



Rep. Nicolle Grasse

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10400HB5311ham001

LRB104 20064 HLH 35647 a

1 AMENDMENT TO HOUSE BILL 5311

2 AMENDMENT NO. _____. Amend House Bill 5311 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 10-10 and 10-15 as follows:

6 (30 ILCS 500/10-10)

7 Sec. 10-10. Independent State purchasing officers.

8 (a) The chief procurement officer shall appoint and
9 determine the salary of a State purchasing officer for each
10 agency that the chief procurement officer is responsible for
11 under Section 1-15.15. A State purchasing officer shall be
12 located in the State agency that the officer serves but shall
13 report to his or her respective chief procurement officer. The
14 State purchasing officer shall have direct communication with
15 agency staff assigned to assist with any procurement process.
16 At the direction of his or her respective chief procurement

1 officer, a State purchasing officer shall have the authority
2 to (i) review any contract or contract amendment prior to
3 execution to ensure that applicable procurement and
4 contracting standards were followed and (ii) approve or reject
5 contracts for a purchasing agency. If the State purchasing
6 officer provides written approval of the contract, the head of
7 the applicable State agency shall have the authority to sign
8 and enter into that contract. All actions of a State
9 purchasing officer are subject to review by a chief
10 procurement officer in accordance with procedures and policies
11 established by the chief procurement officer.

12 (a-5) A State purchasing officer may (i) attend any
13 procurement meetings; (ii) access any records or files related
14 to procurement; (iii) submit reports to the chief procurement
15 officer on procurement issues; (iv) ensure the State agency is
16 maintaining appropriate records; and (v) ensure transparency
17 of the procurement process.

18 (a-10) If a State purchasing officer is aware of
19 misconduct, waste, or inefficiency with respect to State
20 procurement, the State purchasing officer shall advise the
21 State agency of the issue in writing. If the State agency does
22 not correct the issue, the State purchasing officer shall
23 report the problem, in writing, to the chief procurement
24 officer and appropriate Inspector General.

25 (b) In addition to any other requirement or qualification
26 required by State law, within 30 months after appointment, a

1 State purchasing officer must be a Certified Professional
2 Public Buyer or a Certified Public Purchasing Officer,
3 pursuant to certification by the Universal Public Purchasing
4 Certification Council or the Institute for Supply Management.
5 A State purchasing officer shall serve a term of 5 years
6 beginning on the date of the officer's appointment. A State
7 purchasing officer shall have an office located in the State
8 agency that the officer serves but shall report to the chief
9 procurement officer. A State purchasing officer may be removed
10 by a chief procurement officer for cause after a hearing by the
11 Executive Ethics Commission. The chief procurement officer or
12 executive officer of the State agency housing the State
13 purchasing officer may institute a complaint against the State
14 purchasing officer by filing such a complaint with the
15 Commission and the Commission shall have a public hearing
16 based on the complaint. The State purchasing officer, chief
17 procurement officer, and executive officer of the State agency
18 shall receive notice of the hearing and shall be permitted to
19 present their respective arguments on the complaint. After the
20 hearing, the Commission shall make a non-binding
21 recommendation on whether the State purchasing officer shall
22 be removed. The salary of a State purchasing officer shall be
23 established by the chief procurement officer and may not be
24 diminished during the officer's term. In the absence of an
25 appointed State purchasing officer, the applicable chief
26 procurement officer shall exercise the procurement authority

1 created by this Code and may appoint a temporary acting State
2 purchasing officer.

3 (b-5) A State agency may take administrative actions that
4 are specifically provided for in a contract that has been
5 entered into in accordance with this Code without prior State
6 purchasing officer review. Those administrative actions are
7 limited to: adjustments to minimum or prevailing wages; price
8 adjustments made in accordance with the Consumer Price Index
9 or other schedule; memorialization of non-material changes;
10 substitution of a supply that is discontinued or otherwise not
11 available during any term of the contract if the vendor
12 substitutes an equivalent or better supply and the price for
13 the substitute may be revised downward but not upward; and
14 other actions defined in administrative rule.

15 (c) Each State purchasing officer owes a fiduciary duty to
16 the State.

17 (Source: P.A. 103-8, eff. 6-7-23.)

18 (30 ILCS 500/10-15)

19 Sec. 10-15. Procurement compliance monitors.

20 (a) The Executive Ethics Commission may appoint
21 procurement compliance monitors to oversee and review the
22 procurement processes. Each procurement compliance monitor
23 shall serve a term of 5 years beginning on the date of the
24 officer's appointment. Each procurement compliance monitor
25 appointed pursuant to this Section and serving a 5-year term

1 on the effective date of this amendatory Act of the 100th
2 General Assembly shall report to the chief procurement officer
3 in the performance of his or her duties until the expiration of
4 the monitor's term. The compliance monitor shall have direct
5 communications with the executive officer of a State agency in
6 exercising duties. A procurement compliance monitor may be
7 removed only for cause after a hearing by the Executive Ethics
8 Commission. The appropriate chief procurement officer or
9 executive officer of the State agency served by the
10 procurement compliance monitor may institute a complaint
11 against the procurement compliance monitor with the Commission
12 and the Commission shall hold a public hearing based on the
13 complaint. The procurement compliance monitor, State
14 purchasing officer, appropriate chief procurement officer, and
15 executive officer of the State agency shall receive notice of
16 the hearing and shall be permitted to present their respective
17 arguments on the complaint. After the hearing, the Commission
18 shall determine whether the procurement compliance monitor
19 shall be removed. The salary of a procurement compliance
20 monitor shall be established by the Executive Ethics
21 Commission and may not be diminished during the officer's
22 term.

23 (b) The procurement compliance monitor shall: (i) review
24 any procurement, contract, or contract amendment as directed
25 by the Executive Ethics Commission or a chief procurement
26 officer; and (ii) report any findings of the review, in

1 writing, to the Commission, the affected agency, the chief
2 procurement officer responsible for the affected agency, and
3 any entity requesting the review. The procurement compliance
4 monitor may: (i) review each contract or contract amendment
5 prior to execution to ensure that applicable procurement and
6 contracting standards were followed; (ii) attend any
7 procurement meetings; (iii) access any records or files
8 related to procurement; (iv) issue reports to the chief
9 procurement officer on procurement issues that present issues
10 or that have not been corrected after consultation with
11 appropriate State officials; (v) ensure the State agency is
12 maintaining appropriate records; and (vi) ensure transparency
13 of the procurement process.

14 (c) If the procurement compliance monitor is aware of
15 misconduct, waste, or inefficiency with respect to State
16 procurement, the procurement compliance monitor shall advise
17 the State agency of the issue in writing. If the State agency
18 does not correct the issue, the monitor shall report the
19 problem, in writing, to the chief procurement officer and
20 Inspector General.

21 (c-5) A State agency may take administrative actions that
22 are specifically provided for in a contract that has been
23 entered into in accordance with this Code without prior State
24 purchasing officer review. Those administrative actions are
25 limited to: adjustments to minimum or prevailing wages; price
26 adjustments made in accordance with the Consumer Price Index

1 or other schedule; memorialization of non-material changes;
2 substitution of a supply that is discontinued or otherwise not
3 available during any term of the contract if the vendor
4 substitutes an equivalent or better supply and the price for
5 the substitute may be revised downward but not upward; and
6 other actions defined in administrative rule.

7 (d) Each procurement compliance monitor owes a fiduciary
8 duty to the State.

9 (Source: P.A. 100-43, eff. 8-9-17.)".