



Rep. William Davis

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10100HB3298ham001

LRB101 10709 RJF 57543 a

1 AMENDMENT TO HOUSE BILL 3298

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3298 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 20-160 and 25-35 as follows:

6 (30 ILCS 500/20-160)

7 Sec. 20-160. Business entities; certification;  
8 registration with the State Board of Elections.

9 (a) For purposes of this Section, the terms "business  
10 entity", "contract", "State contract", "contract with a State  
11 agency", "State agency", "affiliated entity", and "affiliated  
12 person" have the meanings ascribed to those terms in Section  
13 50-37.

14 (b) Every bid and offer submitted to and every contract  
15 executed by the State on or after January 1, 2009 (the  
16 effective date of Public Act 95-971) and every submission to a

1 vendor portal shall contain (1) a certification by the bidder,  
2 offeror, vendor, or contractor that either (i) the bidder,  
3 offeror, vendor, or contractor is not required to register as a  
4 business entity with the State Board of Elections pursuant to  
5 this Section or (ii) the bidder, offeror, vendor, or contractor  
6 has registered as a business entity with the State Board of  
7 Elections and acknowledges a continuing duty to update the  
8 registration and (2) a statement that the contract is voidable  
9 under Section 50-60 for the bidder's, offeror's, vendor's, or  
10 contractor's failure to comply with this Section.

11 (c) Each business entity (i) whose aggregate bids and  
12 proposals on State contracts annually total more than \$50,000,  
13 (ii) whose aggregate bids and proposals on State contracts  
14 combined with the business entity's aggregate annual total  
15 value of State contracts exceed \$50,000, or (iii) whose  
16 contracts with State agencies, in the aggregate, annually total  
17 more than \$50,000 shall register with the State Board of  
18 Elections in accordance with Section 9-35 of the Election Code.  
19 A business entity required to register under this subsection  
20 due to item (i) or (ii) has a continuing duty to ensure that  
21 the registration is accurate during the period beginning on the  
22 date of registration and ending on the day after the date the  
23 contract is awarded; any change in information must be reported  
24 to the State Board of Elections 5 business days following such  
25 change or no later than a day before the contract is awarded,  
26 whichever date is earlier. A business entity required to

1 register under this subsection due to item (iii) has a  
2 continuing duty to ensure that the registration is accurate in  
3 accordance with subsection (e).

4 (d) Any business entity, not required under subsection (c)  
5 to register, whose aggregate bids and proposals on State  
6 contracts annually total more than \$50,000, or whose aggregate  
7 bids and proposals on State contracts combined with the  
8 business entity's aggregate annual total value of State  
9 contracts exceed \$50,000, shall register with the State Board  
10 of Elections in accordance with Section 9-35 of the Election  
11 Code prior to submitting to a State agency the bid or proposal  
12 whose value causes the business entity to fall within the  
13 monetary description of this subsection. A business entity  
14 required to register under this subsection has a continuing  
15 duty to ensure that the registration is accurate during the  
16 period beginning on the date of registration and ending on the  
17 day after the date the contract is awarded. Any change in  
18 information must be reported to the State Board of Elections  
19 within 5 business days following such change or no later than a  
20 day before the contract is awarded, whichever date is earlier.

21 (e) A business entity whose contracts with State agencies,  
22 in the aggregate, annually total more than \$50,000 must  
23 maintain its registration under this Section and has a  
24 continuing duty to ensure that the registration is accurate for  
25 the duration of the term of office of the incumbent  
26 officeholder awarding the contracts or for a period of 2 years

1 following the expiration or termination of the contracts,  
2 whichever is longer. A business entity, required to register  
3 under this subsection, has a continuing duty to report any  
4 changes on a quarterly basis to the State Board of Elections  
5 within 14 calendar days following the last day of January,  
6 April, July, and October of each year. Any update pursuant to  
7 this paragraph that is received beyond that date is presumed  
8 late and the civil penalty authorized by subsection (e) of  
9 Section 9-35 of the Election Code ~~(10 ILCS 5/9-35)~~ may be  
10 assessed.

11 Also, if a business entity required to register under this  
12 subsection has a pending bid or offer, any change in  
13 information shall be reported to the State Board of Elections  
14 within 7 calendar days following such change or no later than a  
15 day before the contract is awarded, whichever date is earlier.

16 (f) A business entity's continuing duty under this Section  
17 to ensure the accuracy of its registration includes the  
18 requirement that the business entity notify the State Board of  
19 Elections of any change in information, including   , but not  
20 limited to    changes of affiliated entities or affiliated  
21 persons.

22 (g) For any bid or offer for a contract with a State agency  
23 by a business entity required to register under this Section,  
24 the chief procurement officer shall verify that the business  
25 entity is required to register under this Section and is in  
26 compliance with the registration requirements on the date

1 ~~contract is awarded the bid or offer is due.~~ A chief  
2 procurement officer shall not accept an awarded contract ~~a bid~~  
3 ~~or offer~~ if the business entity is not in compliance with the  
4 registration requirements as of the date the contract is  
5 awarded ~~bids or offers are due.~~ Upon discovery of noncompliance  
6 with this Section, ~~if the bidder or offeror made a good faith~~  
7 ~~effort to comply with registration efforts prior to the date~~  
8 ~~the bid or offer is due,~~ a chief procurement officer may  
9 ~~provide the bidder or offeror 5 business days to achieve~~  
10 ~~compliance. A chief procurement officer may extend the time to~~  
11 ~~prove compliance by as long as necessary in the event that~~  
12 ~~there is a failure within the State Board of Election's~~  
13 ~~registration system.~~

14 (h) A registration, and any changes to a registration, must  
15 include the business entity's verification of accuracy and  
16 subjects the business entity to the penalties of the laws of  
17 this State for perjury.

18 In addition to any penalty under Section 9-35 of the  
19 Election Code, intentional, willful, or material failure to  
20 disclose information required for registration shall render  
21 the contract, bid, offer, or other procurement relationship  
22 voidable by the chief procurement officer if he or she deems it  
23 to be in the best interest of the State of Illinois.

24 (i) This Section applies regardless of the method of source  
25 selection used in awarding the contract.

26 (Source: P.A. 100-43, eff. 8-9-17; revised 10-11-18.)

1 (30 ILCS 500/25-35)

2 Sec. 25-35. Purchase of coal and postage stamps.

3 (a) Delivery of necessary supplies. To avoid interruption  
4 or impediment of delivery of necessary supplies, commodities,  
5 and coal, State purchasing officers may approve a State  
6 agency's purchases of or contracts for supplies and commodities  
7 after April 30 of a fiscal year when delivery of the supplies  
8 and commodities is to be made after June 30 of that fiscal year  
9 and payment for which is to be made from appropriations for the  
10 next fiscal year.

11 (b) Postage. All postage stamps purchased from State funds  
12 for use by the General Assembly must be perforated for  
13 identification purposes. A General Assembly member may furnish  
14 the U.S. Post Office with a warrant so as to allow for the  
15 creation or continuation of a bulk rate mailing fund in the  
16 name of the General Assembly member or may furnish a postage  
17 meter company or post office with a warrant so as to facilitate  
18 the purchase of a postage meter and its stamps. Any postage  
19 meter so purchased must also contain a stamp that shall state  
20 "Official State Mail".

21 (Source: P.A. 100-43, eff. 8-9-17.)

22 (30 ILCS 500/25-55 rep.)

23 Section 10. The Illinois Procurement Code is amended by  
24 repealing Section 25-55."