



Sen. Susan Garrett

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1 AMENDMENT TO SENATE BILL 3296

2 AMENDMENT NO. _____. Amend Senate Bill 3296 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-15.107, 1-15.108, and 50-13 and by adding
6 Sections 1-15.112 and 40-60 as follows:

7 (30 ILCS 500/1-15.107)

8 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
9 between a person and a person who has or is seeking a contract
10 subject to this Code, pursuant to which the subcontractor
11 provides to the contractor or another subcontractor some or all
12 of the goods, services, property, remuneration, or other forms
13 of consideration that are the subject of the primary contract
14 and includes, among other things, subleases from a lessee of a
15 State agency. "Subcontract" includes third party facility
16 management or service contracts entered into with management or

1 service companies for the management, service, and maintenance
2 of State-occupied, leased, or owned property.

3 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
4 for the effective date of P.A. 96-795).)

5 (30 ILCS 500/1-15.108)

6 Sec. 1-15.108. Subcontractor. "Subcontractor" means a
7 person or entity that enters into a contractual agreement with
8 a total value of \$25,000 or more with a person or entity who
9 has or is seeking a contract subject to this Code pursuant to
10 which the person or entity provides some or all of the goods,
11 services, property, remuneration, or other forms of
12 consideration that are the subject of the primary State
13 contract, including subleases from a lessee of a State
14 contract. "Subcontractor" includes a management or service
15 company that enters into a third party facility management or
16 service contract.

17 (Source: P.A. 96-920, eff. 7-1-10.)

18 (30 ILCS 500/1-15.112 new)

19 Sec. 1-15.112. Third party facility management or service
20 contract. "Third party facility management or service
21 contract" means a contract (i) entered into between a
22 management or service company and the owner of a building who
23 has entered into an installment purchase or lease agreement
24 with the State of Illinois; (ii) authorized by the installment

1 purchase or lease agreement; and (iii) pursuant to which the
2 management or service company provides services that include
3 but are not limited to the following:

4 (1) supervision and inspection of the building or
5 facility;

6 (2) maintaining the building or facility in a clean and
7 orderly manner, including providing cleaning, painting,
8 decorating, plumbing, carpentry, grounds care, heating,
9 ventilating, and air conditioning services;

10 (3) supervision of routine maintenance and repairs;

11 (4) contracting with qualified contractors for the
12 maintenance and repair of major mechanical systems and
13 elevators; and

14 (5) arranging for the provision of trash disposal,
15 janitorial services, vermin extermination, security, and
16 property and liability insurance.

17 (30 ILCS 500/40-60 new)

18 Sec. 40-60. Third party facility management or service
19 contract fees. Fees charged under a third party facility
20 management or service contract entered into by the owner of
21 real property leased under this Article shall be based on the
22 occupied square footage and not on the amount of the mortgage,
23 installment, or rent paid by the State.

24 (30 ILCS 500/50-13)

1 Sec. 50-13. Conflicts of interest.

2 (a) Prohibition. It is unlawful for any person holding an
3 elective office in this State, holding a seat in the General
4 Assembly, or appointed to or employed in any of the offices or
5 agencies of State government and who receives compensation for
6 such employment in excess of 60% of the salary of the Governor
7 of the State of Illinois, or who is an officer or employee of
8 the Capital Development Board or the Illinois Toll Highway
9 Authority, or who is the spouse or minor child of any such
10 person to have or acquire any contract or subcontract, or any
11 direct pecuniary interest in any contract or subcontract
12 therein, whether for stationery, printing, paper, or any
13 services, materials, or supplies, that will be wholly or
14 partially satisfied by the payment of funds appropriated by the
15 General Assembly of the State of Illinois or in any contract or
16 subcontract of the Capital Development Board or the Illinois
17 Toll Highway Authority.

18 (b) Interests. It is unlawful for any firm, partnership,
19 association, or corporation, in which any person listed in
20 subsection (a) is entitled to receive (i) more than 7 1/2% of
21 the total distributable income or (ii) an amount in excess of
22 the salary of the Governor, to have or acquire any such
23 contract or subcontract or direct pecuniary interest therein.

24 (c) Combined interests. It is unlawful for any firm,
25 partnership, association, or corporation, in which any person
26 listed in subsection (a) together with his or her spouse or

1 minor children is entitled to receive (i) more than 15%, in the
2 aggregate, of the total distributable income or (ii) an amount
3 in excess of 2 times the salary of the Governor, to have or
4 acquire any such contract or subcontract or direct pecuniary
5 interest therein.

6 (c-5) Appointees and firms. In addition to any provisions
7 of this Code, the interests of certain appointees and their
8 firms are subject to Section 3A-35 of the Illinois Governmental
9 Ethics Act.

10 (d) Securities. Nothing in this Section invalidates the
11 provisions of any bond or other security previously offered or
12 to be offered for sale or sold by or for the State of Illinois.

13 (e) Prior interests. This Section does not affect the
14 validity of any contract made between the State and an officer
15 or employee of the State or member of the General Assembly, his
16 or her spouse, minor child, or other immediate family member
17 living in his or her residence or any combination of those
18 persons or any subcontract made under this Code by one or any
19 combination of those persons if that contract or subcontract
20 was in existence before his or her election or employment as an
21 officer, member, or employee. The contract or subcontract is
22 voidable, however, if it cannot be completed within 365 days
23 after the officer, member, or employee takes office or is
24 employed.

25 (f) Exceptions.

26 (1) Public aid payments. This Section does not apply to

1 payments made for a public aid recipient.

2 (2) Teaching. This Section does not apply to a contract
3 for personal services as a teacher or school administrator
4 between a member of the General Assembly or his or her
5 spouse, or a State officer or employee or his or her
6 spouse, and any school district, public community college
7 district, the University of Illinois, Southern Illinois
8 University, Illinois State University, Eastern Illinois
9 University, Northern Illinois University, Western Illinois
10 University, Chicago State University, Governor State
11 University, or Northeastern Illinois University.

12 (3) Ministerial duties. This Section does not apply to
13 a contract for personal services of a wholly ministerial
14 character, including but not limited to services as a
15 laborer, clerk, typist, stenographer, page, bookkeeper,
16 receptionist, or telephone switchboard operator, made by a
17 spouse or minor child of an elective or appointive State
18 officer or employee or of a member of the General Assembly.

19 (4) Child and family services. This Section does not
20 apply to payments made to a member of the General Assembly,
21 a State officer or employee, his or her spouse or minor
22 child acting as a foster parent, homemaker, advocate, or
23 volunteer for or in behalf of a child or family served by
24 the Department of Children and Family Services.

25 (5) Licensed professionals. Contracts with licensed
26 professionals, provided they are competitively bid or part

1 of a reimbursement program for specific, customary goods
2 and services through the Department of Children and Family
3 Services, the Department of Human Services, the Department
4 of Healthcare and Family Services, the Department of Public
5 Health, or the Department on Aging.

6 (g) Penalty. A person convicted of a violation of this
7 Section is guilty of a business offense and shall be fined not
8 less than \$1,000 nor more than \$5,000.

9 (Source: P.A. 95-331, eff. 8-21-07.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2013."