

August 18, 2017

To the Honorable Members of
The Illinois House of Representatives,
100th General Assembly:

Today I veto House Bill 3216 from the 100th General Assembly, which will place additional requirements on third-party contracting by the State.

State government must be run in service to the taxpayers who fund it. Especially as State agencies struggle to enact an unbalanced budget that leaves critical human services and public safety agencies underfunded, the State simply cannot afford to engage in the worst kind of economic protectionism—protecting its own bureaucracy, waste, and inefficiency.

House Bill 3216 imposes vague new restrictions on the State’s ability to enter contracts with third parties. It creates nine conditions all third-party contracts must meet. If a third-party contract cannot “clearly” meet every condition, this legislation bars any contracting. Clarity will be nearly impossible to achieve however, because House Bill 3216 fails to define its own metrics.

For example, the bill requires that “the potential economic advantage of a third-party contract is not outweighed by the public’s interest in having a particular service performed directly by State employees.” Unlike the current Procurement Code, which is precise and strict in its requirements, whether this factor is met—as well as the other eight factors created by the bill—depends entirely on the opinion of the bureaucrat charged with guessing at its meaning.

These conditions were imposed not to ensure better procurement processes, but only to create such an insurmountable bar to agencies ever considering the possibility that their work could be performed better and at lower expense to the taxpayers by contracting with the private sector. This is a bill that hurts businesses, including Illinois businesses.

House Bill 3216 would be incredibly costly to operationalize. Agencies can be expected to spend hundreds of thousands of scarce taxpayer dollars every year to comply with it. Further, this legislation will stifle the State’s ability to manage its operations, slowing down the delivery of necessary services.

Procurement by the State of Illinois should be transparent, competitive, fair, and fast. This bill robs State agencies of competition and speed, while doing nothing to make procurement in Illinois more transparent or fair.

Therefore, pursuant to Section 9(b) of Article IV of the Illinois Constitution of 1970, I hereby return House Bill 3216, entitled "AN ACT concerning State government", with the foregoing objections, vetoed in its entirety.

Sincerely,

Bruce Rauner
GOVERNOR