

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the Public  
5 Service Accountability Act.

6 Section 5. Definitions. For purposes of this Act:

7 "State agency" or "agency" means an executive office,  
8 department, division, board, commission, or other office or  
9 officer in the executive branch of State government.

10 "Services" means, with respect to a third-party contract,  
11 all aspects of the provision of services provided by a private  
12 contractor pursuant to a third-party contract, or any services  
13 provided by a subcontractor of a private contractor.

14 "Person" means an individual or a non-governmental  
15 institution or entity.

16 "Third-party contract" means an agreement or combination  
17 or series of agreements by which a private contractor agrees  
18 with a State agency to provide services valued at \$50,000 or  
19 more that are substantially similar to and in lieu of services  
20 that have been provided by public employees of a State agency.

21 "Private contractor" means any person that submits a bid to  
22 enter into or who enters into a third-party contract as that  
23 term is defined in this Section.

1 "Public employee" means an employee of any State agency.

2 Section 10. Third-party contracts; requirements.

3 (a) A State agency may enter into a third-party contract  
4 with a private contractor for services currently performed by  
5 public employees upon 90 days' written notice to the affected  
6 public employees and any collective bargaining agent they may  
7 have; provided that:

8 (1) a third-party contract must not be entered into and  
9 become effective during the term of a collective bargaining  
10 agreement, affecting any public employees who currently  
11 perform the services;

12 (2) a third-party contract may take effect only upon  
13 the expiration of an existing collective bargaining  
14 agreement applicable to the affected public employees;

15 (3) any private contractor that submits a bid to  
16 perform the services shall provide the following:

17 (A) evidence of liability insurance of adequate  
18 scope and amount;

19 (B) a benefits package for the private  
20 contractor's employees who will perform the services  
21 comparable to the benefits package provided to public  
22 employees who perform those services;

23 (C) a list of the number of employees who will  
24 provide the services, the job classifications of those  
25 employees, and the wages the private contractor will

1 pay those employees;

2 (D) a minimum 3-year cost projection, using  
3 generally accepted accounting principles and which the  
4 private contractor is prohibited from increasing if  
5 the bid is accepted by the State agency, for each and  
6 every expenditure category and account for performing  
7 the services;

8 (E) composite information about the criminal and  
9 disciplinary records, including alcohol or other  
10 substance abuse, Department of Children and Family  
11 Services complaints and investigations, traffic  
12 violations, and license revocations or any other  
13 licensure problems, of any employees who may perform  
14 the services, provided that the individual names and  
15 other identifying information of employees need not be  
16 provided with the submission of the bid, but must be  
17 made available upon request of the State agency; and

18 (F) an affidavit, notarized by the president or  
19 chief executive officer of the private contractor,  
20 that each of its employees has completed a criminal  
21 background check within 3 months prior to submission of  
22 the bid, provided that the results of those background  
23 checks need not be provided with the submission of the  
24 bid, but must be made available upon request of the  
25 State agency.

26 (4) a third-party contract must not be entered into

1 unless the State agency provides a cost comparison, using  
2 generally accepted accounting principles, of each and  
3 every expenditure category and account that the State  
4 agency projects it would incur over the term of the  
5 third-party contract if it continued to perform the  
6 services using its own public employees with each and every  
7 expenditure category and account that is projected a  
8 private contractor would incur if a private contractor  
9 performed the services;

10 (5) review and consideration of all bids by private  
11 contractors to perform the services shall take place in  
12 open session of a meeting announced and scheduled in  
13 accordance with the guidelines normally followed for  
14 meetings covered by the Open Meetings Act;

15 (6) a minimum of 2 public hearings to discuss the State  
16 agency's proposal to contract with a private contractor to  
17 perform services must be held before the State agency may  
18 enter into a third-party contract; the State agency must  
19 provide notice to the public of the date, time, and  
20 location of the first public hearing on or before the  
21 initial date that bids to provide the services are  
22 solicited or a minimum of 30 days prior to entering into a  
23 third-party contract, whichever provides a greater period  
24 of notice;

25 (7) a third-party contract shall contain provisions  
26 requiring the private contractor to offer available

1 employee positions pursuant to the third-party contract to  
2 qualified public employees who are laid off because of the  
3 third-party contract; and

4 (8) a third-party contract shall contain provisions  
5 requiring the private contractor to comply with a policy of  
6 nondiscrimination and equal employment opportunity for all  
7 persons and to take affirmative steps to provide equal  
8 opportunity for all persons.

9 (b) Notwithstanding subsection (a) of this Section, the  
10 State agency may enter into a third-party contract, of no  
11 longer than 3 months in duration, with a private contractor for  
12 services currently performed by a public employee or employees  
13 for the purpose of augmenting the current workforce in an  
14 emergency situation that threatens the safety or health of the  
15 public employees or the direct recipients of services, provided  
16 that the State agency meets all of its obligations under the  
17 Illinois Public Labor Relations Act.

18 (c) For purposes of this Section, "third-party contract"  
19 does not include an agreement with the Department of Human  
20 Services to provide services under a rate structure that  
21 defines wage rates. For purposes of this Section, "third-party  
22 contract" does not include an agreement between a State agency  
23 and a private contractor (i) in effect on the effective date of  
24 this Act; (ii) for services substantially similar to services  
25 provided, in whole or in part, by a private contractor to the  
26 State agency on or before the effective date of this Act; or

1 (iii) for professional services such as auditing, accounting,  
2 legal, architectural, information technology, or engineering  
3 services.