

HB5291



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5291

Introduced 2/10/2026, by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-10

Amends the Illinois Procurement Code. Provides that the Code does not apply to procurement expenditures that are necessary for the Illinois Emergency Management Agency and Office of Homeland Security to respond to a radiological incident, to monitor a nuclear power plant, or to use at a nuclear facility. Effective immediately.

LRB104 18422 HLH 31864 b

A BILL FOR

1 AN ACT concerning finance.

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

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

6 (30 ILCS 500/1-10)

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

8 Sec. 1-10. Application.

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

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

1 (1) Contracts between the State and its political
2 subdivisions or other governments, or between State
3 governmental bodies, except as specifically provided in
4 this Code.

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

7 (3) Purchase of care, except as provided in Section
8 5-30.6 of the Illinois Public Aid Code and this Section.

9 (4) Hiring of an individual as an employee and not as
10 an independent contractor, whether pursuant to an
11 employment code or policy or by contract directly with
12 that individual.

13 (5) Collective bargaining contracts.

14 (6) Purchase of real estate, except that notice of
15 this type of contract with a value of more than \$25,000
16 must be published in the Procurement Bulletin within 10
17 calendar days after the deed is recorded in the county of
18 jurisdiction. The notice shall identify the real estate
19 purchased, the names of all parties to the contract, the
20 value of the contract, and the effective date of the
21 contract.

22 (7) Contracts necessary to prepare for anticipated
23 litigation, enforcement actions, or investigations,
24 provided that the chief legal counsel to the Governor
25 shall give his or her prior approval when the procuring
26 agency is one subject to the jurisdiction of the Governor,

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

5 (8) (Blank).

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

8 (10) (Blank).

9 (11) Public-private agreements entered into according
10 to the procurement requirements of Section 20 of the
11 Public-Private Partnerships for Transportation Act and
12 design-build agreements entered into according to the
13 procurement requirements of Section 25 of the
14 Public-Private Partnerships for Transportation Act.

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

24 (B) Contracts for legal and financial services entered
25 into by the Illinois Housing Development Authority in
26 connection with the issuance of bonds in which the State

1 of Illinois is not obligated. Such contracts shall be
2 awarded through a competitive process authorized by the
3 members of the Illinois Housing Development Authority and
4 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
5 and 50-37 of this Code, as well as the final approval by
6 the members of the Illinois Housing Development Authority
7 of the terms of the contract.

8 (13) Contracts for services, commodities, and
9 equipment to support the delivery of timely forensic
10 science services in consultation with and subject to the
11 approval of the Chief Procurement Officer as provided in
12 subsection (d) of Section 5-4-3a of the Unified Code of
13 Corrections, except for the requirements of Sections
14 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
15 Code; however, the Chief Procurement Officer may, in
16 writing with justification, waive any certification
17 required under Article 50 of this Code. For any contracts
18 for services which are currently provided by members of a
19 collective bargaining agreement, the applicable terms of
20 the collective bargaining agreement concerning
21 subcontracting shall be followed.

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

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

1 (15) Contracts with a railroad or utility that
2 requires the State to reimburse the railroad or utilities
3 for the relocation of utilities for construction or other
4 public purpose. Contracts included within this paragraph
5 (15) shall include, but not be limited to, those
6 associated with: relocations, crossings, installations,
7 and maintenance. For the purposes of this paragraph (15),
8 "railroad" means any form of non-highway ground
9 transportation that runs on rails or electromagnetic
10 guideways and "utility" means: (1) public utilities as
11 defined in Section 3-105 of the Public Utilities Act, (2)
12 telecommunications carriers as defined in Section 13-202
13 of the Public Utilities Act, (3) electric cooperatives as
14 defined in Section 3.4 of the Electric Supplier Act, (4)
15 telephone or telecommunications cooperatives as defined in
16 Section 13-212 of the Public Utilities Act, (5) rural
17 water or wastewater ~~waste-water~~ systems with 10,000
18 connections or less, (6) a holder as defined in Section
19 21-201 of the Public Utilities Act, and (7) municipalities
20 owning or operating utility systems consisting of public
21 utilities as that term is defined in Section 11-117-2 of
22 the Illinois Municipal Code.

23 (16) Procurement expenditures necessary for the
24 Department of Public Health to provide the delivery of
25 timely newborn screening services in accordance with the
26 Newborn Metabolic Screening Act.

1 (17) Procurement expenditures necessary for the
2 Department of Agriculture, the Department of Financial and
3 Professional Regulation, the Department of Human Services,
4 and the Department of Public Health to implement the
5 Compassionate Use of Medical Cannabis Program and Opioid
6 Alternative Pilot Program requirements and ensure access
7 to medical cannabis for patients with debilitating medical
8 conditions in accordance with the Compassionate Use of
9 Medical Cannabis Program Act.

10 (18) This Code does not apply to any procurements
11 necessary for the Department of Agriculture, the
12 Department of Financial and Professional Regulation, the
13 Department of Human Services, the Department of Commerce
14 and Economic Opportunity, and the Department of Public
15 Health to implement the Cannabis Regulation and Tax Act if
16 the applicable agency has made a good faith determination
17 that it is necessary and appropriate for the expenditure
18 to fall within this exemption and if the process is
19 conducted in a manner substantially in accordance with the
20 requirements of Sections 20-160, 25-60, 30-22, 50-5,
21 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
22 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
23 Section 50-35, compliance applies only to contracts or
24 subcontracts over \$100,000. Notice of each contract
25 entered into under this paragraph (18) that is related to
26 the procurement of goods and services identified in

1 paragraph (1) through (9) of this subsection shall be
2 published in the Procurement Bulletin within 14 calendar
3 days after contract execution. The Chief Procurement
4 Officer shall prescribe the form and content of the
5 notice. Each agency shall provide the Chief Procurement
6 Officer, on a monthly basis, in the form and content
7 prescribed by the Chief Procurement Officer, a report of
8 contracts that are related to the procurement of goods and
9 services identified in this subsection. At a minimum, this
10 report shall include the name of the contractor, a
11 description of the supply or service provided, the total
12 amount of the contract, the term of the contract, and the
13 exception to this Code utilized. A copy of any or all of
14 these contracts shall be made available to the Chief
15 Procurement Officer immediately upon request. The Chief
16 Procurement Officer shall submit a report to the Governor
17 and General Assembly no later than November 1 of each year
18 that includes, at a minimum, an annual summary of the
19 monthly information reported to the Chief Procurement
20 Officer. This exemption becomes inoperative 5 years after
21 June 25, 2019 (the effective date of Public Act 101-27).

22 (19) Acquisition of modifications or adjustments,
23 limited to assistive technology devices and assistive
24 technology services, adaptive equipment, repairs, and
25 replacement parts to provide reasonable accommodations (i)
26 that enable a qualified applicant with a disability to

1 complete the job application process and be considered for
2 the position such qualified applicant desires, (ii) that
3 modify or adjust the work environment to enable a
4 qualified current employee with a disability to perform
5 the essential functions of the position held by that
6 employee, (iii) to enable a qualified current employee
7 with a disability to enjoy equal benefits and privileges
8 of employment as are enjoyed by other similarly situated
9 employees without disabilities, and (iv) that allow a
10 customer, client, claimant, or member of the public
11 seeking State services full use and enjoyment of and
12 access to its programs, services, or benefits.

13 For purposes of this paragraph (19):

14 "Assistive technology devices" means any item, piece
15 of equipment, or product system, whether acquired
16 commercially off the shelf, modified, or customized, that
17 is used to increase, maintain, or improve functional
18 capabilities of individuals with disabilities.

19 "Assistive technology services" means any service that
20 directly assists an individual with a disability in
21 selection, acquisition, or use of an assistive technology
22 device.

23 "Qualified" has the same meaning and use as provided
24 under the federal Americans with Disabilities Act when
25 describing an individual with a disability.

26 (20) Procurement expenditures necessary for the

1 Illinois Commerce Commission to hire third-party
2 facilitators pursuant to Sections 16-105.17 and 16-108.18
3 of the Public Utilities Act or an ombudsman pursuant to
4 Section 16-107.5 of the Public Utilities Act, a
5 facilitator pursuant to Section 16-105.17 of the Public
6 Utilities Act, or a grid auditor pursuant to Section
7 16-105.10 of the Public Utilities Act.

8 (21) Procurement expenditures for the purchase,
9 renewal, and expansion of software, software licenses, or
10 software maintenance agreements that support the efforts
11 of the Illinois State Police to enforce, regulate, and
12 administer the Firearm Owners Identification Card Act, the
13 Firearm Concealed Carry Act, the Firearms Restraining
14 Order Act, the Firearm Dealer License Certification Act,
15 the Law Enforcement Agencies Data System (LEADS), the
16 Uniform Crime Reporting Act, the Criminal Identification
17 Act, the Illinois Uniform Conviction Information Act, and
18 the Gun Trafficking Information Act, or establish or
19 maintain record management systems necessary to conduct
20 human trafficking investigations or gun trafficking or
21 other stolen firearm investigations. This paragraph (21)
22 applies to contracts entered into on or after January 10,
23 2023 (the effective date of Public Act 102-1116) and the
24 renewal of contracts that are in effect on January 10,
25 2023 (the effective date of Public Act 102-1116).

26 (22) Contracts for project management services and

1 system integration services required for the completion of
2 the State's enterprise resource planning project. This
3 exemption becomes inoperative 5 years after June 7, 2023
4 (the effective date of the changes made to this Section by
5 Public Act 103-8). This paragraph (22) applies to
6 contracts entered into on or after June 7, 2023 (the
7 effective date of the changes made to this Section by
8 Public Act 103-8) and the renewal of contracts that are in
9 effect on June 7, 2023 (the effective date of the changes
10 made to this Section by Public Act 103-8).

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

23 (24) Contracts for public education programming,
24 noncommercial sustaining announcements, public service
25 announcements, and public awareness and education
26 messaging with the nonprofit trade associations of the

1 providers of those services that inform the public on
2 immediate and ongoing health and safety risks and hazards.

3 (25) Procurements necessary for the Department of
4 Early Childhood to implement the Department of Early
5 Childhood Act if the Department has made a good faith
6 determination that it is necessary and appropriate for the
7 expenditure to fall within this exemption. This exemption
8 shall only be used for products and services procured
9 solely for use by the Department of Early Childhood. The
10 procurements may include those necessary to design and
11 build integrated, operational systems of programs and
12 services. The procurements may include, but are not
13 limited to, those necessary to align and update program
14 standards, integrate funding systems, design and establish
15 data and reporting systems, align and update models for
16 technical assistance and professional development, design
17 systems to manage grants and ensure compliance, design and
18 implement management and operational structures, and
19 establish new means of engaging with families, educators,
20 providers, and stakeholders. The procurement processes
21 shall be conducted in a manner substantially in accordance
22 with the requirements of Article 50 (ethics) and Sections
23 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
24 and Inclusion), 20-80 (contract files), 20-120
25 (subcontractors), 20-155 (paperwork), 20-160
26 (ethics/campaign contribution prohibitions), 25-60

1 (prevailing wage), and 25-90 (prohibited and authorized
2 cybersecurity) of this Code. Beginning January 1, 2025,
3 the Department of Early Childhood shall provide a
4 quarterly report to the General Assembly detailing a list
5 of expenditures and contracts for which the Department
6 uses this exemption. This paragraph is inoperative on and
7 after July 1, 2027.

8 (26) Procurements that are necessary for increasing
9 the recruitment and retention of State employees,
10 particularly minority candidates for employment,
11 including:

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

14 (B) production of recruitment materials; and

15 (C) other services related to recruitment and
16 retention of State employees.

17 The exemption under this paragraph (26) applies only
18 if the State agency has made a good faith determination
19 that it is necessary and appropriate for the expenditure
20 to fall within this paragraph (26). The procurement
21 process under this paragraph (26) shall be conducted in a
22 manner substantially in accordance with the requirements
23 of Sections 20-160 and 25-60 and Article 50 of this Code. A
24 copy of these contracts shall be made available to the
25 Chief Procurement Officer immediately upon request.
26 Nothing in this paragraph (26) authorizes the replacement

1 or diminishment of State responsibilities in hiring or the
2 positions that effectuate that hiring. This paragraph (26)
3 is inoperative on and after June 30, 2029.

4 (27) Procurements necessary for the Department of
5 Healthcare and Family Services to implement changes to the
6 State's Integrated Eligibility System to ensure the
7 system's compliance with federal implementation mandates
8 and deadlines, if the Department of Healthcare and Family
9 Services has made a good faith determination that it is
10 necessary and appropriate for the procurement to fall
11 within this exemption.

12 (28) Procurement expenditures that are necessary for
13 the Illinois Emergency Management Agency and Office of
14 Homeland Security to respond to a radiological incident,
15 to monitor a nuclear power plant, or to use at a nuclear
16 facility; to qualify for the exemption under this
17 paragraph, the Illinois Emergency Management Agency and
18 Office of Homeland Security must make a good faith
19 determination that it is necessary and appropriate for the
20 expenditure to fall within this exemption. A copy of the
21 contract for an expenditure under this item (28) shall be
22 made available to the Chief Procurement Office immediately
23 upon request.

24 Notwithstanding any other provision of law, for contracts
25 with an annual value of more than \$100,000 entered into on or
26 after October 1, 2017 under an exemption provided in any

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

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

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

22 (e) This Code does not apply to the process used by the
23 Capital Development Board to retain a person or entity to
24 assist the Capital Development Board with its duties related
25 to the determination of costs of a clean coal SNG brownfield
26 facility, as defined by Section 1-10 of the Illinois Power

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

7 (f) (Blank).

8 (g) (Blank).

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

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

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

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

25 (l) This Code does not apply to the processes used by the
26 Illinois Student Assistance Commission to procure supplies and

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

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

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

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

18 Sec. 1-10. Application.

19 (a) This Code applies only to procurements for which
20 bidders, offerors, potential contractors, or contractors were
21 first solicited on or after July 1, 1998. This Code shall not
22 be construed to affect or impair any contract, or any
23 provision of a contract, entered into based on a solicitation
24 prior to the implementation date of this Code as described in
25 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 (3) Purchase of care, except as provided in Section
16 5-30.6 of the Illinois Public Aid Code and this Section.

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

21 (5) Collective bargaining contracts.

22 (6) Purchase of real estate, except that notice of
23 this type of contract with a value of more than \$25,000
24 must be published in the Procurement Bulletin within 10
25 calendar days after the deed is recorded in the county of
26 jurisdiction. The notice shall identify the real estate

1 purchased, the names of all parties to the contract, the
2 value of the contract, and the effective date of the
3 contract.

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

13 (8) (Blank).

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

16 (10) (Blank).

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

23 (12) (A) Contracts for legal, financial, and other
24 professional and artistic services entered into by the
25 Illinois Finance Authority in which the State of Illinois
26 is not obligated. Such contracts shall be awarded through

1 a competitive process authorized by the members of the
2 Illinois Finance Authority and are subject to Sections
3 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
4 as well as the final approval by the members of the
5 Illinois Finance Authority of the terms of the contract.

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

16 (13) Contracts for services, commodities, and
17 equipment to support the delivery of timely forensic
18 science services in consultation with and subject to the
19 approval of the Chief Procurement Officer as provided in
20 subsection (d) of Section 5-4-3a of the Unified Code of
21 Corrections, except for the requirements of Sections
22 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
23 Code; however, the Chief Procurement Officer may, in
24 writing with justification, waive any certification
25 required under Article 50 of this Code. For any contracts
26 for services which are currently provided by members of a

1 collective bargaining agreement, the applicable terms of
2 the collective bargaining agreement concerning
3 subcontracting shall be followed.

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

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

9 (15) Contracts with a railroad or utility that
10 requires the State to reimburse the railroad or utilities
11 for the relocation of utilities for construction or other
12 public purpose. Contracts included within this paragraph
13 (15) shall include, but not be limited to, those
14 associated with: relocations, crossings, installations,
15 and maintenance. For the purposes of this paragraph (15),
16 "railroad" means any form of non-highway ground
17 transportation that runs on rails or electromagnetic
18 guideways and "utility" means: (1) public utilities as
19 defined in Section 3-105 of the Public Utilities Act, (2)
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24 Section 13-212 of the Public Utilities Act, (5) rural
25 water or wastewater ~~waste-water~~ systems with 10,000
26 connections or less, (6) a holder as defined in Section

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3 utilities as that term is defined in Section 11-117-2 of
4 the Illinois Municipal Code.

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6 Department of Public Health to provide the delivery of
7 timely newborn screening services in accordance with the
8 Newborn Metabolic Screening Act.

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

18 (18) This Code does not apply to any procurements
19 necessary for the Department of Agriculture, the
20 Department of Financial and Professional Regulation, the
21 Department of Human Services, the Department of Commerce
22 and Economic Opportunity, and the Department of Public
23 Health to implement the Cannabis Regulation and Tax Act if
24 the applicable agency has made a good faith determination
25 that it is necessary and appropriate for the expenditure
26 to fall within this exemption and if the process is

1 conducted in a manner substantially in accordance with the
2 requirements of Sections 20-160, 25-60, 30-22, 50-5,
3 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
4 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
5 Section 50-35, compliance applies only to contracts or
6 subcontracts over \$100,000. Notice of each contract
7 entered into under this paragraph (18) that is related to
8 the procurement of goods and services identified in
9 paragraph (1) through (9) of this subsection shall be
10 published in the Procurement Bulletin within 14 calendar
11 days after contract execution. The Chief Procurement
12 Officer shall prescribe the form and content of the
13 notice. Each agency shall provide the Chief Procurement
14 Officer, on a monthly basis, in the form and content
15 prescribed by the Chief Procurement Officer, a report of
16 contracts that are related to the procurement of goods and
17 services identified in this subsection. At a minimum, this
18 report shall include the name of the contractor, a
19 description of the supply or service provided, the total
20 amount of the contract, the term of the contract, and the
21 exception to this Code utilized. A copy of any or all of
22 these contracts shall be made available to the Chief
23 Procurement Officer immediately upon request. The Chief
24 Procurement Officer shall submit a report to the Governor
25 and General Assembly no later than November 1 of each year
26 that includes, at a minimum, an annual summary of the

1 monthly information reported to the Chief Procurement
2 Officer. This exemption becomes inoperative 5 years after
3 June 25, 2019 (the effective date of Public Act 101-27).

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

21 For purposes of this paragraph (19):

22 "Assistive technology devices" means any item, piece
23 of equipment, or product system, whether acquired
24 commercially off the shelf, modified, or customized, that
25 is used to increase, maintain, or improve functional
26 capabilities of individuals with disabilities.

1 "Assistive technology services" means any service that
2 directly assists an individual with a disability in
3 selection, acquisition, or use of an assistive technology
4 device.

5 "Qualified" has the same meaning and use as provided
6 under the federal Americans with Disabilities Act when
7 describing an individual with a disability.

8 (20) Procurement expenditures necessary for the
9 Illinois Commerce Commission to hire third-party
10 facilitators pursuant to Sections 16-105.17 and 16-108.18
11 of the Public Utilities Act or an ombudsman pursuant to
12 Section 16-107.5 of the Public Utilities Act, a
13 facilitator pursuant to Section 16-105.17 of the Public
14 Utilities Act, a grid auditor pursuant to Section
15 16-105.10 of the Public Utilities Act, a facilitator,
16 expert, or consultant pursuant to Sections 16-126.2 and
17 16-202 of the Public Utilities Act, a procurement monitor
18 pursuant to Section 16-111.5 of the Public Utilities Act,
19 an ombudsperson pursuant to Section 20-145 of the Public
20 Utilities Act, or consultants and experts pursuant to
21 Section 5-15 of the Utility Data Access Act.

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

1 Firearm Concealed Carry Act, the Firearms Restraining
2 Order Act, the Firearm Dealer License Certification Act,
3 the Law Enforcement Agencies Data System (LEADS), the
4 Uniform Crime Reporting Act, the Criminal Identification
5 Act, the Illinois Uniform Conviction Information Act, and
6 the Gun Trafficking Information Act, or establish or
7 maintain record management systems necessary to conduct
8 human trafficking investigations or gun trafficking or
9 other stolen firearm investigations. This paragraph (21)
10 applies to contracts entered into on or after January 10,
11 2023 (the effective date of Public Act 102-1116) and the
12 renewal of contracts that are in effect on January 10,
13 2023 (the effective date of Public Act 102-1116).

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

25 (23) Procurements necessary for the Department of
26 Insurance to implement the Illinois Health Benefits

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

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

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

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

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

26 (A) procurements related to registration fees for

1 job fairs and other outreach and recruitment events;

2 (B) production of recruitment materials; and

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

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

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

26 (28) Procurement expenditures necessary for the

1 Illinois Emergency Management Agency and Office of
2 Homeland Security to respond to a radiological incident,
3 monitor a nuclear power plant, or use at a nuclear
4 facility; to qualify for the exemption under this
5 paragraph, the Illinois Emergency Management Agency and
6 Office of Homeland Security must make a good faith
7 determination that it is necessary and appropriate for the
8 expenditure to fall within this exemption. A copy of the
9 contract for an expenditure under this item (28) shall be
10 made available to the Chief Procurement Office immediately
11 upon request.

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

25 (c) This Code does not apply to the electric power
26 procurement process provided for under Section 1-75 of the

1 Illinois Power Agency Act and Section 16-111.5 of the Public
2 Utilities Act. This Code does not apply to the procurement of
3 technical and policy experts pursuant to Section 1-129 of the
4 Illinois Power Agency Act.

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

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

21 (f) (Blank).

22 (g) (Blank).

23 (h) This Code does not apply to the process to procure or
24 contracts entered into in accordance with Sections 11-5.2 and
25 11-5.3 of the Illinois Public Aid Code.

26 (i) Each chief procurement officer may access records

1 necessary to review whether a contract, purchase, or other
2 expenditure is or is not subject to the provisions of this
3 Code, unless such records would be subject to attorney-client
4 privilege.

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

9 (k) This Code does not apply to the process to procure
10 contracts, or contracts entered into, by the State Board of
11 Elections or the State Electoral Board for hearing officers
12 appointed pursuant to the Election Code.

13 (l) This Code does not apply to the processes used by the
14 Illinois Student Assistance Commission to procure supplies and
15 services paid for from the private funds of the Illinois
16 Prepaid Tuition Fund. As used in this subsection (l), "private
17 funds" means funds derived from deposits paid into the
18 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

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

1 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
2 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
3 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
4 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;
5 revised 1-12-26.)

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.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.