



Sen. Steve McClure

Filed: 2/25/2026

10400SB2877sam001

LRB104 18604 HLH 34849 a

1 AMENDMENT TO SENATE BILL 2877

2 AMENDMENT NO. _____. Amend Senate Bill 2877 by replacing
3 everything after the enacting clause with the following:

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

6 (30 ILCS 500/1-10)

7 (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

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

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

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

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

14 (3) Purchase of care, except as provided in Section
15 5-30.6 of the Illinois Public Aid Code and this Section.

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

20 (5) Collective bargaining contracts.

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

1 value of the contract, and the effective date of the
2 contract.

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

12 (8) (Blank).

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

15 (10) (Blank).

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

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

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

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

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

1 the collective bargaining agreement concerning
2 subcontracting shall be followed.

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

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

8 (15) Contracts with a railroad or utility that
9 requires the State to reimburse the railroad or utilities
10 for the relocation of utilities for construction or other
11 public purpose. Contracts included within this paragraph
12 (15) shall include, but not be limited to, those
13 associated with: relocations, crossings, installations,
14 and maintenance. For the purposes of this paragraph (15),
15 "railroad" means any form of non-highway ground
16 transportation that runs on rails or electromagnetic
17 guideways and "utility" means: (1) public utilities as
18 defined in Section 3-105 of the Public Utilities Act, (2)
19 telecommunications carriers as defined in Section 13-202
20 of the Public Utilities Act, (3) electric cooperatives as
21 defined in Section 3.4 of the Electric Supplier Act, (4)
22 telephone or telecommunications cooperatives as defined in
23 Section 13-212 of the Public Utilities Act, (5) rural
24 water or wastewater ~~waste-water~~ systems with 10,000
25 connections or less, (6) a holder as defined in Section
26 21-201 of the Public Utilities Act, and (7) municipalities

1 owning or operating utility systems consisting of public
2 utilities as that term is defined in Section 11-117-2 of
3 the Illinois Municipal Code.

4 (16) Procurement expenditures necessary for the
5 Department of Public Health to provide the delivery of
6 timely newborn screening services in accordance with the
7 Newborn Metabolic Screening Act.

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

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

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

1 Officer. This exemption becomes inoperative 5 years after
2 June 25, 2019 (the effective date of Public Act 101-27).

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

20 For purposes of this paragraph (19):

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

26 "Assistive technology services" means any service that

1 directly assists an individual with a disability in
2 selection, acquisition, or use of an assistive technology
3 device.

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

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

15 (21) Procurement expenditures for the purchase,
16 renewal, and expansion of software, software licenses, or
17 software maintenance agreements that support the efforts
18 of the Illinois State Police to enforce, regulate, and
19 administer the Firearm Owners Identification Card Act, the
20 Firearm Concealed Carry Act, the Firearms Restraining
21 Order Act, the Firearm Dealer License Certification Act,
22 the Law Enforcement Agencies Data System (LEADS), the
23 Uniform Crime Reporting Act, the Criminal Identification
24 Act, the Illinois Uniform Conviction Information Act, and
25 the Gun Trafficking Information Act, or establish or
26 maintain record management systems necessary to conduct

1 human trafficking investigations or gun trafficking or
2 other stolen firearm investigations. This paragraph (21)
3 applies to contracts entered into on or after January 10,
4 2023 (the effective date of Public Act 102-1116) and the
5 renewal of contracts that are in effect on January 10,
6 2023 (the effective date of Public Act 102-1116).

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

18 (23) Procurements necessary for the Department of
19 Insurance to implement the Illinois Health Benefits
20 Exchange Law if the Department of Insurance has made a
21 good faith determination that it is necessary and
22 appropriate for the expenditure to fall within this
23 exemption. The procurement process shall be conducted in a
24 manner substantially in accordance with the requirements
25 of Sections 20-160 and 25-60 and Article 50 of this Code. A
26 copy of these contracts shall be made available to the

1 Chief Procurement Officer immediately upon request. This
2 paragraph is inoperative 5 years after June 27, 2023 (the
3 effective date of Public Act 103-103).

4 (24) Contracts for public education programming,
5 noncommercial sustaining announcements, public service
6 announcements, and public awareness and education
7 messaging with the nonprofit trade associations of the
8 providers of those services that inform the public on
9 immediate and ongoing health and safety risks and hazards.

10 (25) Procurements necessary for the Department of
11 Early Childhood to implement the Department of Early
12 Childhood Act if the Department has made a good faith
13 determination that it is necessary and appropriate for the
14 expenditure to fall within this exemption. This exemption
15 shall only be used for products and services procured
16 solely for use by the Department of Early Childhood. The
17 procurements may include those necessary to design and
18 build integrated, operational systems of programs and
19 services. The procurements may include, but are not
20 limited to, those necessary to align and update program
21 standards, integrate funding systems, design and establish
22 data and reporting systems, align and update models for
23 technical assistance and professional development, design
24 systems to manage grants and ensure compliance, design and
25 implement management and operational structures, and
26 establish new means of engaging with families, educators,

1 providers, and stakeholders. The procurement processes
2 shall be conducted in a manner substantially in accordance
3 with the requirements of Article 50 (ethics) and Sections
4 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
5 and Inclusion), 20-80 (contract files), 20-120
6 (subcontractors), 20-155 (paperwork), 20-160
7 (ethics/campaign contribution prohibitions), 25-60
8 (prevailing wage), and 25-90 (prohibited and authorized
9 cybersecurity) of this Code. Beginning January 1, 2025,
10 the Department of Early Childhood shall provide a
11 quarterly report to the General Assembly detailing a list
12 of expenditures and contracts for which the Department
13 uses this exemption. This paragraph is inoperative on and
14 after July 1, 2027.

15 (26) Procurements that are necessary for increasing
16 the recruitment and retention of State employees,
17 particularly minority candidates for employment,
18 including:

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

21 (B) production of recruitment materials; and

22 (C) other services related to recruitment and
23 retention of State employees.

24 The exemption under this paragraph (26) applies only
25 if the State agency has made a good faith determination
26 that it is necessary and appropriate for the expenditure

1 to fall within this paragraph (26). The procurement
2 process under this paragraph (26) shall be conducted in a
3 manner substantially in accordance with the requirements
4 of Sections 20-160 and 25-60 and Article 50 of this Code. A
5 copy of these contracts shall be made available to the
6 Chief Procurement Officer immediately upon request.
7 Nothing in this paragraph (26) authorizes the replacement
8 or diminishment of State responsibilities in hiring or the
9 positions that effectuate that hiring. This paragraph (26)
10 is inoperative on and after June 30, 2029.

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

19 (28) Procurements for expenditures that are necessary
20 for the construction, reconstruction, maintenance, and
21 operation of the Lincoln's New Salem State Historic Site
22 if the Department of Natural Resources makes a good faith
23 determination that it is necessary and appropriate for the
24 expenditure to fall within this exemption. The procurement
25 process shall be conducted in a manner substantially in
26 accordance with the requirements of Article 50 of this

1 Code.

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

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

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

26 (e) This Code does not apply to the process used by the

1 Capital Development Board to retain a person or entity to
2 assist the Capital Development Board with its duties related
3 to the determination of costs of a clean coal SNG brownfield
4 facility, as defined by Section 1-10 of the Illinois Power
5 Agency Act, as required in subsection (h-3) of Section 9-220
6 of the Public Utilities Act, including calculating the range
7 of capital costs, the range of operating and maintenance
8 costs, or the sequestration costs or monitoring the
9 construction of clean coal SNG brownfield facility for the
10 full duration of construction.

11 (f) (Blank).

12 (g) (Blank).

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

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

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

25 (k) This Code does not apply to the process to procure
26 contracts, or contracts entered into, by the State Board of

1 Elections or the State Electoral Board for hearing officers
2 appointed pursuant to the Election Code.

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

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

17 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
18 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
19 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
20 eff. 6-16-25; 104-417, eff. 8-15-25)

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

22 Sec. 1-10. Application.

23 (a) This Code applies only to procurements for which
24 bidders, offerors, potential contractors, or contractors were
25 first solicited on or after July 1, 1998. This Code shall not

1 be construed to affect or impair any contract, or any
2 provision of a contract, entered into based on a solicitation
3 prior to the implementation date of this Code as described in
4 Article 99, including, but not limited to, any covenant
5 entered into with respect to any revenue bonds or similar
6 instruments. All procurements for which contracts are
7 solicited between the effective date of Articles 50 and 99 and
8 July 1, 1998 shall be substantially in accordance with this
9 Code and its intent.

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

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

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

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

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

25 (5) Collective bargaining contracts.

26 (6) Purchase of real estate, except that notice of

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

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

17 (8) (Blank).

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

20 (10) (Blank).

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

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

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

20 (13) Contracts for services, commodities, and
21 equipment to support the delivery of timely forensic
22 science services in consultation with and subject to the
23 approval of the Chief Procurement Officer as provided in
24 subsection (d) of Section 5-4-3a of the Unified Code of
25 Corrections, except for the requirements of Sections
26 20-60, 20-65, 20-70, and 20-160 and Article 50 of this

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

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

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

13 (15) Contracts with a railroad or utility that
14 requires the State to reimburse the railroad or utilities
15 for the relocation of utilities for construction or other
16 public purpose. Contracts included within this paragraph
17 (15) shall include, but not be limited to, those
18 associated with: relocations, crossings, installations,
19 and maintenance. For the purposes of this paragraph (15),
20 "railroad" means any form of non-highway ground
21 transportation that runs on rails or electromagnetic
22 guideways and "utility" means: (1) public utilities as
23 defined in Section 3-105 of the Public Utilities Act, (2)
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26 defined in Section 3.4 of the Electric Supplier Act, (4)

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2 Section 13-212 of the Public Utilities Act, (5) rural
3 water or wastewater ~~waste-water~~ systems with 10,000
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10 Department of Public Health to provide the delivery of
11 timely newborn screening services in accordance with the
12 Newborn Metabolic Screening Act.

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

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

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

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

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

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

26 (21) Procurement expenditures for the purchase,

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

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

1 effect on June 7, 2023 (the effective date of the changes
2 made to this Section by Public Act 103-8).

3 (23) Procurements necessary for the Department of
4 Insurance to implement the Illinois Health Benefits
5 Exchange Law if the Department of Insurance has made a
6 good faith determination that it is necessary and
7 appropriate for the expenditure to fall within this
8 exemption. The procurement process 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. This
13 paragraph is inoperative 5 years after June 27, 2023 (the
14 effective date of Public Act 103-103).

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

21 (25) Procurements necessary for the Department of
22 Early Childhood to implement the Department of Early
23 Childhood Act if the Department has made a good faith
24 determination that it is necessary and appropriate for the
25 expenditure to fall within this exemption. This exemption
26 shall only be used for products and services procured

1 solely for use by the Department of Early Childhood. The
2 procurements may include those necessary to design and
3 build integrated, operational systems of programs and
4 services. The procurements may include, but are not
5 limited to, those necessary to align and update program
6 standards, integrate funding systems, design and establish
7 data and reporting systems, align and update models for
8 technical assistance and professional development, design
9 systems to manage grants and ensure compliance, design and
10 implement management and operational structures, and
11 establish new means of engaging with families, educators,
12 providers, and stakeholders. The procurement processes
13 shall be conducted in a manner substantially in accordance
14 with the requirements of Article 50 (ethics) and Sections
15 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
16 and Inclusion), 20-80 (contract files), 20-120
17 (subcontractors), 20-155 (paperwork), 20-160
18 (ethics/campaign contribution prohibitions), 25-60
19 (prevailing wage), and 25-90 (prohibited and authorized
20 cybersecurity) of this Code. Beginning January 1, 2025,
21 the Department of Early Childhood shall provide a
22 quarterly report to the General Assembly detailing a list
23 of expenditures and contracts for which the Department
24 uses this exemption. This paragraph is inoperative on and
25 after July 1, 2027.

26 (26) Procurements that are necessary for increasing

1 the recruitment and retention of State employees,
2 particularly minority candidates for employment,
3 including:

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

6 (B) production of recruitment materials; and

7 (C) other services related to recruitment and
8 retention of State employees.

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

22 (27) Procurements necessary for the Department of
23 Healthcare and Family Services to implement changes to the
24 State's Integrated Eligibility System to ensure the
25 system's compliance with federal implementation mandates
26 and deadlines, if the Department of Healthcare and Family

1 Services has made a good faith determination that it is
2 necessary and appropriate for the procurement to fall
3 within this exemption.

4 (28) Procurements for expenditures that are necessary
5 for the construction, reconstruction, maintenance, and
6 operation of the Lincoln's New Salem State Historic Site
7 if the Department of Natural Resources makes a good faith
8 determination that it is necessary and appropriate for the
9 expenditure to fall within this exemption. The procurement
10 process shall be conducted in a manner substantially in
11 accordance with the requirements of Article 50 of this
12 Code.

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

26 (c) This Code does not apply to the electric power

1 procurement process provided for under Section 1-75 of the
2 Illinois Power Agency Act and Section 16-111.5 of the Public
3 Utilities Act. This Code does not apply to the procurement of
4 technical and policy experts pursuant to Section 1-129 of the
5 Illinois Power Agency Act.

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

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

22 (f) (Blank).

23 (g) (Blank).

24 (h) This Code does not apply to the process to procure or
25 contracts entered into in accordance with Sections 11-5.2 and
26 11-5.3 of the Illinois Public Aid Code.

1 (i) Each chief procurement officer may access records
2 necessary to review whether a contract, purchase, or other
3 expenditure is or is not subject to the provisions of this
4 Code, unless such records would be subject to attorney-client
5 privilege.

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

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

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

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

1 Civil Administrative Code of Illinois.

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

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