

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 5. The Capital Development Board Act is amended by
5 changing Section 14 as follows:

6 (20 ILCS 3105/14) (from Ch. 127, par. 783.01)

7 Sec. 14. (a) It is the purpose of this Act to provide for
8 the promotion and preservation of the arts by securing suitable
9 works of art for the adornment of public buildings constructed
10 or subjected to major renovation by the State or which utilize
11 State funds, and thereby reflecting the diverse cultural
12 heritage of Illinois ~~our cultural heritage~~, with emphasis on
13 the works of Illinois artists.

14 (b) As used in this Act: "Works of art" shall apply to and
15 include paintings, prints, sculptures, graphics, mural
16 decorations, stained glass, statues, bas reliefs, ornaments,
17 fountains, ornamental gateways, or other creative works which
18 reflect form, beauty and aesthetic perceptions.

19 (c) Beginning with the fiscal year ending June 30, 1979,
20 and for each succeeding fiscal year thereafter, for
21 construction projects managed by the Capital Development
22 Board, the Capital Development Board shall set aside 1/2 of 1
23 percent of the amount authorized and appropriated for

1 construction or reconstruction of each public building
2 financed in whole or in part by State funds and generally
3 accessible to and used by the public for purchase and placement
4 of suitable works of art in such public buildings. The location
5 and character of the work or works of art to be installed in
6 such public buildings shall be determined by the Chairperson of
7 the Illinois Arts Council, in consultation with the designing
8 architect. The work or works of art shall be in a permanent and
9 prominent location. ~~by the designing architect, provided,~~
10 ~~however, that the work or works of art shall be in a permanent~~
11 ~~and prominent location.~~

12 (d) There is created a Fine Arts Review Committee
13 consisting of the designing architect, the Chairperson
14 ~~Chairman~~ of the Illinois Arts Council or his or her designee,
15 who shall serve as the chair of the Committee, the Director of
16 the Illinois State Museum or his or her designee, and a
17 representative of the using agency. ~~three persons from the area~~
18 ~~in which the project is to be located who are familiar with the~~
19 ~~local area and are knowledgeable in matters of art. Of the~~
20 ~~three local members, two shall be selected by the County Board~~
21 ~~to the County in which the project is located and one shall be~~
22 ~~selected by the Mayor or other chief executive officer of the~~
23 ~~municipality in which the project is located.~~ The Committee,
24 after such study as it deems necessary, shall recommend three
25 artists or works of art in order of preference, ~~to the Capital~~
26 ~~Development Board.~~ The Chairperson of the Illinois Arts Council

1 ~~The Board~~ will make the final selection from among the
2 recommendations submitted ~~to it~~. The Illinois Arts Council
3 shall provide administrative support for the Fine Arts Review
4 Committee and may promulgate rules to implement this
5 subsection.

6 (e) Subsection (c) does not apply to construction projects
7 for which the amount appropriated is less than \$1,000,000.
8 ~~There is created a Public Arts Advisory Committee whose~~
9 ~~function is to advise the Capital Development Board and the~~
10 ~~Fine Arts Review Committee on various technical and aesthetic~~
11 ~~perceptions that may be utilized in the creation or major~~
12 ~~renovation of public buildings. The Public Arts Advisory~~
13 ~~Committee shall consist of 12 members who shall serve for terms~~
14 ~~of 2 years ending on June 30 of odd numbered years, except the~~
15 ~~first appointees to the Committee shall serve for a term ending~~
16 ~~June 30, 1979. The Public Arts Advisory Committee shall meet~~
17 ~~four times each fiscal year. Four members shall be appointed by~~
18 ~~the Governor; four shall be chosen by the Senate, two of whom~~
19 ~~shall be chosen by the President, two by the minority leader;~~
20 ~~and four shall be appointed by the House of Representatives,~~
21 ~~two of whom shall be chosen by the Speaker and two by the~~
22 ~~minority leader. There shall also be a Chairman who shall be~~
23 ~~chosen from the committee members by the majority vote of that~~
24 ~~Committee.~~

25 (f) The Capital Development Board shall enter into a
26 contract with the artist, or with the owner of the work or

1 works of art, selected by the Chairperson of the Illinois Arts
2 Council as provided in subsection (d) of this Section. The
3 total amount of the contract or contracts shall not exceed the
4 amount set aside pursuant to subsection (c) of this Section. If
5 the Capital Development Board cannot reach an agreement with
6 the artist or owner of the work or works of art, then the Board
7 shall notify the Chairperson of the Illinois Arts Council, and
8 the Chairperson may select a different artist or work or works
9 of art from the three recommendations made by the Fine Arts
10 Review Committee. All necessary expenses of the Public Arts
11 Advisory Committee and the Fine Arts Review Committee shall be
12 paid by the Capital Development Board.

13 (Source: P.A. 90-655, eff. 7-30-98.)

14 Section 10. The Illinois Procurement Code is amended by
15 changing Section 1-10 as follows:

16 (30 ILCS 500/1-10)

17 Sec. 1-10. Application.

18 (a) This Code applies only to procurements for which
19 contractors were first solicited on or after July 1, 1998. This
20 Code shall not be construed to affect or impair any contract,
21 or any provision of a contract, entered into based on a
22 solicitation prior to the implementation date of this Code as
23 described in Article 99, including but not limited to any
24 covenant entered into with respect to any revenue bonds or

1 similar instruments. All procurements for which contracts are
2 solicited between the effective date of Articles 50 and 99 and
3 July 1, 1998 shall be substantially in accordance with this
4 Code and its intent.

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

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

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

14 (3) Purchase of care.

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

19 (5) Collective bargaining contracts.

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

1 (7) Contracts necessary to prepare for anticipated
2 litigation, enforcement actions, or investigations,
3 provided that the chief legal counsel to the Governor shall
4 give his or her prior approval when the procuring agency is
5 one subject to the jurisdiction of the Governor, and
6 provided that the chief legal counsel of any other
7 procuring entity subject to this Code shall give his or her
8 prior approval when the procuring entity is not one subject
9 to the jurisdiction of the Governor.

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

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

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

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

1 procurement requirements of Section 25 of the
2 Public-Private Partnerships for Transportation Act.

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

7 (d) Except for Section 20-160 and Article 50 of this Code,
8 and as expressly required by Section 9.1 of the Illinois
9 Lottery Law, the provisions of this Code do not apply to the
10 procurement process provided for under Section 9.1 of the
11 Illinois Lottery Law.

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

23 (f) This Code does not apply to the process used by the
24 Illinois Power Agency to retain a mediator to mediate sourcing
25 agreement disputes between gas utilities and the clean coal SNG
26 brownfield facility, as defined in Section 1-10 of the Illinois

1 Power Agency Act, as required under subsection (h-1) of Section
2 9-220 of the Public Utilities Act.

3 (g) This Code does not apply to the processes used by the
4 Illinois Power Agency to retain a mediator to mediate contract
5 disputes between gas utilities and the clean coal SNG facility
6 and to retain an expert to assist in the review of contracts
7 under subsection (h) of Section 9-220 of the Public Utilities
8 Act. This Code does not apply to the process used by the
9 Illinois Commerce Commission to retain an expert to assist in
10 determining the actual incurred costs of the clean coal SNG
11 facility and the reasonableness of those costs as required
12 under subsection (h) of Section 9-220 of the Public Utilities
13 Act.

14 (h) This Code does not apply to the process to procure or
15 contracts entered into in accordance with Sections 11-5.2 and
16 11-5.3 of the Illinois Public Aid Code.

17 (i) ~~(h)~~ Each chief procurement officer may access records
18 necessary to review whether a contract, purchase, or other
19 expenditure is or is not subject to the provisions of this
20 Code, unless such records would be subject to attorney-client
21 privilege.

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

26 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;

1 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;
2 97-689, eff. 6-14-12; 97-813, eff. 7-13-12; 97-895, eff.
3 8-3-12; revised 8-23-12.)

4 Section 15. The Design-Build Procurement Act is amended by
5 changing Sections 25 and 90 as follows:

6 (30 ILCS 537/25)

7 (Section scheduled to be repealed on July 1, 2014)

8 Sec. 25. Selection committee.

9 (a) When the State construction agency elects to use the
10 design-build delivery method, it shall establish a committee to
11 evaluate and select the design-build entity. The committee,
12 under the discretion of the State construction agency, shall
13 consist of at least 5 but no more than ~~or~~ 7 members and shall
14 include at least one licensed design professional and 2 members
15 of the public. Public members may not be employed or associated
16 with any firm holding a contract with the State construction
17 agency. Within 30 days of receiving notice, one ~~One~~ public
18 member shall be nominated by associations representing the
19 general design or construction industry and one member shall be
20 nominated by associations that represent minority or
21 female-owned design or construction industry businesses. If
22 either group fails to nominate a suitable candidate within the
23 30-day period, the State construction agency shall nominate an
24 appropriate public member. ~~The selection committee may be~~

1 ~~designated for a set term or for the particular project subject~~
2 ~~to the request for proposal.~~

3 (b) The members of the selection committee must certify for
4 each request for proposal that no conflict of interest exists
5 between the members and the design-build entities submitting
6 proposals. If a conflict is discovered before proposals are
7 reviewed ~~exists~~, the member must be replaced before any review
8 of proposals.

9 If a conflict is discovered after proposals are reviewed,
10 the member with the conflict shall be removed and the committee
11 may continue with only one public member.

12 If at least 5 members remain, the remaining committee
13 members may complete the selection process.

14 (Source: P.A. 94-716, eff. 12-13-05.)

15 (30 ILCS 537/90)

16 (Section scheduled to be repealed on July 1, 2014)

17 Sec. 90. Repealer. This Act is repealed on July 1, 2019
18 ~~2014~~.

19 (Source: P.A. 96-21, eff. 6-30-09.)