



Sen. Michael E. Hastings

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LRB101 19532 RJF 70733 a

1 AMENDMENT TO SENATE BILL 3384

2 AMENDMENT NO. _____. Amend Senate Bill 3384 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-13 and 40-25 as follows:

6 (30 ILCS 500/1-13)

7 Sec. 1-13. Applicability to public institutions of higher
8 education.

9 (a) This Code shall apply to public institutions of higher
10 education, regardless of the source of the funds with which
11 contracts are paid, except as provided in this Section.

12 (b) Except as provided in this Section, this Code shall not
13 apply to procurements made by or on behalf of public
14 institutions of higher education for any of the following:

15 (1) Memberships in professional, academic, research,
16 or athletic organizations on behalf of a public institution

1 of higher education, an employee of a public institution of
2 higher education, or a student at a public institution of
3 higher education.

4 (2) Procurement expenditures for events or activities
5 paid for exclusively by revenues generated by the event or
6 activity, gifts or donations for the event or activity,
7 private grants, or any combination thereof.

8 (3) Procurement expenditures for events or activities
9 for which the use of specific potential contractors is
10 mandated or identified by the sponsor of the event or
11 activity, provided that the sponsor is providing a majority
12 of the funding for the event or activity.

13 (4) Procurement expenditures necessary to provide
14 athletic, artistic or musical services, performances,
15 events, or productions by or for a public institution of
16 higher education.

17 (5) Procurement expenditures for periodicals, books,
18 subscriptions, database licenses, and other publications
19 procured for use by a university library or academic
20 department, except for expenditures related to procuring
21 textbooks for student use or materials for resale or
22 rental.

23 (6) Procurement expenditures for placement of students
24 in externships, practicums, field experiences, and for
25 medical residencies and rotations.

26 (7) Contracts for programming and broadcast license

1 rights for university-operated radio and television
2 stations.

3 (8) Procurement expenditures necessary to perform
4 sponsored research and other sponsored activities under
5 grants and contracts funded by the sponsor or by sources
6 other than State appropriations.

7 (9) Contracts with a foreign entity for research or
8 educational activities, provided that the foreign entity
9 either does not maintain an office in the United States or
10 is the sole source of the service or product.

11 Notice of each contract entered into by a public institution of
12 higher education that is related to the procurement of goods
13 and services identified in items (1) through (9) of this
14 subsection shall be published in the Procurement Bulletin
15 within 14 calendar days after contract execution. The Chief
16 Procurement Officer shall prescribe the form and content of the
17 notice. Each public institution of higher education shall
18 provide the Chief Procurement Officer, on a monthly basis, in
19 the form and content prescribed by the Chief Procurement
20 Officer, a report of contracts that are related to the
21 procurement of goods and services identified in this
22 subsection. At a minimum, this report shall include the name of
23 the contractor, a description of the supply or service
24 provided, the total amount of the contract, the term of the
25 contract, and the exception to the Code utilized. A copy of any
26 or all of these contracts shall be made available to the Chief

1 Procurement Officer immediately upon request. The Chief
2 Procurement Officer shall submit a report to the Governor and
3 General Assembly no later than November 1 of each year that
4 shall include, at a minimum, an annual summary of the monthly
5 information reported to the Chief Procurement Officer.

6 (b-5) Except as provided in this subsection, the provisions
7 of this Code shall not apply to contracts for medical supplies,
8 and to contracts for medical services necessary for the
9 delivery of care and treatment at medical, dental, or
10 veterinary teaching facilities utilized by Southern Illinois
11 University or the University of Illinois and at any
12 university-operated health care center or dispensary that
13 provides care, treatment, and medications for students,
14 faculty and staff. Other supplies and services, including
15 services for search and placement of medical practitioners and
16 academic staff for facilities described in this subsection
17 (b-5), needed for these teaching facilities shall be subject to
18 the jurisdiction of the Chief Procurement Officer for Public
19 Institutions of Higher Education who may establish expedited
20 procurement procedures and may waive or modify certification,
21 contract, hearing, process and registration requirements
22 required by the Code. All procurements made under this
23 subsection shall be documented and may require publication in
24 the Illinois Procurement Bulletin.

25 (c) Procurements made by or on behalf of public
26 institutions of higher education for the fulfillment of a grant

1 shall be made in accordance with the requirements of this Code
2 to the extent practical.

3 Upon the written request of a public institution of higher
4 education, the Chief Procurement Officer may waive contract,
5 registration, certification, and hearing requirements of this
6 Code if, based on the item to be procured or the terms of a
7 grant, compliance is impractical. The public institution of
8 higher education shall provide the Chief Procurement Officer
9 with specific reasons for the waiver, including the necessity
10 of contracting with a particular potential contractor, and
11 shall certify that an effort was made in good faith to comply
12 with the provisions of this Code. The Chief Procurement Officer
13 shall provide written justification for any waivers. By
14 November 1 of each year, the Chief Procurement Officer shall
15 file a report with the General Assembly identifying each
16 contract approved with waivers and providing the justification
17 given for any waivers for each of those contracts. Notice of
18 each waiver made under this subsection shall be published in
19 the Procurement Bulletin within 14 calendar days after contract
20 execution. The Chief Procurement Officer shall prescribe the
21 form and content of the notice.

22 (d) Notwithstanding this Section, a waiver of the
23 registration requirements of Section 20-160 does not permit a
24 business entity and any affiliated entities or affiliated
25 persons to make campaign contributions if otherwise prohibited
26 by Section 50-37. The total amount of contracts awarded in

1 accordance with this Section shall be included in determining
2 the aggregate amount of contracts or pending bids of a business
3 entity and any affiliated entities or affiliated persons.

4 (e) Notwithstanding subsection (e) of Section 50-10.5 of
5 this Code, the Chief Procurement Officer, with the approval of
6 the Executive Ethics Commission, may permit a public
7 institution of higher education to accept a bid or enter into a
8 contract with a business that assisted the public institution
9 of higher education in determining whether there is a need for
10 a contract or assisted in reviewing, drafting, or preparing
11 documents related to a bid or contract, provided that the bid
12 or contract is essential to research administered by the public
13 institution of higher education and it is in the best interest
14 of the public institution of higher education to accept the bid
15 or contract. For purposes of this subsection, "business"
16 includes all individuals with whom a business is affiliated,
17 including, but not limited to, any officer, agent, employee,
18 consultant, independent contractor, director, partner,
19 manager, or shareholder of a business. The Executive Ethics
20 Commission may promulgate rules and regulations for the
21 implementation and administration of the provisions of this
22 subsection (e).

23 (f) As used in this Section:

24 "Grant" means non-appropriated funding provided by a
25 federal or private entity to support a project or program
26 administered by a public institution of higher education and

1 any non-appropriated funding provided to a sub-recipient of the
2 grant.

3 "Public institution of higher education" means Chicago
4 State University, Eastern Illinois University, Governors State
5 University, Illinois State University, Northeastern Illinois
6 University, Northern Illinois University, Southern Illinois
7 University, University of Illinois, Western Illinois
8 University, and, for purposes of this Code only, the Illinois
9 Mathematics and Science Academy.

10 (g) (Blank).

11 (h) The General Assembly finds and declares that:

12 (1) Public Act 98-1076, which took effect on January 1,
13 2015, changed the repeal date set for this Section from
14 December 31, 2014 to December 31, 2016.

15 (2) The Statute on Statutes sets forth general rules on
16 the repeal of statutes and the construction of multiple
17 amendments, but Section 1 of that Act also states that
18 these rules will not be observed when the result would be
19 "inconsistent with the manifest intent of the General
20 Assembly or repugnant to the context of the statute".

21 (3) This amendatory Act of the 100th General Assembly
22 manifests the intention of the General Assembly to remove
23 the repeal of this Section.

24 (4) This Section was originally enacted to protect,
25 promote, and preserve the general welfare. Any
26 construction of this Section that results in the repeal of

1 this Section on December 31, 2014 would be inconsistent
2 with the manifest intent of the General Assembly and
3 repugnant to the context of this Code.

4 It is hereby declared to have been the intent of the
5 General Assembly that this Section not be subject to repeal on
6 December 31, 2014.

7 This Section shall be deemed to have been in continuous
8 effect since December 20, 2011 (the effective date of Public
9 Act 97-643), and it shall continue to be in effect henceforward
10 until it is otherwise lawfully repealed. All previously enacted
11 amendments to this Section taking effect on or after December
12 31, 2014, are hereby validated.

13 All actions taken in reliance on or pursuant to this
14 Section by any public institution of higher education, person,
15 or entity are hereby validated.

16 In order to ensure the continuing effectiveness of this
17 Section, it is set forth in full and re-enacted by this
18 amendatory Act of the 100th General Assembly. This re-enactment
19 is intended as a continuation of this Section. It is not
20 intended to supersede any amendment to this Section that is
21 enacted by the 100th General Assembly.

22 In this amendatory Act of the 100th General Assembly, the
23 base text of the reenacted Section is set forth as amended by
24 Public Act 98-1076. Striking and underscoring is used only to
25 show changes being made to the base text.

26 This Section applies to all procurements made on or before

1 the effective date of this amendatory Act of the 100th General
2 Assembly.

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

4 (30 ILCS 500/40-25)

5 Sec. 40-25. Length of leases.

6 (a) Maximum term. Except as otherwise provided under
7 subsection (a-5), leases shall be for a term not to exceed 10
8 years inclusive, beginning January, 1, 2010, of proposed
9 contract renewals and shall include a termination option in
10 favor of the State after 5 years. The length of energy
11 conservation program contracts or energy savings contracts or
12 leases shall be in accordance with the provisions of Section
13 25-45.

14 (a-5) Extended term. A lease for real property owned by the
15 University of Illinois to be used by the University of Illinois
16 at Chicago for an ambulatory surgical center, which would
17 include both clinical services and retail space, may exceed 10
18 years in length where: (i) the lease requires the lessor to
19 make capital improvements in excess of \$100,000; and (ii) the
20 Board of Trustees of the University of Illinois determines a
21 term of more than 10 years is necessary and is in the best
22 interest of the University. A lease under this subsection (a-5)
23 may not exceed 30 years in length.

24 (a-10) Extended term. A lease for real property owned by
25 Southern Illinois University to be used by the Southern

1 Illinois University School of Medicine for an ambulatory
2 surgical center, which would include both clinical services and
3 retail space, may exceed 10 years in length where: (i) the
4 lease requires the lessor to make capital improvements in
5 excess of \$100,000; and (ii) the Board of Trustees of Southern
6 Illinois University determines a term of more than 10 years is
7 necessary and is in the best interest of the University. A
8 lease under this subsection (a-10) may not exceed 30 years in
9 length.

10 (b) Renewal. Leases may include a renewal option. An option
11 to renew may be exercised only when a State purchasing officer
12 determines in writing that renewal is in the best interest of
13 the State and notice of the exercise of the option is published
14 in the appropriate volume of the Procurement Bulletin at least
15 30 calendar days prior to the exercise of the option.

16 (c) Subject to appropriation. All leases shall recite that
17 they are subject to termination and cancellation in any year
18 for which the General Assembly fails to make an appropriation
19 to make payments under the terms of the lease.

20 (d) Holdover. Beginning January 1, 2010, no lease may
21 continue on a month-to-month or other holdover basis for a
22 total of more than 6 months. Beginning July 1, 2010, the
23 Comptroller shall withhold payment of leases beyond this
24 holdover period.

25 (Source: P.A. 100-23, eff. 7-6-17; 100-1047, eff. 1-1-19;
26 101-426, eff. 1-1-20.)".