

SB3423



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3423

Introduced 2/4/2026, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

20 ILCS 801/20-25 new
30 ILCS 500/1-10

Amends the Department of Natural Resources Act. Creates the Illinois State Museum Collection Trust Fund as a nonappropriated trust fund in the State treasury. Provides that the Illinois State Museum Collection Trust Fund shall receive all moneys from the deaccession of objects of scientific, historic, and artistic value in the possession of the State Museum and may receive moneys from other sources. Provides that the moneys in the Fund shall be used by the Department of Natural Resources for the State Museum to purchase and maintain objects for the State Museum. Amends the Illinois Procurement Code. Exempts from specified requirements of the Code expenditures from the Illinois State Museum Collection Trust Fund that are authorized by the Department. Makes other changes.

LRB104 18817 BDA 32260 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Natural Resources Act is
5 amended by adding Section 20-25 as follows:

6 (20 ILCS 801/20-25 new)

7 Sec. 20-25. Illinois State Museum Collection Trust Fund.

8 (a) The Illinois State Museum Collection Trust Fund is
9 created as a nonappropriated trust fund in the State treasury.
10 The Fund shall receive all moneys from the deaccession of
11 objects of scientific, historic, and artistic value in the
12 possession of the State Museum and may also receive transfers,
13 awards, deposits or other funds made available from any public
14 or private source for the purposes under subsection (b).

15 (b) The moneys deposited into the Illinois State Museum
16 Collection Trust Fund shall be used by the Department for the
17 State Museum to:

18 (1) purchase objects of scientific, historic, and
19 artistic value; or

20 (2) maintain objects in the State Museum's possession.

21 (c) Notwithstanding any other law to the contrary, the
22 Illinois State Museum Collection Trust Fund is not subject to
23 sweeps, administrative chargebacks, or any other fiscal

1 maneuver that would in any way transfer any amounts from the
2 Illinois State Museum Collection Trust Fund into any other
3 fund of the State.

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

6 (30 ILCS 500/1-10)

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

8 Sec. 1-10. Application.

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

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

24 (1) Contracts between the State and its political

1 subdivisions or other governments, or between State
2 governmental bodies, except as specifically provided in
3 this Code.

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

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

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

12 (5) Collective bargaining contracts.

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

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

1 procuring entity subject to this Code shall give his or
2 her prior approval when the procuring entity is not one
3 subject to the jurisdiction of the Governor.

4 (8) (Blank).

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

7 (10) (Blank).

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

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

23 (B) Contracts for legal and financial services entered
24 into by the Illinois Housing Development Authority in
25 connection with the issuance of bonds in which the State
26 of Illinois is not obligated. Such contracts shall be

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

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

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

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

26 (15) Contracts with a railroad or utility that

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

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

26 (17) Procurement expenditures necessary for the

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

9 (18) This Code does not apply to any procurements
10 necessary for the Department of Agriculture, the
11 Department of Financial and Professional Regulation, the
12 Department of Human Services, the Department of Commerce
13 and Economic Opportunity, and the Department of Public
14 Health to implement the Cannabis Regulation and Tax Act if
15 the applicable agency has made a good faith determination
16 that it is necessary and appropriate for the expenditure
17 to fall within this exemption and if the process is
18 conducted in a manner substantially in accordance with the
19 requirements of Sections 20-160, 25-60, 30-22, 50-5,
20 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
21 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
22 Section 50-35, compliance applies only to contracts or
23 subcontracts over \$100,000. Notice of each contract
24 entered into under this paragraph (18) that is related to
25 the procurement of goods and services identified in
26 paragraph (1) through (9) of this subsection shall be

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

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

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

12 For purposes of this paragraph (19):

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

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

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

25 (20) Procurement expenditures necessary for the
26 Illinois Commerce Commission to hire third-party

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

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

25 (22) Contracts for project management services and
26 system integration services required for the completion of

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

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

22 (24) Contracts for public education programming,
23 noncommercial sustaining announcements, public service
24 announcements, and public awareness and education
25 messaging with the nonprofit trade associations of the
26 providers of those services that inform the public on

1 immediate and ongoing health and safety risks and hazards.

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

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

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

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

13 (B) production of recruitment materials; and

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

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

1 positions that effectuate that hiring. This paragraph (26)
2 is inoperative on and after June 30, 2029.

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

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

24 (c) This Code does not apply to the electric power
25 procurement process provided for under Section 1-75 of the
26 Illinois Power Agency Act and Section 16-111.5 of the Public

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

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

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

20 (f) (Blank).

21 (g) (Blank).

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

25 (i) Each chief procurement officer may access records
26 necessary to review whether a contract, purchase, or other

1 expenditure is or is not subject to the provisions of this
2 Code, unless such records would be subject to attorney-client
3 privilege.

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

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

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

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

26 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;

1 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
2 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
3 eff. 6-16-25; 104-417, eff. 8-15-25)

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

5 Sec. 1-10. Application.

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

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

21 (1) Contracts between the State and its political
22 subdivisions or other governments, or between State
23 governmental bodies, except as specifically provided in
24 this Code.

25 (2) Grants, except for the filing requirements of

1 Section 20-80.

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

4 (4) Hiring of an individual as an employee and not as
5 an independent contractor, whether pursuant to an
6 employment code or policy or by contract directly with
7 that individual.

8 (5) Collective bargaining contracts.

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

17 (7) Contracts necessary to prepare for anticipated
18 litigation, enforcement actions, or investigations,
19 provided that the chief legal counsel to the Governor
20 shall give his or her prior approval when the procuring
21 agency is one subject to the jurisdiction of the Governor,
22 and provided that the chief legal counsel of any other
23 procuring entity subject to this Code shall give his or
24 her prior approval when the procuring entity is not one
25 subject to the jurisdiction of the Governor.

26 (8) (Blank).

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

3 (9.5) Expenditures authorized from and pursuant to the
4 Illinois State Museum Collection Trust Fund by the
5 Department, except for the requirements of Sections 20-65,
6 20-70, 20-160, and Article 50 of this Code; however, the
7 Chief Procurement Officer may, in writing with
8 justification, waive any certification required under
9 Article 50 of this Code.

10 (10) (Blank).

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

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

26 (B) Contracts for legal and financial services entered

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

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

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

26 (14) Contracts for participation expenditures required

1 by a domestic or international trade show or exhibition of
2 an exhibitor, member, or sponsor.

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

25 (16) Procurement expenditures necessary for the
26 Department of Public Health to provide the delivery of

1 timely newborn screening services in accordance with the
2 Newborn Metabolic Screening Act.

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

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

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

24 (19) Acquisition of modifications or adjustments,
25 limited to assistive technology devices and assistive
26 technology services, adaptive equipment, repairs, and

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

15 For purposes of this paragraph (19):

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

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

25 "Qualified" has the same meaning and use as provided
26 under the federal Americans with Disabilities Act when

1 describing an individual with a disability.

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

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

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

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

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

1 copy of these contracts shall be made available to the
2 Chief Procurement Officer immediately upon request. This
3 paragraph is inoperative 5 years after June 27, 2023 (the
4 effective date of Public Act 103-103).

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

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

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

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

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

22 (B) production of recruitment materials; and

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

25 The exemption under this paragraph (26) applies only
26 if the State agency has made a good faith determination

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

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

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

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

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

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

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

1 construction of clean coal SNG brownfield facility for the
2 full duration of construction.

3 (f) (Blank).

4 (g) (Blank).

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

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

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

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

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

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

9 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;
10 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.
11 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,
12 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;
13 revised 1-12-26.)

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