



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4745

by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-10

Amends the Illinois Procurement Code. Provides that the Code shall not apply to, among other subjects, contracts for services, information technology (IT) purchases, commodities, and equipment to support the delivery of timely newborn screening services provided by the Department of Public Health, including, but not limited to, laboratory tests, such as genetic and metabolic newborn screening tests, in relation to matters involving the protection of the long-term health, life, and safety of the citizens of Illinois. Effective immediately.

LRB100 18741 RJF 33975 b

1 AN ACT concerning finance.

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

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

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

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

19 (b) This Code shall apply regardless of the source of the
20 funds with which the contracts are paid, including federal
21 assistance moneys. Except as specifically provided in this
22 Code, this Code shall not apply to:

23 (1) Contracts between the State and its political

1 subdivisions or other governments, or between State
2 governmental bodies.

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

5 (3) Purchase of care.

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

10 (5) Collective bargaining contracts.

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

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

1 to the jurisdiction of the Governor.

2 (8) (Blank).

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

5 (10) (Blank).

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

12 (12) Contracts for legal, financial, and other
13 professional and artistic services entered into on or
14 before December 31, 2018 by the Illinois Finance Authority
15 in which the State of Illinois is not obligated. Such
16 contracts shall be awarded through a competitive process
17 authorized by the Board of the Illinois Finance Authority
18 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
19 50-35, and 50-37 of this Code, as well as the final
20 approval by the Board of the Illinois Finance Authority of
21 the terms of the contract.

22 (13) Contracts for services, commodities, and
23 equipment to support the delivery of timely forensic
24 science services in consultation with and subject to the
25 approval of the Chief Procurement Officer as provided in
26 subsection (d) of Section 5-4-3a of the Unified Code of

1 Corrections, except for the requirements of Sections
2 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
3 Code; however, the Chief Procurement Officer may, in
4 writing with justification, waive any certification
5 required under Article 50 of this Code. For any contracts
6 for services which are currently provided by members of a
7 collective bargaining agreement, the applicable terms of
8 the collective bargaining agreement concerning
9 subcontracting shall be followed.

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

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

15 (15) Contracts with a railroad or utility that requires
16 the State to reimburse the railroad or utilities for the
17 relocation of utilities for construction or other public
18 purpose. Contracts included within this paragraph (15)
19 shall include, but not be limited to, those associated
20 with: relocations, crossings, installations, and
21 maintenance. For the purposes of this paragraph (15),
22 "railroad" means any form of non-highway ground
23 transportation that runs on rails or electromagnetic
24 guideways and "utility" means: (1) public utilities as
25 defined in Section 3-105 of the Public Utilities Act, (2)
26 telecommunications carriers as defined in Section 13-202

1 of the Public Utilities Act, (3) electric cooperatives as
2 defined in Section 3.4 of the Electric Supplier Act, (4)
3 telephone or telecommunications cooperatives as defined in
4 Section 13-212 of the Public Utilities Act, (5) rural water
5 or waste water systems with 10,000 connections or less, (6)
6 a holder as defined in Section 21-201 of the Public
7 Utilities Act, and (7) municipalities owning or operating
8 utility systems consisting of public utilities as that term
9 is defined in Section 11-117-2 of the Illinois Municipal
10 Code.

11 (16) Contracts for services, information technology
12 (IT) purchases, commodities, and equipment to support the
13 delivery of timely newborn screening services provided by
14 the Department of Public Health, including, but not limited
15 to, laboratory tests, such as genetic and metabolic newborn
16 screening tests, in relation to matters involving the
17 protection of the long-term health, life, and safety of the
18 citizens of Illinois.

19 Notwithstanding any other provision of law, for contracts
20 entered into on or after October 1, 2017 under an exemption
21 provided in any paragraph of this subsection (b), except
22 paragraph (1), (2), or (5), each State agency shall post to the
23 appropriate procurement bulletin the name of the contractor, a
24 description of the supply or service provided, the total amount
25 of the contract, the term of the contract, and the exception to
26 the Code utilized. The chief procurement officer shall submit a

1 report to the Governor and General Assembly no later than
2 November 1 of each year that shall include, at a minimum, an
3 annual summary of the monthly information reported to the chief
4 procurement officer.

5 (c) This Code does not apply to the electric power
6 procurement process provided for under Section 1-75 of the
7 Illinois Power Agency Act and Section 16-111.5 of the Public
8 Utilities Act.

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

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

25 (f) (Blank).

26 (g) (Blank).

1 (h) This Code does not apply to the process to procure or
2 contracts entered into in accordance with Sections 11-5.2 and
3 11-5.3 of the Illinois Public Aid Code.

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

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

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

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

23 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.