



Sen. Steve McClure

Filed: 3/6/2026

10400SB2877sam002

LRB104 18604 HLH 34935 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 Abraham Lincoln historic sites if the
22 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. As used in this paragraph (28), "Abraham Lincoln
2 historic sites" means the following:

3 (1) the U.S. Grant Home in Galena, IL;

4 (2) the Washburne House in Galena, IL;

5 (3) the Lincoln Monument in Dixon, IL;

6 (4) the Metamora Courthouse in Metamora, IL;

7 (5) the David Davis Mansion in Bloomington, IL;

8 (6) the Postville Courthouse in Lincoln, IL;

9 (7) the Mount Pulaski Courthouse in Mount Pulaski, IL;

10 (8) the Lincoln's New Salem State Historic Site in
11 Petersburg, IL;

12 (9) the Lincoln Log Cabin in Lerna, IL;

13 (10) Bryant Cottage in Bement, IL;

14 (11) the Moore Home in Lerna, IL;

15 (12) the Lincoln Tomb in Springfield, IL;

16 (13) the Old State Capitol in Springfield, IL;

17 (14) the Lincoln-Herndon Law Offices in Springfield,
18 IL;

19 (15) the Vandalia State House in Vandalia, IL; and

20 (16) the Lincoln Trail Memorial.

21 Notwithstanding any other provision of law, for contracts
22 with an annual value of more than \$100,000 entered into on or
23 after October 1, 2017 under an exemption provided in any
24 paragraph of this subsection (b), except paragraph (1), (2),
25 or (5), each State agency shall post to the appropriate
26 procurement bulletin the name of the contractor, a description

1 of the supply or service provided, the total amount of the
2 contract, the term of the contract, and the exception to the
3 Code utilized. The chief procurement officer shall submit a
4 report to the Governor and General Assembly no later than
5 November 1 of each year that shall include, at a minimum, an
6 annual summary of the monthly information reported to the
7 chief procurement officer.

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

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

19 (e) This Code does not apply to the process used by the
20 Capital Development Board to retain a person or entity to
21 assist the Capital Development Board with its duties related
22 to the determination of costs of a clean coal SNG brownfield
23 facility, as defined by Section 1-10 of the Illinois Power
24 Agency Act, as required in subsection (h-3) of Section 9-220
25 of the Public Utilities Act, including calculating the range
26 of capital costs, the range of operating and maintenance

1 costs, or the sequestration costs or monitoring the
2 construction of clean coal SNG brownfield facility for the
3 full duration of construction.

4 (f) (Blank).

5 (g) (Blank).

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

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

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

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

22 (l) This Code does not apply to the processes used by the
23 Illinois Student Assistance Commission to procure supplies and
24 services paid for from the private funds of the Illinois
25 Prepaid Tuition Fund. As used in this subsection (l), "private
26 funds" means funds derived from deposits paid into the

1 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

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

10 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
11 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
12 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
13 eff. 6-16-25; 104-417, eff. 8-15-25)

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

15 Sec. 1-10. Application.

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

1 July 1, 1998 shall be substantially in accordance with this
2 Code and its intent.

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

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

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

12 (3) Purchase of care, except as provided in Section
13 5-30.6 of the Illinois Public Aid Code and this Section.

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

18 (5) Collective bargaining contracts.

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

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

10 (8) (Blank).

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

13 (10) (Blank).

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

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21 professional and artistic services entered into by the
22 Illinois Finance Authority in which the State of Illinois
23 is not obligated. Such contracts shall be awarded through
24 a competitive process authorized by the members of the
25 Illinois Finance Authority and are subject to Sections
26 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,

1 as well as the final approval by the members of the
2 Illinois Finance Authority of the terms of the contract.

3 (B) Contracts for legal and financial services entered
4 into by the Illinois Housing Development Authority in
5 connection with the issuance of bonds in which the State
6 of Illinois is not obligated. Such contracts shall be
7 awarded through a competitive process authorized by the
8 members of the Illinois Housing Development Authority and
9 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
10 and 50-37 of this Code, as well as the final approval by
11 the members of the Illinois Housing Development Authority
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13 (13) Contracts for services, commodities, and
14 equipment to support the delivery of timely forensic
15 science services in consultation with and subject to the
16 approval of the Chief Procurement Officer as provided in
17 subsection (d) of Section 5-4-3a of the Unified Code of
18 Corrections, except for the requirements of Sections
19 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
20 Code; however, the Chief Procurement Officer may, in
21 writing with justification, waive any certification
22 required under Article 50 of this Code. For any contracts
23 for services which are currently provided by members of a
24 collective bargaining agreement, the applicable terms of
25 the collective bargaining agreement concerning
26 subcontracting shall be followed.

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

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4 by a domestic or international trade show or exhibition of
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9 and the Department of Public Health to implement the
10 Compassionate Use of Medical Cannabis Program and Opioid
11 Alternative Pilot Program requirements and ensure access
12 to medical cannabis for patients with debilitating medical
13 conditions in accordance with the Compassionate Use of
14 Medical Cannabis Program Act.

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

18 For purposes of this paragraph (19):

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

24 "Assistive technology services" means any service that
25 directly assists an individual with a disability in
26 selection, acquisition, or use of an assistive technology

1 device.

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

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

19 (21) Procurement expenditures for the purchase,
20 renewal, and expansion of software, software licenses, or
21 software maintenance agreements that support the efforts
22 of the Illinois State Police to enforce, regulate, and
23 administer the Firearm Owners Identification Card Act, the
24 Firearm Concealed Carry Act, the Firearms Restraining
25 Order Act, the Firearm Dealer License Certification Act,
26 the Law Enforcement Agencies Data System (LEADS), the

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

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

22 (23) Procurements necessary for the Department of
23 Insurance to implement the Illinois Health Benefits
24 Exchange Law if the Department of Insurance has made a
25 good faith determination that it is necessary and
26 appropriate for the expenditure to fall within this

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

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

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

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

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

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

25 (B) production of recruitment materials; and

26 (C) other services related to recruitment and

1 retention of State employees.

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

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

23 (28) Procurements for expenditures that are necessary
24 for the construction, reconstruction, maintenance, and
25 operation of Abraham Lincoln historic sites if the
26 Department of Natural Resources makes a good faith

1 determination that it is necessary and appropriate for the
2 expenditure to fall within this exemption. The procurement
3 process shall be conducted in a manner substantially in
4 accordance with the requirements of Article 50 of this
5 Code. As used in this paragraph (28), "Abraham Lincoln
6 historic sites" means the following:

7 (1) the U.S. Grant Home in Galena, IL;

8 (2) the Washburne House in Galena, IL;

9 (3) the Lincoln Monument in Dixon, IL;

10 (4) the Metamora Courthouse in Metamora, IL;

11 (5) the David Davis Mansion in Bloomington, IL;

12 (6) the Postville Courthouse in Lincoln, IL;

13 (7) the Mount Pulaski Courthouse in Mount Pulaski, IL;

14 (8) the Lincoln's New Salem State Historic Site in
15 Petersburg, IL;

16 (9) the Lincoln Log Cabin in Lerna, IL;

17 (10) Bryant Cottage in Bement, IL;

18 (11) the Moore Home in Lerna, IL;

19 (12) the Lincoln Tomb in Springfield, IL;

20 (13) the Old State Capitol in Springfield, IL;

21 (14) the Lincoln-Herndon Law Offices in Springfield,
22 IL;

23 (15) the Vandalia State House in Vandalia, IL; and

24 (16) the Lincoln Trail Memorial.

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

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

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

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

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

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

8 (f) (Blank).

9 (g) (Blank).

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

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

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

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

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

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

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

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

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act."