



Rep. Dagmara Avelar

Filed: 3/23/2026

10400HB4651ham001

LRB104 19987 HLH 35726 a

1 AMENDMENT TO HOUSE BILL 4651

2 AMENDMENT NO. _____. Amend House Bill 4651 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-10, 1-15.15, and 10-20 and by adding
6 Section 1-15.72 as follows:

7 (30 ILCS 500/1-10)

8 (Text of Section before amendment by P.A. 104-458)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 bidders, offerors, potential contractors, or contractors were
12 first solicited on or after July 1, 1998. This Code shall not
13 be construed to affect or impair any contract, or any
14 provision of a contract, entered into based on a solicitation
15 prior to the implementation date of this Code as described in
16 Article 99, including, but not limited to, any covenant

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

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

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

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

15 (2.5) Contracts arising from a grant award if the
16 contract is with a partner whose specific experience and
17 expertise was used as a condition of securing the grant
18 and followed the selection provisions outlined in the
19 grant application.

20 (3) Purchase of care, except as provided in Section
21 5-30.6 of the Illinois Public Aid Code and this Section.

22 (4) Hiring of an individual as an employee and not as
23 an independent contractor, whether pursuant to an
24 employment code or policy or by contract directly with
25 that individual.

26 (5) Collective bargaining contracts.

1 (6) Purchase of real estate, except that notice of
2 this type of contract with a value of more than \$25,000
3 must be published in the Procurement Bulletin within 10
4 calendar days after the deed is recorded in the county of
5 jurisdiction. The notice shall identify the real estate
6 purchased, the names of all parties to the contract, the
7 value of the contract, and the effective date of the
8 contract.

9 (7) Contracts necessary to prepare for anticipated
10 litigation, enforcement actions, or investigations,
11 provided that the chief legal counsel to the Governor
12 shall give his or her prior approval when the procuring
13 agency is one subject to the jurisdiction of the Governor,
14 and provided that the chief legal counsel of any other
15 procuring entity subject to this Code shall give his or
16 her prior approval when the procuring entity is not one
17 subject to the jurisdiction of the Governor.

18 (8) (Blank).

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

21 (10) (Blank).

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

1 Public-Private Partnerships for Transportation Act.

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

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

21 (13) Contracts for services, commodities, and
22 equipment to support the delivery of timely forensic
23 science services in consultation with and subject to the
24 approval of the Chief Procurement Officer as provided in
25 subsection (d) of Section 5-4-3a of the Unified Code of
26 Corrections, except for the requirements of Sections

1 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
2 Code; however, the Chief Procurement Officer may, in
3 writing with justification, waive any certification
4 required under Article 50 of this Code. For any contracts
5 for services which are currently provided by members of a
6 collective bargaining agreement, the applicable terms of
7 the collective bargaining agreement concerning
8 subcontracting shall be followed.

9 On and after January 1, 2019, this paragraph (13),
10 except for this sentence, is inoperative.

11 (14) Contracts for participation expenditures required
12 by a domestic or international trade show or exhibition of
13 an exhibitor, member, or sponsor.

14 (15) Contracts with a railroad or utility that
15 requires the State to reimburse the railroad or utilities
16 for the relocation of utilities for construction or other
17 public purpose. Contracts included within this paragraph
18 (15) shall include, but not be limited to, those
19 associated with: relocations, crossings, installations,
20 and maintenance. For the purposes of this paragraph (15),
21 "railroad" means any form of non-highway ground
22 transportation that runs on rails or electromagnetic
23 guideways and "utility" means: (1) public utilities as
24 defined in Section 3-105 of the Public Utilities Act, (2)
25 telecommunications carriers as defined in Section 13-202
26 of the Public Utilities Act, (3) electric cooperatives as

1 defined in Section 3.4 of the Electric Supplier Act, (4)
2 telephone or telecommunications cooperatives as defined in
3 Section 13-212 of the Public Utilities Act, (5) rural
4 water or wastewater ~~waste-water~~ systems with 10,000
5 connections or less, (6) a holder as defined in Section
6 21-201 of the Public Utilities Act, and (7) municipalities
7 owning or operating utility systems consisting of public
8 utilities as that term is defined in Section 11-117-2 of
9 the Illinois Municipal Code.

10 (16) Procurement expenditures necessary for the
11 Department of Public Health to provide the delivery of
12 timely newborn screening services in accordance with the
13 Newborn Metabolic Screening Act.

14 (17) Procurement expenditures necessary for the
15 Department of Agriculture, the Department of Financial and
16 Professional Regulation, the Department of Human Services,
17 and the Department of Public Health to implement the
18 Compassionate Use of Medical Cannabis Program and Opioid
19 Alternative Pilot Program requirements and ensure access
20 to medical cannabis for patients with debilitating medical
21 conditions in accordance with the Compassionate Use of
22 Medical Cannabis Program Act.

23 (18) This Code does not apply to any procurements
24 necessary for the Department of Agriculture, the
25 Department of Financial and Professional Regulation, the
26 Department of Human Services, the Department of Commerce

1 and Economic Opportunity, and the Department of Public
2 Health to implement the Cannabis Regulation and Tax Act if
3 the applicable agency has made a good faith determination
4 that it is necessary and appropriate for the expenditure
5 to fall within this exemption and if the process is
6 conducted in a manner substantially in accordance with the
7 requirements of Sections 20-160, 25-60, 30-22, 50-5,
8 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
9 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
10 Section 50-35, compliance applies only to contracts or
11 subcontracts over \$100,000. Notice of each contract
12 entered into under this paragraph (18) that is related to
13 the procurement of goods and services identified in
14 paragraph (1) through (9) of this subsection shall be
15 published in the Procurement Bulletin within 14 calendar
16 days after contract execution. The Chief Procurement
17 Officer shall prescribe the form and content of the
18 notice. Each agency shall provide the Chief Procurement
19 Officer, on a monthly basis, in the form and content
20 prescribed by the Chief Procurement Officer, a report of
21 contracts that are related to the procurement of goods and
22 services identified in this subsection. At a minimum, this
23 report shall include the name of the contractor, a
24 description of the supply or service provided, the total
25 amount of the contract, the term of the contract, and the
26 exception to this Code utilized. A copy of any or all of

1 these contracts shall be made available to the Chief
2 Procurement Officer immediately upon request. The Chief
3 Procurement Officer shall submit a report to the Governor
4 and General Assembly no later than November 1 of each year
5 that includes, at a minimum, an annual summary of the
6 monthly information reported to the Chief Procurement
7 Officer. This exemption becomes inoperative 5 years after
8 June 25, 2019 (the effective date of Public Act 101-27).

9 (19) Acquisition of modifications or adjustments,
10 limited to assistive technology devices and assistive
11 technology services, adaptive equipment, repairs, and
12 replacement parts to provide reasonable accommodations (i)
13 that enable a qualified applicant with a disability to
14 complete the job application process and be considered for
15 the position such qualified applicant desires, (ii) that
16 modify or adjust the work environment to enable a
17 qualified current employee with a disability to perform
18 the essential functions of the position held by that
19 employee, (iii) to enable a qualified current employee
20 with a disability to enjoy equal benefits and privileges
21 of employment as are enjoyed by other similarly situated
22 employees without disabilities, and (iv) that allow a
23 customer, client, claimant, or member of the public
24 seeking State services full use and enjoyment of and
25 access to its programs, services, or benefits.

26 For purposes of this paragraph (19):

1 "Assistive technology devices" means any item, piece
2 of equipment, or product system, whether acquired
3 commercially off the shelf, modified, or customized, that
4 is used to increase, maintain, or improve functional
5 capabilities of individuals with disabilities.

6 "Assistive technology services" means any service that
7 directly assists an individual with a disability in
8 selection, acquisition, or use of an assistive technology
9 device.

10 "Qualified" has the same meaning and use as provided
11 under the federal Americans with Disabilities Act when
12 describing an individual with a disability.

13 (20) Procurement expenditures necessary for the
14 Illinois Commerce Commission to hire third-party
15 facilitators pursuant to Sections 16-105.17 and 16-108.18
16 of the Public Utilities Act or an ombudsman pursuant to
17 Section 16-107.5 of the Public Utilities Act, a
18 facilitator pursuant to Section 16-105.17 of the Public
19 Utilities Act, or a grid auditor pursuant to Section
20 16-105.10 of the Public Utilities Act.

21 (21) Procurement expenditures for the purchase,
22 renewal, and expansion of software, software licenses, or
23 software maintenance agreements that support the efforts
24 of the Illinois State Police to enforce, regulate, and
25 administer the Firearm Owners Identification Card Act, the
26 Firearm Concealed Carry Act, the Firearms Restraining

1 Order Act, the Firearm Dealer License Certification Act,
2 the Law Enforcement Agencies Data System (LEADS), the
3 Uniform Crime Reporting Act, the Criminal Identification
4 Act, the Illinois Uniform Conviction Information Act, and
5 the Gun Trafficking Information Act, or establish or
6 maintain record management systems necessary to conduct
7 human trafficking investigations or gun trafficking or
8 other stolen firearm investigations. This paragraph (21)
9 applies to contracts entered into on or after January 10,
10 2023 (the effective date of Public Act 102-1116) and the
11 renewal of contracts that are in effect on January 10,
12 2023 (the effective date of Public Act 102-1116).

13 (22) Contracts for project management services and
14 system integration services required for the completion of
15 the State's enterprise resource planning project. This
16 exemption becomes inoperative 5 years after June 7, 2023
17 (the effective date of the changes made to this Section by
18 Public Act 103-8). This paragraph (22) applies to
19 contracts entered into on or after June 7, 2023 (the
20 effective date of the changes made to this Section by
21 Public Act 103-8) and the renewal of contracts that are in
22 effect on June 7, 2023 (the effective date of the changes
23 made to this Section by Public Act 103-8).

24 (23) Procurements necessary for the Department of
25 Insurance to implement the Illinois Health Benefits
26 Exchange Law if the Department of Insurance has made a

1 good faith determination that it is necessary and
2 appropriate for the expenditure to fall within this
3 exemption. The procurement process shall be conducted in a
4 manner substantially in accordance with the requirements
5 of Sections 20-160 and 25-60 and Article 50 of this Code. A
6 copy of these contracts shall be made available to the
7 Chief Procurement Officer immediately upon request. This
8 paragraph is inoperative 5 years after June 27, 2023 (the
9 effective date of Public Act 103-103).

10 (24) Contracts for public education programming,
11 noncommercial sustaining announcements, public service
12 announcements, and public awareness and education
13 messaging with the nonprofit trade associations of the
14 providers of those services that inform the public on
15 immediate and ongoing health and safety risks and hazards.

16 (25) Procurements necessary for the Department of
17 Early Childhood to implement the Department of Early
18 Childhood Act if the Department has made a good faith
19 determination that it is necessary and appropriate for the
20 expenditure to fall within this exemption. This exemption
21 shall only be used for products and services procured
22 solely for use by the Department of Early Childhood. The
23 procurements may include those necessary to design and
24 build integrated, operational systems of programs and
25 services. The procurements may include, but are not
26 limited to, those necessary to align and update program

1 standards, integrate funding systems, design and establish
2 data and reporting systems, align and update models for
3 technical assistance and professional development, design
4 systems to manage grants and ensure compliance, design and
5 implement management and operational structures, and
6 establish new means of engaging with families, educators,
7 providers, and stakeholders. The procurement processes
8 shall be conducted in a manner substantially in accordance
9 with the requirements of Article 50 (ethics) and Sections
10 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
11 and Inclusion), 20-80 (contract files), 20-120
12 (subcontractors), 20-155 (paperwork), 20-160
13 (ethics/campaign contribution prohibitions), 25-60
14 (prevailing wage), and 25-90 (prohibited and authorized
15 cybersecurity) of this Code. Beginning January 1, 2025,
16 the Department of Early Childhood shall provide a
17 quarterly report to the General Assembly detailing a list
18 of expenditures and contracts for which the Department
19 uses this exemption. This paragraph is inoperative on and
20 after July 1, 2027.

21 (26) Procurements that are necessary for increasing
22 the recruitment and retention of State employees,
23 particularly minority candidates for employment,
24 including:

25 (A) procurements related to registration fees for
26 job fairs and other outreach and recruitment events;

1 (B) production of recruitment materials; and

2 (C) other services related to recruitment and
3 retention of State employees.

4 The exemption under this paragraph (26) applies only
5 if the State agency has made a good faith determination
6 that it is necessary and appropriate for the expenditure
7 to fall within this paragraph (26). The procurement
8 process under this paragraph (26) shall be conducted in a
9 manner substantially in accordance with the requirements
10 of Sections 20-160 and 25-60 and Article 50 of this Code. A
11 copy of these contracts shall be made available to the
12 Chief Procurement Officer immediately upon request.
13 Nothing in this paragraph (26) authorizes the replacement
14 or diminishment of State responsibilities in hiring or the
15 positions that effectuate that hiring. This paragraph (26)
16 is inoperative on and after June 30, 2029.

17 (27) Procurements necessary for the Department of
18 Healthcare and Family Services to implement changes to the
19 State's Integrated Eligibility System to ensure the
20 system's compliance with federal implementation mandates
21 and deadlines, if the Department of Healthcare and Family
22 Services has made a good faith determination that it is
23 necessary and appropriate for the procurement to fall
24 within this exemption.

25 Notwithstanding any other provision of law, for contracts
26 with an annual value of more than \$100,000 entered into on or

1 after October 1, 2017 under an exemption provided in any
2 paragraph of this subsection (b), except paragraph (1), (2),
3 or (5), each State agency shall post to the appropriate
4 procurement bulletin the name of the contractor, a description
5 of the supply or service provided, the total amount of the
6 contract, the term of the contract, and the exception to the
7 Code utilized. The chief procurement officer shall submit a
8 report to the Governor and General Assembly no later than
9 November 1 of each year that shall include, at a minimum, an
10 annual summary of the monthly information reported to the
11 chief procurement officer.

12 (c) This Code does not apply to the electric power
13 procurement process provided for under Section 1-75 of the
14 Illinois Power Agency Act and Section 16-111.5 of the Public
15 Utilities Act. This Code does not apply to the procurement of
16 technical and policy experts pursuant to Section 1-129 of the
17 Illinois Power Agency Act.

18 (d) Except for Section 20-160 and Article 50 of this Code,
19 and as expressly required by Section 9.1 of the Illinois
20 Lottery Law, the provisions of this Code do not apply to the
21 procurement process provided for under Section 9.1 of the
22 Illinois Lottery Law.

23 (e) This Code does not apply to the process used by the
24 Capital Development Board to retain a person or entity to
25 assist the Capital Development Board with its duties related
26 to the determination of costs of a clean coal SNG brownfield

1 facility, as defined by Section 1-10 of the Illinois Power
2 Agency Act, as required in subsection (h-3) of Section 9-220
3 of the Public Utilities Act, including calculating the range
4 of capital costs, the range of operating and maintenance
5 costs, or the sequestration costs or monitoring the
6 construction of clean coal SNG brownfield facility for the
7 full duration of construction.

8 (f) (Blank).

9 (g) (Blank).

10 (h) This Code does not apply to the process to procure or
11 contracts entered into in accordance with Sections 11-5.2 and
12 11-5.3 of the Illinois Public Aid Code.

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

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

22 (k) This Code does not apply to the process to procure
23 contracts, or contracts entered into, by the State Board of
24 Elections or the State Electoral Board for hearing officers
25 appointed pursuant to the Election Code.

26 (l) This Code does not apply to the processes used by the

1 Illinois Student Assistance Commission to procure supplies and
2 services paid for from the private funds of the Illinois
3 Prepaid Tuition Fund. As used in this subsection (l), "private
4 funds" means funds derived from deposits paid into the
5 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

6 (m) This Code shall apply regardless of the source of
7 funds with which contracts are paid, including federal
8 assistance moneys. Except as specifically provided in this
9 Code, this Code shall not apply to procurement expenditures
10 necessary for the Department of Public Health to conduct the
11 Healthy Illinois Survey in accordance with Section 2310-431 of
12 the Department of Public Health Powers and Duties Law of the
13 Civil Administrative Code of Illinois.

14 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
15 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
16 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
17 eff. 6-16-25; 104-417, eff. 8-15-25)

18 (Text of Section after amendment by P.A. 104-458)

19 Sec. 1-10. Application.

20 (a) This Code applies only to procurements for which
21 bidders, offerors, potential contractors, or contractors were
22 first solicited on or after July 1, 1998. This Code shall not
23 be construed to affect or impair any contract, or any
24 provision of a contract, entered into based on a solicitation
25 prior to the implementation date of this Code as described in

1 Article 99, including, but not limited to, any covenant
2 entered into with respect to any revenue bonds or similar
3 instruments. All procurements for which contracts are
4 solicited between the effective date of Articles 50 and 99 and
5 July 1, 1998 shall be substantially in accordance with this
6 Code and its intent.

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

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

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

16 (2.5) Contracts arising from a grant award if the
17 contract is with a partner whose specific experience and
18 expertise was used as a condition of securing the grant
19 and followed the selection provisions outlined in the
20 grant application.

21 (3) Purchase of care, except as provided in Section
22 5-30.6 of the Illinois Public Aid Code and this Section.

23 (4) Hiring of an individual as an employee and not as
24 an independent contractor, whether pursuant to an
25 employment code or policy or by contract directly with
26 that individual.

1 (5) Collective bargaining contracts.

2 (6) Purchase of real estate, except that notice of
3 this type of contract with a value of more than \$25,000
4 must be published in the Procurement Bulletin within 10
5 calendar days after the deed is recorded in the county of
6 jurisdiction. The notice shall identify the real estate
7 purchased, the names of all parties to the contract, the
8 value of the contract, and the effective date of the
9 contract.

10 (7) Contracts necessary to prepare for anticipated
11 litigation, enforcement actions, or investigations,
12 provided that the chief legal counsel to the Governor
13 shall give his or her prior approval when the procuring
14 agency is one subject to the jurisdiction of the Governor,
15 and provided that the chief legal counsel of any other
16 procuring entity subject to this Code shall give his or
17 her prior approval when the procuring entity is not one
18 subject to the jurisdiction of the Governor.

19 (8) (Blank).

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

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

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

22 (13) Contracts for services, commodities, and
23 equipment to support the delivery of timely forensic
24 science services in consultation with and subject to the
25 approval of the Chief Procurement Officer as provided in
26 subsection (d) of Section 5-4-3a of the Unified Code of

1 Corrections, except for the requirements of Sections
2 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
3 Code; however, the Chief Procurement Officer may, in
4 writing with justification, waive any certification
5 required under Article 50 of this Code. For any contracts
6 for services which are currently provided by members of a
7 collective bargaining agreement, the applicable terms of
8 the collective bargaining agreement concerning
9 subcontracting shall be followed.

10 On and after January 1, 2019, this paragraph (13),
11 except for this sentence, is inoperative.

12 (14) Contracts for participation expenditures required
13 by a domestic or international trade show or exhibition of
14 an exhibitor, member, or sponsor.

15 (15) Contracts with a railroad or utility that
16 requires the State to reimburse the railroad or utilities
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18 public purpose. Contracts included within this paragraph
19 (15) shall include, but not be limited to, those
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21 and maintenance. For the purposes of this paragraph (15),
22 "railroad" means any form of non-highway ground
23 transportation that runs on rails or electromagnetic
24 guideways and "utility" means: (1) public utilities as
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19 Compassionate Use of Medical Cannabis Program and Opioid
20 Alternative Pilot Program requirements and ensure access
21 to medical cannabis for patients with debilitating medical
22 conditions in accordance with the Compassionate Use of
23 Medical Cannabis Program Act.

24 (18) This Code does not apply to any procurements
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26 Department of Financial and Professional Regulation, the

1 Department of Human Services, the Department of Commerce
2 and Economic Opportunity, and the Department of Public
3 Health to implement the Cannabis Regulation and Tax Act if
4 the applicable agency has made a good faith determination
5 that it is necessary and appropriate for the expenditure
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9 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
10 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
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18 qualified current employee with a disability to perform
19 the essential functions of the position held by that
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21 with a disability to enjoy equal benefits and privileges
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10 device.

11 "Qualified" has the same meaning and use as provided
12 under the federal Americans with Disabilities Act when
13 describing an individual with a disability.

14 (20) Procurement expenditures necessary for the
15 Illinois Commerce Commission to hire third-party
16 facilitators pursuant to Sections 16-105.17 and 16-108.18
17 of the Public Utilities Act or an ombudsman pursuant to
18 Section 16-107.5 of the Public Utilities Act, a
19 facilitator pursuant to Section 16-105.17 of the Public
20 Utilities Act, a grid auditor pursuant to Section
21 16-105.10 of the Public Utilities Act, a facilitator,
22 expert, or consultant pursuant to Sections 16-126.2 and
23 16-202 of the Public Utilities Act, a procurement monitor
24 pursuant to Section 16-111.5 of the Public Utilities Act,
25 an ombudsperson pursuant to Section 20-145 of the Public
26 Utilities Act, or consultants and experts pursuant to

1 Section 5-15 of the Utility Data Access Act.

2 (21) Procurement expenditures for the purchase,
3 renewal, and expansion of software, software licenses, or
4 software maintenance agreements that support the efforts
5 of the Illinois State Police to enforce, regulate, and
6 administer the Firearm Owners Identification Card Act, the
7 Firearm Concealed Carry Act, the Firearms Restraining
8 Order Act, the Firearm Dealer License Certification Act,
9 the Law Enforcement Agencies Data System (LEADS), the
10 Uniform Crime Reporting Act, the Criminal Identification
11 Act, the Illinois Uniform Conviction Information Act, and
12 the Gun Trafficking Information Act, or establish or
13 maintain record management systems necessary to conduct
14 human trafficking investigations or gun trafficking or
15 other stolen firearm investigations. This paragraph (21)
16 applies to contracts entered into on or after January 10,
17 2023 (the effective date of Public Act 102-1116) and the
18 renewal of contracts that are in effect on January 10,
19 2023 (the effective date of Public Act 102-1116).

20 (22) Contracts for project management services and
21 system integration services required for the completion of
22 the State's enterprise resource planning project. This
23 exemption becomes inoperative 5 years after June 7, 2023
24 (the effective date of the changes made to this Section by
25 Public Act 103-8). This paragraph (22) applies to
26 contracts entered into on or after June 7, 2023 (the

1 effective date of the changes made to this Section by
2 Public Act 103-8) and the renewal of contracts that are in
3 effect on June 7, 2023 (the effective date of the changes
4 made to this Section by Public Act 103-8).

5 (23) Procurements necessary for the Department of
6 Insurance to implement the Illinois Health Benefits
7 Exchange Law if the Department of Insurance has made a
8 good faith determination that it is necessary and
9 appropriate for the expenditure to fall within this
10 exemption. The procurement process shall be conducted in a
11 manner substantially in accordance with the requirements
12 of Sections 20-160 and 25-60 and Article 50 of this Code. A
13 copy of these contracts shall be made available to the
14 Chief Procurement Officer immediately upon request. This
15 paragraph is inoperative 5 years after June 27, 2023 (the
16 effective date of Public Act 103-103).

17 (24) Contracts for public education programming,
18 noncommercial sustaining announcements, public service
19 announcements, and public awareness and education
20 messaging with the nonprofit trade associations of the
21 providers of those services that inform the public on
22 immediate and ongoing health and safety risks and hazards.

23 (25) Procurements necessary for the Department of
24 Early Childhood to implement the Department of Early
25 Childhood Act if the Department has made a good faith
26 determination that it is necessary and appropriate for the

1 expenditure to fall within this exemption. This exemption
2 shall only be used for products and services procured
3 solely for use by the Department of Early Childhood. The
4 procurements may include those necessary to design and
5 build integrated, operational systems of programs and
6 services. The procurements may include, but are not
7 limited to, those necessary to align and update program
8 standards, integrate funding systems, design and establish
9 data and reporting systems, align and update models for
10 technical assistance and professional development, design
11 systems to manage grants and ensure compliance, design and
12 implement management and operational structures, and
13 establish new means of engaging with families, educators,
14 providers, and stakeholders. The procurement processes
15 shall be conducted in a manner substantially in accordance
16 with the requirements of Article 50 (ethics) and Sections
17 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
18 and Inclusion), 20-80 (contract files), 20-120
19 (subcontractors), 20-155 (paperwork), 20-160
20 (ethics/campaign contribution prohibitions), 25-60
21 (prevailing wage), and 25-90 (prohibited and authorized
22 cybersecurity) of this Code. Beginning January 1, 2025,
23 the Department of Early Childhood shall provide a
24 quarterly report to the General Assembly detailing a list
25 of expenditures and contracts for which the Department
26 uses this exemption. This paragraph is inoperative on and

1 after July 1, 2027.

2 (26) Procurements that are necessary for increasing
3 the recruitment and retention of State employees,
4 particularly minority candidates for employment,
5 including:

6 (A) procurements related to registration fees for
7 job fairs and other outreach and recruitment events;

8 (B) production of recruitment materials; and

9 (C) other services related to recruitment and
10 retention of State employees.

11 The exemption under this paragraph (26) applies only
12 if the State agency has made a good faith determination
13 that it is necessary and appropriate for the expenditure
14 to fall within this paragraph (26). The procurement
15 process under this paragraph (26) shall be conducted in a
16 manner substantially in accordance with the requirements
17 of Sections 20-160 and 25-60 and Article 50 of this Code. A
18 copy of these contracts shall be made available to the
19 Chief Procurement Officer immediately upon request.
20 Nothing in this paragraph (26) authorizes the replacement
21 or diminishment of State responsibilities in hiring or the
22 positions that effectuate that hiring. This paragraph (26)
23 is inoperative on and after June 30, 2029.

24 (27) Procurements necessary for the Department of
25 Healthcare and Family Services to implement changes to the
26 State's Integrated Eligibility System to ensure the

1 system's compliance with federal implementation mandates
2 and deadlines, if the Department of Healthcare and Family
3 Services has made a good faith determination that it is
4 necessary and appropriate for the procurement to fall
5 within this exemption.

6 Notwithstanding any other provision of law, for contracts
7 with an annual value of more than \$100,000 entered into on or
8 after October 1, 2017 under an exemption provided in any
9 paragraph of this subsection (b), except paragraph (1), (2),
10 or (5), each State agency shall post to the appropriate
11 procurement bulletin the name of the contractor, a description
12 of the supply or service provided, the total amount of the
13 contract, the term of the contract, and the exception to the
14 Code utilized. The chief procurement officer shall submit a
15 report to the Governor and General Assembly no later than
16 November 1 of each year that shall include, at a minimum, an
17 annual summary of the monthly information reported to the
18 chief procurement officer.

19 (c) This Code does not apply to the electric power
20 procurement process provided for under Section 1-75 of the
21 Illinois Power Agency Act and Section 16-111.5 of the Public
22 Utilities Act. This Code does not apply to the procurement of
23 technical and policy experts pursuant to Section 1-129 of the
24 Illinois Power Agency 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
7 to 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
10 of the Public Utilities Act, including calculating the range
11 of capital costs, the range of operating and maintenance
12 costs, or the sequestration costs or monitoring the
13 construction of clean coal SNG brownfield facility for the
14 full duration of construction.

15 (f) (Blank).

16 (g) (Blank).

17 (h) This Code does not apply to the process to procure or
18 contracts entered into in accordance with Sections 11-5.2 and
19 11-5.3 of the Illinois Public Aid Code.

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

25 (j) This Code does not apply to the process used by the
26 Capital Development Board to retain an artist or work or works

1 of art as required in Section 14 of the Capital Development
2 Board Act.

3 (k) This Code does not apply to the process to procure
4 contracts, or contracts entered into, by the State Board of
5 Elections or the State Electoral Board for hearing officers
6 appointed pursuant to the Election Code.

7 (l) This Code does not apply to the processes used by the
8 Illinois Student Assistance Commission to procure supplies and
9 services paid for from the private funds of the Illinois
10 Prepaid Tuition Fund. As used in this subsection (l), "private
11 funds" means funds derived from deposits paid into the
12 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

13 (m) This Code shall apply regardless of the source of
14 funds with which contracts are paid, including federal
15 assistance moneys. Except as specifically provided in this
16 Code, this Code shall not apply to procurement expenditures
17 necessary for the Department of Public Health to conduct the
18 Healthy Illinois Survey in accordance with Section 2310-431 of
19 the Department of Public Health Powers and Duties Law of the
20 Civil Administrative Code of Illinois.

21 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
22 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
23 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
24 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;
25 revised 1-12-26.)

1 (30 ILCS 500/1-15.15)

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

6 (1) for procurements for (i) construction and
7 construction-related services committed by law to the
8 jurisdiction or responsibility of the Capital Development
9 Board or (ii) construction-related services committed by
10 law to the jurisdiction or responsibility of the
11 Department of Central Management Services under Section
12 405-217 of the Department of Central Management Services
13 Law of the Civil Administrative Code of Illinois and other
14 related provisions of this amendatory Act of the 104th
15 General Assembly, the independent chief procurement
16 officer appointed by a majority of the members of the
17 Executive Ethics Commission.

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

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

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

10 (4) (Blank).

11 (5) for all other procurements, the independent chief
12 procurement officer appointed by a majority of the members
13 of the Executive Ethics Commission.

14 (Source: P.A. 104-2, eff. 6-16-25.)

15 (30 ILCS 500/1-15.72 new)

16 Sec. 1-15.72. Rolling stock. "Rolling stock" means buses,
17 vans, cars, railcars, locomotives, trolley cars, trucks, and
18 ferryboats as well as any vehicles used for support services,
19 public transportation, or construction.

20 (30 ILCS 500/10-20)

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

22 (a) Appointment. Within 60 calendar days after July 1,
23 2010 (the effective date of Public Act 96-795), the Executive
24 Ethics Commission, with the advice and consent of the Senate

1 shall appoint or approve 4 chief procurement officers, one for
2 each of the following categories:

3 (1) for procurements for (i) construction and
4 construction-related services committed by law to the
5 jurisdiction or responsibility of the Capital Development
6 Board or (ii) construction-related services committed by
7 law to the jurisdiction or responsibility of the
8 Department for Central Management Services under Section
9 405-217 of the Department of Central Management Services
10 Law of the Civil Administrative Code of Illinois and other
11 related provisions of this amendatory Act of the 104th
12 General Assembly;

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

26 (3) for all procurements made by a public institution

1 of higher education; and

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

3 For fiscal years 2024, 2025, and 2026, the Executive
4 Ethics Commission shall set aside from its appropriation those
5 amounts necessary for the use of the 4 chief procurement
6 officers for the ordinary and contingent expenses of their
7 respective procurement offices. From the amounts set aside by
8 the Commission, each chief procurement officer shall control
9 the internal operations of his or her procurement office and
10 shall procure the necessary equipment, materials, and services
11 to perform the duties of that office, including hiring
12 necessary procurement personnel, legal advisors, and other
13 employees, and may establish, in the exercise of the chief
14 procurement officer's discretion, the compensation of the
15 office's employees, which includes the State purchasing
16 officers and any legal advisors. The Executive Ethics
17 Commission shall have no control over the employees of the
18 chief procurement officers. The Executive Ethics Commission
19 shall provide administrative support services, including
20 payroll, for each procurement office.

21 (b) Terms and independence. Each chief procurement officer
22 appointed under this Section shall serve for a term of 5 years
23 beginning on the date of the officer's appointment. The chief
24 procurement officer may be removed for cause after a hearing
25 by the Executive Ethics Commission. The Governor or the
26 director of a State agency directly responsible to the

1 Governor may institute a complaint against the officer by
2 filing such complaint with the Commission. The Commission
3 shall have a hearing based on the complaint. The officer and
4 the complainant shall receive reasonable notice of the hearing
5 and shall be permitted to present their respective arguments
6 on the complaint. After the hearing, the Commission shall make
7 a finding on the complaint and may take disciplinary action,
8 including, but not limited to, removal of the officer.

9 The salary of a chief procurement officer shall be
10 established by the Executive Ethics Commission and may not be
11 diminished during the officer's term. The salary may not
12 exceed the salary of the director of a State agency for which
13 the officer serves as chief procurement officer.

14 (c) Qualifications. In addition to any other requirement
15 or qualification required by State law, each chief procurement
16 officer must within 12 months of employment be a Certified
17 Professional Public Buyer or a Certified Public Purchasing
18 Officer, pursuant to certification by the Universal Public
19 Purchasing Certification Council, and must reside in Illinois.

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

22 (e) Vacancy. In case of a vacancy in one or more of the
23 offices of a chief procurement officer under this Section
24 during the recess of the Senate, the Executive Ethics
25 Commission shall make a temporary appointment until the next
26 meeting of the Senate, when the Executive Ethics Commission

1 shall nominate some person to fill the office, and any person
2 so nominated who is confirmed by the Senate shall hold office
3 during the remainder of the term and until his or her successor
4 is appointed and qualified. If the Senate is not in session at
5 the time Public Act 96-920 takes effect, the Executive Ethics
6 Commission shall make a temporary appointment as in the case
7 of a vacancy.

8 (f) (Blank).

9 (g) (Blank).

10 (Source: P.A. 103-8, eff. 6-7-23; 103-588, eff. 6-5-24;
11 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2, eff.
12 6-16-25.)

13 Section 10. The Governmental Joint Purchasing Act is
14 amended by changing Section 2 as follows:

15 (30 ILCS 525/2) (from Ch. 85, par. 1602)

16 Sec. 2. Joint purchasing authority.

17 (a) Any governmental unit, except a governmental unit
18 subject to the jurisdiction of a chief procurement officer
19 established in Section 10-20 of the Illinois Procurement Code,
20 may purchase personal property, supplies and services jointly
21 with one or more other governmental units. All such joint
22 purchases shall be by competitive solicitation as provided in
23 Section 4, except as otherwise provided in this Act. The
24 provisions of any other acts under which a governmental unit

1 operates which refer to purchases and procedures in connection
2 therewith shall be superseded by the provisions of this Act
3 when the governmental units are exercising the joint powers
4 created by this Act.

5 (a-5) For purchases made by a governmental unit subject to
6 the jurisdiction of a chief procurement officer established in
7 Section 10-20 of the Illinois Procurement Code, the applicable
8 chief procurement officer established in Section 10-20 of the
9 Illinois Procurement Code may authorize the purchase of
10 supplies and services jointly with a governmental unit of this
11 State, governmental entity of another state, or with a
12 consortium of governmental entities of one or more other
13 states, except as otherwise provided in this Act. Subject to
14 provisions of the joint purchasing solicitation, the
15 appropriate chief procurement officer may designate the
16 resulting contract as available to governmental units in
17 Illinois.

18 (a-10) Each chief procurement officer appointed pursuant
19 to Section 10-20 of the Illinois Procurement Code, with joint
20 agreement of the respective agency or institution, may
21 authorize the purchase or lease of supplies and services which
22 have been procured through a competitive process by a federal
23 agency; a state agency of another state; a consortium of
24 governmental, educational, medical, research, or similar
25 entities; or a group purchasing organization of which the
26 chief procurement officer or State agency is a member or

1 affiliate, including, without limitation, any purchasing
2 entity operating under the federal General Services
3 Administration, the Higher Education Cooperation Act, and the
4 Midwestern Higher Education Compact Act. Each applicable chief
5 procurement officer may authorize purchases and contracts
6 which have been procured through other methods of procurement
7 if each chief procurement officer determines it is in the best
8 interests of the State, considering a recommendation by their
9 respective agencies or institutions. The chief procurement
10 officer may establish detailed rules, policies, and procedures
11 for use of these cooperative contracts. Notice of award shall
12 be published by the chief procurement officer in the Illinois
13 Procurement Bulletin at least prior to use of the contract.
14 Each chief procurement officer shall submit to the General
15 Assembly by November 1 of each year a report of procurements
16 made under this subsection (a-10).

17 (a-15) Each chief procurement officer appointed pursuant
18 to Section 10-20 of the Illinois Procurement Code may
19 authorize any governmental unit of this State to purchase or
20 lease supplies under a contract which has been procured under
21 the jurisdiction of the Illinois Procurement Code by a
22 governmental unit subject to the jurisdiction of the chief
23 procurement officer. Prior to making the contract available to
24 the governmental unit of this State, the chief procurement
25 officer shall consult with the governmental unit that is party
26 to the contract and is subject to the jurisdiction of the chief

1 procurement officer. A governmental unit of this State that
2 uses a contract pursuant to this subsection shall report each
3 year to the authorizing chief procurement officer the
4 contractor used, supplies purchased, and total value of
5 purchases for each contract. The authorizing chief procurement
6 officer shall submit to the General Assembly by November 1 of
7 each year a report of procurements made under this subsection
8 (a-15).

9 (b) Any not-for-profit agency that qualifies under Section
10 45-35 of the Illinois Procurement Code and that either (1)
11 acts pursuant to a board established by or controlled by a unit
12 of local government or (2) receives grant funds from the State
13 or from a unit of local government, shall be eligible to
14 participate in contracts established by the State.

15 (c) For governmental units subject to the jurisdiction of
16 a chief procurement officer established in Section 10-20 of
17 the Illinois Procurement Code, if any contract or amendment to
18 a contract is entered into or purchase or expenditure of funds
19 is made at any time in violation of this Act or any other law,
20 the contract or amendment may be declared void by the chief
21 procurement officer or may be ratified and affirmed, if the
22 chief procurement officer determines that ratification is in
23 the best interests of the governmental unit. If the contract
24 or amendment is ratified and affirmed, it shall be without
25 prejudice to the governmental unit's rights to any appropriate
26 damages.

1 (d) This Section does not apply to construction-related
2 professional services contracts awarded in accordance with the
3 provisions of the Architectural, Engineering, and Land
4 Surveying Qualifications Based Selection Act.

5 (Source: P.A. 103-865, eff. 1-1-25.)

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.".