

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 the maintenance and support of an  
12 integrated tax processing software package designed to  
13 support the implementation, processing, and management of  
14 multiple taxes, employer payments under the Unemployment  
15 Insurance Act, or any combination thereof, so long as the  
16 maintenance and support contract is entered into with the  
17 developer of the underlying tax management system.

18 Notwithstanding any other provision of law, for contracts  
19 entered into on or after October 1, 2017 under an exemption  
20 provided in any paragraph of this subsection (b), except  
21 paragraph (1), (2), or (5), each State agency shall post to the  
22 appropriate procurement bulletin the name of the contractor, a  
23 description of the supply or service provided, the total amount  
24 of the contract, the term of the contract, and the exception to  
25 the Code utilized. The chief procurement officer shall submit a  
26 report to the Governor and General Assembly no later than

1 November 1 of each year that shall include, at a minimum, an  
2 annual summary of the monthly information reported to the chief  
3 procurement officer.

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

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

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

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and  
2 11-5.3 of the Illinois Public Aid Code.

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

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

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

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

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

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