



Rep. Frank J. Mautino

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LRB098 15421 JWD 57953 a

1 AMENDMENT TO HOUSE BILL 3862

2 AMENDMENT NO. _____. Amend House Bill 3862 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which
9 contractors were first solicited on or after July 1, 1998. This
10 Code shall not be construed to affect or impair any contract,
11 or any provision of a contract, entered into based on a
12 solicitation prior to the implementation date of this Code as
13 described in Article 99, including but not limited to any
14 covenant entered into with respect to any revenue bonds or
15 similar instruments. All procurements for which contracts are
16 solicited between the effective date of Articles 50 and 99 and

1 July 1, 1998 shall be substantially in accordance with this
2 Code and its intent.

3 (b) This Code shall apply regardless of the source of the
4 funds with which the contracts are paid, including federal
5 assistance moneys. This Code shall not apply to:

6 (1) Contracts between the State and its political
7 subdivisions or other governments, or between State
8 governmental bodies except as specifically provided in
9 this Code.

10 (2) Grants, except for the filing requirements of
11 Section 20-80.

12 (3) Purchase of care.

13 (4) Hiring of an individual as employee and not as an
14 independent contractor, whether pursuant to an employment
15 code or policy or by contract directly with that
16 individual.

17 (5) Collective bargaining contracts.

18 (6) Purchase of real estate, except that notice of this
19 type of contract with a value of more than \$25,000 must be
20 published in the Procurement Bulletin within 7 days after
21 the deed is recorded in the county of jurisdiction. The
22 notice shall identify the real estate purchased, the names
23 of all parties to the contract, the value of the contract,
24 and the effective date of the contract.

25 (7) Contracts necessary to prepare for anticipated
26 litigation, enforcement actions, or investigations,

1 provided that the chief legal counsel to the Governor shall
2 give his or her prior approval when the procuring agency is
3 one subject to the jurisdiction of the Governor, and
4 provided that the chief legal counsel of any other
5 procuring entity subject to this Code shall give his or her
6 prior approval when the procuring entity is not one subject
7 to the jurisdiction of the Governor.

8 (8) Contracts for services to Northern Illinois
9 University by a person, acting as an independent
10 contractor, who is qualified by education, experience, and
11 technical ability and is selected by negotiation for the
12 purpose of providing non-credit educational service
13 activities or products by means of specialized programs
14 offered by the university.

15 (9) Procurement expenditures by the Illinois
16 Conservation Foundation when only private funds are used.

17 (10) Procurement expenditures by the Illinois Health
18 Information Exchange Authority involving private funds
19 from the Health Information Exchange Fund. "Private funds"
20 means gifts, donations, and private grants.

21 (11) Public-private agreements entered into according
22 to the procurement requirements of Section 20 of the
23 Public-Private Partnerships for Transportation Act and
24 design-build agreements entered into according to the
25 procurement requirements of Section 25 of the
26 Public-Private Partnerships for Transportation Act.

1 (12) Contracts for legal, financial, and other
2 professional and artistic services entered into on or
3 before December 31, 2018 by the Illinois Finance Authority
4 in which the State of Illinois is not obligated. Such
5 contracts shall be awarded through a competitive process
6 authorized by the Board of the Illinois Finance Authority
7 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
8 50-35, and 50-37 of this Code, as well as the final
9 approval by the Board of the Illinois Finance Authority of
10 the terms of the contract.

11 (13) Contracts for legal, financial, and other
12 professional and artistic services entered into by the
13 Illinois Housing Development Authority in which the State
14 of Illinois is not obligated. Such contracts shall be
15 awarded through a competitive process authorized by a
16 majority vote of the members of the Illinois Housing
17 Development Authority and are subject to Sections 5-30,
18 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as
19 well as the final approval by a majority vote of the
20 members of the Illinois Housing Development Authority of
21 the terms of the contract.

22 Notwithstanding any other provision of law, contracts
23 entered into under item (12) or (13) of this subsection (b)
24 shall be published in the Procurement Bulletin within 14 days
25 after contract execution. The chief procurement officer shall
26 prescribe the form and content of the notice. The Illinois

1 Finance Authority shall provide the chief procurement officer,
2 on a monthly basis, in the form and content prescribed by the
3 chief procurement officer, a report of contracts that are
4 related to the procurement of goods and services identified in
5 item (12) of this subsection (b). The Illinois Housing
6 Development Authority shall provide the chief procurement
7 officer, on a monthly basis, in the form and content prescribed
8 by the chief procurement officer, a report of contracts that
9 are related to the procurement of goods and services identified
10 in item (13) of this subsection (b). At a minimum, this report
11 shall include the name of the contractor, a description of the
12 supply or service provided, the total amount of the contract,
13 the term of the contract, and the exception to the Code
14 utilized. A copy of each of these contracts shall be made
15 available to the chief procurement officer immediately upon
16 request. The chief procurement officer shall submit a report to
17 the Governor and General Assembly no later than November 1 of
18 each year that shall include, at a minimum, an annual summary
19 of the monthly information reported to the chief procurement
20 officer.

21 (c) This Code does not apply to the electric power
22 procurement process provided for under Section 1-75 of the
23 Illinois Power Agency Act and Section 16-111.5 of the Public
24 Utilities Act.

25 (d) Except for Section 20-160 and Article 50 of this Code,
26 and as expressly required by Section 9.1 of the Illinois

1 Lottery Law, the provisions of this Code do not apply to the
2 procurement process provided for under Section 9.1 of the
3 Illinois Lottery Law.

4 (e) This Code does not apply to the process used by the
5 Capital Development Board to retain a person or entity to
6 assist the Capital Development Board with its duties related to
7 the determination of costs of a clean coal SNG brownfield
8 facility, as defined by Section 1-10 of the Illinois Power
9 Agency Act, as required in subsection (h-3) of Section 9-220 of
10 the Public Utilities Act, including calculating the range of
11 capital costs, the range of operating and maintenance costs, or
12 the sequestration costs or monitoring the construction of clean
13 coal SNG brownfield facility for the full duration of
14 construction.

15 (f) This Code does not apply to the process used by the
16 Illinois Power Agency to retain a mediator to mediate sourcing
17 agreement disputes between gas utilities and the clean coal SNG
18 brownfield facility, as defined in Section 1-10 of the Illinois
19 Power Agency Act, as required under subsection (h-1) of Section
20 9-220 of the Public Utilities Act.

21 (g) This Code does not apply to the processes used by the
22 Illinois Power Agency to retain a mediator to mediate contract
23 disputes between gas utilities and the clean coal SNG facility
24 and to retain an expert to assist in the review of contracts
25 under subsection (h) of Section 9-220 of the Public Utilities
26 Act. This Code does not apply to the process used by the

1 Illinois Commerce Commission to retain an expert to assist in
2 determining the actual incurred costs of the clean coal SNG
3 facility and the reasonableness of those costs as required
4 under subsection (h) of Section 9-220 of the Public Utilities
5 Act.

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

9 (i) Each chief procurement officer may access records
10 necessary to review whether a contract, purchase, or other
11 expenditure is or is not subject to the provisions of this
12 Code, unless such records would be subject to attorney-client
13 privilege.

14 (j) This Code does not apply to the process used by the
15 Capital Development Board to retain an artist or work or works
16 of art as required in Section 14 of the Capital Development
17 Board Act.

18 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,
19 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;
20 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
21 98-572, eff. 1-1-14; revised 9-9-13.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."