ethics Commission.

19 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see
20 Section 5 of P.A. 96-793 for the effective date of changes made
21 by P.A. 96-795); 96-920, eff. 7-1-10.)

22 (30 ILCS 500/10-20)

23 Sec. 10-20. Independent chief procurement officers.

24 (a) Appointment. Within 60 calendar days after the
25 effective date of this amendatory Act of the 96th General

1 Assembly, the Executive Ethics Commission, with the advice and
2 consent of the Senate shall appoint or approve 5 ~~4~~ chief
3 procurement officers, one for each of the following categories:

4 (1) for procurements for construction and
5 construction-related services committed by law to the
6 jurisdiction or responsibility of the Capital Development
7 Board;

8 (2) for procurements for all construction,
9 construction-related services, operation of any facility,
10 and the provision of any service or activity committed by
11 law to the jurisdiction or responsibility of the Illinois
12 Department of Transportation, including the direct or
13 reimbursable expenditure of all federal funds for which the
14 Department of Transportation is responsible or accountable
15 for the use thereof in accordance with federal law,
16 regulation, or procedure, the chief procurement officer
17 recommended for approval under this item appointed by the
18 Secretary of Transportation after consent by the Executive
19 Ethics Commission;

20 (3) for all procurements made by a public institution
21 of higher education; ~~and~~

22 (3.5) for all procurements made by the Illinois State
23 Police; and

24 (4) for all other procurement needs of State agencies.

25 A chief procurement officer shall be responsible to the
26 Executive Ethics Commission but must be located within the

1 agency that the officer provides with procurement services. The
2 chief procurement officer for higher education shall have an
3 office located within the Board of Higher Education, unless
4 otherwise designated by the Executive Ethics Commission. The
5 chief procurement officer for all other procurement needs of
6 the State shall have an office located within the Department of
7 Central Management Services, unless otherwise designated by
8 the Executive Ethics Commission.

9 (b) Terms and independence. Each chief procurement officer
10 appointed under this Section shall serve for a term of 5 years
11 beginning on the date of the officer's appointment. The chief
12 procurement officer may be removed for cause after a hearing by
13 the Executive Ethics Commission. The Governor or the director
14 of a State agency directly responsible to the Governor may
15 institute a complaint against the officer by filing such
16 complaint with the Commission. The Commission shall have a
17 hearing based on the complaint. The officer and the complainant
18 shall receive reasonable notice of the hearing and shall be
19 permitted to present their respective arguments on the
20 complaint. After the hearing, the Commission shall make a
21 finding on the complaint and may take disciplinary action,
22 including but not limited to removal of the officer.

23 The salary of a chief procurement officer shall be
24 established by the Executive Ethics Commission and may not be
25 diminished during the officer's term. The salary may not exceed
26 the salary of the director of a State agency for which the

1 officer serves as chief procurement officer.

2 (c) Qualifications. In addition to any other requirement or
3 qualification required by State law, each chief procurement
4 officer must within 12 months of employment be a Certified
5 Professional Public Buyer or a Certified Public Purchasing
6 Officer, pursuant to certification by the Universal Public
7 Purchasing Certification Council, and must reside in Illinois.

8 (d) Fiduciary duty. Each chief procurement officer owes a
9 fiduciary duty to the State.

10 (e) Vacancy. In case of a vacancy in one or more of the
11 offices of a chief procurement officer under this Section
12 during the recess of the Senate, the Executive Ethics
13 Commission shall make a temporary appointment until the next
14 meeting of the Senate, when the Executive Ethics Commission
15 shall nominate some person to fill the office, and any person
16 so nominated who is confirmed by the Senate shall hold office
17 during the remainder of the term and until his or her successor
18 is appointed and qualified. If the Senate is not in session at
19 the time this amendatory Act of the 96th General Assembly takes
20 effect, the Executive Ethics Commission shall make a temporary
21 appointment as in the case of a vacancy.

22 (f) (Blank).

23 (g) (Blank).

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