

# SB2040



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB2040

Introduced 2/15/2019, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-60

Amends the Illinois Procurement Code. Provides that the Procurement Policy Board may object to a proposed extension or renewal of a contract within 14 (currently, 30) calendar days and require a hearing before the Board prior to entering into the extension or renewal. Provides that if the Procurement Policy Board does not object within within 14 (currently, 30) calendar days or take affirmative action to recommend the extension or renewal, the chief procurement officer may enter into the extension or renewal of a contract.

LRB101 10726 RJF 55838 b

A BILL FOR

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 20-60 as follows:

6 (30 ILCS 500/20-60)

7 Sec. 20-60. Duration of contracts.

8 (a) Maximum duration. A contract may be entered into for  
9 any period of time deemed to be in the best interests of the  
10 State but not exceeding 10 years inclusive, beginning January  
11 1, 2010, of proposed contract renewals. Third parties may lease  
12 State-owned dark fiber networks for any period of time deemed  
13 to be in the best interest of the State, but not exceeding 20  
14 years. The length of a lease for real property or capital  
15 improvements shall be in accordance with the provisions of  
16 Section 40-25. The length of energy conservation program  
17 contracts or energy savings contracts or leases shall be in  
18 accordance with the provisions of Section 25-45. A contract for  
19 bond or mortgage insurance awarded by the Illinois Housing  
20 Development Authority, however, may be entered into for any  
21 period of time less than or equal to the maximum period of time  
22 that the subject bond or mortgage may remain outstanding.

23 (b) Subject to appropriation. All contracts made or entered

1 into shall recite that they are subject to termination and  
2 cancellation in any year for which the General Assembly fails  
3 to make an appropriation to make payments under the terms of  
4 the contract.

5 (c) The chief procurement officer shall file a proposed  
6 extension or renewal of a contract with the Procurement Policy  
7 Board prior to entering into any extension or renewal if the  
8 cost associated with the extension or renewal exceeds \$249,999.  
9 The Procurement Policy Board may object to the proposed  
10 extension or renewal within 14 ~~30~~ calendar days and require a  
11 hearing before the Board prior to entering into the extension  
12 or renewal. If the Procurement Policy Board does not object  
13 within 14 ~~30~~ calendar days or takes affirmative action to  
14 recommend the extension or renewal, the chief procurement  
15 officer may enter into the extension or renewal of a contract.  
16 This subsection does not apply to any emergency procurement,  
17 any procurement under Article 40, or any procurement exempted  
18 by Section 1-10(b) of this Code. If any State agency contract  
19 is paid for in whole or in part with federal-aid funds, grants,  
20 or loans and the provisions of this subsection would result in  
21 the loss of those federal-aid funds, grants, or loans, then the  
22 contract is exempt from the provisions of this subsection in  
23 order to remain eligible for those federal-aid funds, grants,  
24 or loans, and the State agency shall file notice of this  
25 exemption with the Procurement Policy Board prior to entering  
26 into the proposed extension or renewal. Nothing in this

1 subsection permits a chief procurement officer to enter into an  
2 extension or renewal in violation of subsection (a). By August  
3 1 each year, the Procurement Policy Board shall file a report  
4 with the General Assembly identifying for the previous fiscal  
5 year (i) the proposed extensions or renewals that were filed  
6 with the Board and whether the Board objected and (ii) the  
7 contracts exempt from this subsection.

8 (d) Notwithstanding the provisions of subsection (a) of  
9 this Section, the Department of Innovation and Technology may  
10 enter into leases for dark fiber networks for any period of  
11 time deemed to be in the best interests of the State but not  
12 exceeding 20 years inclusive. The Department of Innovation and  
13 Technology may lease dark fiber networks from third parties  
14 only for the primary purpose of providing services ~~to~~ (i) to  
15 the offices of Governor, Lieutenant Governor, Attorney  
16 General, Secretary of State, Comptroller, or Treasurer and  
17 State agencies, as defined under Section 5-15 of the Civil  
18 Administrative Code of Illinois or (ii) for anchor  
19 institutions, as defined in Section 7 of the Illinois Century  
20 Network Act. Dark fiber network lease contracts shall be  
21 subject to all other provisions of this Code and any applicable  
22 rules or requirements, including, but not limited to,  
23 publication of lease solicitations, use of standard State  
24 contracting terms and conditions, and approval of vendor  
25 certifications and financial disclosures.

26 (e) As used in this Section, "dark fiber network" means a

1 network of fiber optic cables laid but currently unused by a  
2 third party that the third party is leasing for use as network  
3 infrastructure.

4 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;  
5 revised 10-11-18.)