



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3488

Introduced 2/14/2020, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-10  
30 ILCS 500/1-12  
30 ILCS 500/1-13

Amends the Illinois Procurement Code. Provides that for contracts with an annual value of more than \$100,000 (currently, all contracts) entered into under an exemption, each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. Provides that notice of each contract with an annual value of more than \$100,000 (currently, all contracts) entered into by a State agency that is related to the procurement of artistic or musical goods and services shall be published in the Illinois Procurement Bulletin within 14 calendar days after contract execution. Provides that notice of each contract with an annual value of more than \$100,000 (currently, all contracts) entered into by a public institution of higher education that is related to the procurement of specified goods and services shall be published in the Procurement Bulletin within 14 calendar days after contract execution.

LRB101 19534 RJF 69007 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 Sections 1-10, 1-12, and 1-13 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  
15 with 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. This Code shall not apply to:

22 (1) Contracts between the State and its political  
23 subdivisions or other governments, or between State

1 governmental bodies, except as specifically provided in  
2 this Code.

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

5 (3) Purchase of care, except as provided in Section  
6 5-30.6 of the Illinois Public Aid Code and this Section.

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

11 (5) Collective bargaining contracts.

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

20 (7) Contracts necessary to prepare for anticipated  
21 litigation, enforcement actions, or investigations,  
22 provided that the chief legal counsel to the Governor shall  
23 give his or her prior approval when the procuring agency is  
24 one subject to the jurisdiction of the Governor, and  
25 provided that the chief legal counsel of any other  
26 procuring entity subject to this Code shall give his or her

1 prior approval when the procuring entity is not one subject  
2 to the jurisdiction of the Governor.

3 (8) (Blank).

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

6 (10) (Blank).

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

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

23 (13) Contracts for services, commodities, and  
24 equipment to support the delivery of timely forensic  
25 science services in consultation with and subject to the  
26 approval of the Chief Procurement Officer as provided in

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

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

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

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

1 telecommunications carriers as defined in Section 13-202  
2 of the Public Utilities Act, (3) electric cooperatives as  
3 defined in Section 3.4 of the Electric Supplier Act, (4)  
4 telephone or telecommunications cooperatives as defined in  
5 Section 13-212 of the Public Utilities Act, (5) rural water  
6 or waste water systems with 10,000 connections or less, (6)  
7 a holder as defined in Section 21-201 of the Public  
8 Utilities Act, and (7) municipalities owning or operating  
9 utility systems consisting of public utilities as that term  
10 is defined in Section 11-117-2 of the Illinois Municipal  
11 Code.

12 (16) Procurement expenditures necessary for the  
13 Department of Public Health to provide the delivery of  
14 timely newborn screening services in accordance with the  
15 Newborn Metabolic Screening Act.

16 (17) Procurement expenditures necessary for the  
17 Department of Agriculture, the Department of Financial and  
18 Professional Regulation, the Department of Human Services,  
19 and the Department of Public Health to implement the  
20 Compassionate Use of Medical Cannabis Program and Opioid  
21 Alternative Pilot Program requirements and ensure access  
22 to medical cannabis for patients with debilitating medical  
23 conditions in accordance with the Compassionate Use of  
24 Medical Cannabis Program Act.

25 (18) This Code does not apply to any procurements  
26 necessary for the Department of Agriculture, the

1 Department of Financial and Professional Regulation, the  
2 Department of Human Services, the Department of Commerce  
3 and Economic Opportunity, and the Department of Public  
4 Health to implement the Cannabis Regulation and Tax Act if  
5 the applicable agency has made a good faith determination  
6 that it is necessary and appropriate for the expenditure to  
7 fall within this exemption and if the process is conducted  
8 in a manner substantially in accordance with the  
9 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
10 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
11 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
12 Section 50-35, compliance applies only to contracts or  
13 subcontracts over \$100,000. Notice of each contract  
14 entered into under this paragraph (18) that is related to  
15 the procurement of goods and services identified in  
16 paragraph (1) through (9) of this subsection shall be  
17 published in the Procurement Bulletin within 14 calendar  
18 days after contract execution. The Chief Procurement  
19 Officer shall prescribe the form and content of the notice.  
20 Each agency shall provide the Chief Procurement Officer, on  
21 a monthly basis, in the form and content prescribed by the  
22 Chief Procurement Officer, a report of contracts that are  
23 related to the procurement of goods and services identified  
24 in this subsection. At a minimum, this report shall include  
25 the name of the contractor, a description of the supply or  
26 service provided, the total amount of the contract, the

1 term of the contract, and the exception to this Code  
2 utilized. A copy of any or all of these contracts shall be  
3 made available to the Chief Procurement Officer  
4 immediately upon request. The Chief Procurement Officer  
5 shall submit a report to the Governor and General Assembly  
6 no later than November 1 of each year that includes, at a  
7 minimum, an annual summary of the monthly information  
8 reported to the Chief Procurement Officer. This exemption  
9 becomes inoperative 5 years after June 25, 2019 (the  
10 effective date of Public Act 101-27) ~~this amendatory Act of~~  
11 ~~the 101st General Assembly.~~

12 Notwithstanding any other provision of law, for contracts  
13 with an annual value of more than \$100,000 entered into on or  
14 after October 1, 2017 under an exemption provided in any  
15 paragraph of this subsection (b), except paragraph (1), (2), or  
16 (5), each State agency shall post to the appropriate  
17 procurement bulletin the name of the contractor, a description  
18 of the supply or service provided, the total amount of the  
19 contract, the term of the contract, and the exception to the  
20 Code utilized. The chief procurement officer shall submit a  
21 report to the Governor and General Assembly no later than  
22 November 1 of each year that shall include, at a minimum, an  
23 annual summary of the monthly information reported to the chief  
24 procurement officer.

25 (c) This Code does not apply to the electric power  
26 procurement process provided for under Section 1-75 of the



1 Illinois Power Agency Act and Section 16-111.5 of the Public  
2 Utilities Act.

3 (d) Except for Section 20-160 and Article 50 of this Code,  
4 and as expressly required by Section 9.1 of the Illinois  
5 Lottery Law, the provisions of this Code do not apply to the  
6 procurement process provided for under Section 9.1 of the  
7 Illinois Lottery Law.

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

19 (f) (Blank).

20 (g) (Blank).

21 (h) This Code does not apply to the process to procure or  
22 contracts entered into in accordance with Sections 11-5.2 and  
23 11-5.3 of the Illinois Public Aid Code.

24 (i) Each chief procurement officer may access records  
25 necessary to review whether a contract, purchase, or other  
26 expenditure is or is not subject to the provisions of this

1 Code, unless such records would be subject to attorney-client  
2 privilege.

3 (j) This Code does not apply to the process used by the  
4 Capital Development Board to retain an artist or work or works  
5 of art as required in Section 14 of the Capital Development  
6 Board Act.

7 (k) This Code does not apply to the process to procure  
8 contracts, or contracts entered into, by the State Board of  
9 Elections or the State Electoral Board for hearing officers  
10 appointed pursuant to the Election Code.

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

17 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;  
18 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.  
19 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised  
20 9-17-19.)

21 (30 ILCS 500/1-12)

22 Sec. 1-12. Applicability to artistic or musical services.

23 (a) This Code shall not apply to procurement expenditures  
24 necessary to provide artistic or musical services,  
25 performances, or theatrical productions held at a venue

1 operated or leased by a State agency.

2 (b) Notice of each contract with an annual value of more  
3 than \$100,000 entered into by a State agency that is related to  
4 the procurement of goods and services identified in this  
5 Section shall be published in the Illinois Procurement Bulletin  
6 within 14 calendar days after contract execution. The chief  
7 procurement officer shall prescribe the form and content of the  
8 notice. Each State agency shall provide the chief procurement  
9 officer, on a monthly basis, in the form and content prescribed  
10 by the chief procurement officer, a report of contracts that  
11 are related to the procurement of supplies and services  
12 identified in this Section. At a minimum, this report shall  
13 include the name of the contractor, a description of the supply  
14 or service provided, the total amount of the contract, the term  
15 of the contract, and the exception to the Code utilized. A copy  
16 of any or all of these contracts shall be made available to the  
17 chief procurement officer immediately upon request. The chief  
18 procurement officer shall submit a report to the Governor and  
19 General Assembly no later than November 1 of each year that  
20 shall include, at a minimum, an annual summary of the monthly  
21 information reported to the chief procurement officer.

22 (c) (Blank).

23 (d) The General Assembly finds and declares that:

24 (1) This amendatory Act of the 100th General Assembly  
25 manifests the intention of the General Assembly to remove  
26 the repeal of this Section.

1           (2) This Section was originally enacted to protect,  
2           promote, and preserve the general welfare. Any  
3           construction of this Section that results in the repeal of  
4           this Section on December 31, 2016 would be inconsistent  
5           with the manifest intent of the General Assembly and  
6           repugnant to the context of this Code.

7           It is hereby declared to have been the intent of the  
8           General Assembly that this Section not be subject to repeal on  
9           December 31, 2016.

10          This Section shall be deemed to have been in continuous  
11          effect since August 3, 2012 (the effective date of Public Act  
12          97-895), and it shall continue to be in effect henceforward  
13          until it is otherwise lawfully repealed. All previously enacted  
14          amendments to this Section taking effect on or after December  
15          31, 2016, are hereby validated.

16          All actions taken in reliance on or pursuant to this  
17          Section in the procurement of artistic or musical services are  
18          hereby validated.

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

25          In this amendatory Act of the 100th General Assembly, the  
26          base text of this Section is set forth as amended by Public Act

1 98-1076. Striking and underscoring is used only to show changes  
2 being made to the base text.

3 This Section applies to all procurements made on or before  
4 the effective date of this amendatory Act of the 100th General  
5 Assembly.

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

7 (30 ILCS 500/1-13)

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

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

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

16 (1) Memberships in professional, academic, research,  
17 or athletic organizations on behalf of a public institution  
18 of higher education, an employee of a public institution of  
19 higher education, or a student at a public institution of  
20 higher education.

21 (2) Procurement expenditures for events or activities  
22 paid for exclusively by revenues generated by the event or  
23 activity, gifts or donations for the event or activity,  
24 private grants, or any combination thereof.

25 (3) Procurement expenditures for events or activities

1 for which the use of specific potential contractors is  
2 mandated or identified by the sponsor of the event or  
3 activity, provided that the sponsor is providing a majority  
4 of the funding for the event or activity.

5 (4) Procurement expenditures necessary to provide  
6 athletic, artistic or musical services, performances,  
7 events, or productions by or for a public institution of  
8 higher education.

9 (5) Procurement expenditures for periodicals, books,  
10 subscriptions, database licenses, and other publications  
11 procured for use by a university library or academic  
12 department, except for expenditures related to procuring  
13 textbooks for student use or materials for resale or  
14 rental.

15 (6) Procurement expenditures for placement of students  
16 in externships, practicums, field experiences, and for  
17 medical residencies and rotations.

18 (7) Contracts for programming and broadcast license  
19 rights for university-operated radio and television  
20 stations.

21 (8) Procurement expenditures necessary to perform  
22 sponsored research and other sponsored activities under  
23 grants and contracts funded by the sponsor or by sources  
24 other than State appropriations.

25 (9) Contracts with a foreign entity for research or  
26 educational activities, provided that the foreign entity

1           either does not maintain an office in the United States or  
2           is the sole source of the service or product.

3           Notice of each contract with an annual value of more than  
4           \$100,000 entered into by a public institution of higher  
5           education that is related to the procurement of goods and  
6           services identified in items (1) through (9) of this subsection  
7           shall be published in the Procurement Bulletin within 14  
8           calendar days after contract execution. The Chief Procurement  
9           Officer shall prescribe the form and content of the notice.  
10          Each public institution of higher education shall provide the  
11          Chief Procurement Officer, on a monthly basis, in the form and  
12          content prescribed by the Chief Procurement Officer, a report  
13          of contracts that are related to the procurement of goods and  
14          services identified in this subsection. At a minimum, this  
15          report shall include the name of the contractor, a description  
16          of the supply or service provided, the total amount of the  
17          contract, the term of the contract, and the exception to the  
18          Code utilized. A copy of any or all of these contracts shall be  
19          made available to the Chief Procurement Officer immediately  
20          upon request. The Chief Procurement Officer shall submit a  
21          report to the Governor and General Assembly no later than  
22          November 1 of each year that shall include, at a minimum, an  
23          annual summary of the monthly information reported to the Chief  
24          Procurement Officer.

25                 (b-5) Except as provided in this subsection, the provisions  
26                 of this Code shall not apply to contracts for medical supplies,

1 and to contracts for medical services necessary for the  
2 delivery of care and treatment at medical, dental, or  
3 veterinary teaching facilities utilized by Southern Illinois  
4 University or the University of Illinois and at any  
5 university-operated health care center or dispensary that  
6 provides care, treatment, and medications for students,  
7 faculty and staff. Other supplies and services needed for these  
8 teaching facilities shall be subject to the jurisdiction of the  
9 Chief Procurement Officer for Public Institutions of Higher  
10 Education who may establish expedited procurement procedures  
11 and may waive or modify certification, contract, hearing,  
12 process and registration requirements required by the Code. All  
13 procurements made under this subsection shall be documented and  
14 may require publication in the Illinois Procurement Bulletin.

15 (c) Procurements made by or on behalf of public  
16 institutions of higher education for the fulfillment of a grant  
17 shall be made in accordance with the requirements of this Code  
18 to the extent practical.

19 Upon the written request of a public institution of higher  
20 education, the Chief Procurement Officer may waive contract,  
21 registration, certification, and hearing requirements of this  
22 Code if, based on the item to be procured or the terms of a  
23 grant, compliance is impractical. The public institution of  
24 higher education shall provide the Chief Procurement Officer  
25 with specific reasons for the waiver, including the necessity  
26 of contracting with a particular potential contractor, and



1 shall certify that an effort was made in good faith to comply  
2 with the provisions of this Code. The Chief Procurement Officer  
3 shall provide written justification for any waivers. By  
4 November 1 of each year, the Chief Procurement Officer shall  
5 file a report with the General Assembly identifying each  
6 contract approved with waivers and providing the justification  
7 given for any waivers for each of those contracts. Notice of  
8 each waiver made under this subsection shall be published in  
9 the Procurement Bulletin within 14 calendar days after contract  
10 execution. The Chief Procurement Officer shall prescribe the  
11 form and content of the notice.

12 (d) Notwithstanding this Section, a waiver of the  
13 registration requirements of Section 20-160 does not permit a  
14 business entity and any affiliated entities or affiliated  
15 persons to make campaign contributions if otherwise prohibited  
16 by Section 50-37. The total amount of contracts awarded in  
17 accordance with this Section shall be included in determining  
18 the aggregate amount of contracts or pending bids of a business  
19 entity and any affiliated entities or affiliated persons.

20 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
21 this Code, the Chief Procurement Officer, with the approval of  
22 the Executive Ethics Commission, may permit a public  
23 institution of higher education to accept a bid or enter into a  
24 contract with a business that assisted the public institution  
25 of higher education in determining whether there is a need for  
26 a contract or assisted in reviewing, drafting, or preparing

1 documents related to a bid or contract, provided that the bid  
2 or contract is essential to research administered by the public  
3 institution of higher education and it is in the best interest  
4 of the public institution of higher education to accept the bid  
5 or contract. For purposes of this subsection, "business"  
6 includes all individuals with whom a business is affiliated,  
7 including, but not limited to, any officer, agent, employee,  
8 consultant, independent contractor, director, partner,  
9 manager, or shareholder of a business. The Executive Ethics  
10 Commission may promulgate rules and regulations for the  
11 implementation and administration of the provisions of this  
12 subsection (e).

13 (f) As used in this Section:

14 "Grant" means non-appropriated funding provided by a  
15 federal or private entity to support a project or program  
16 administered by a public institution of higher education and  
17 any non-appropriated funding provided to a sub-recipient of the  
18 grant.

19 "Public institution of higher education" means Chicago  
20 State University, Eastern Illinois University, Governors State  
21 University, Illinois State University, Northeastern Illinois  
22 University, Northern Illinois University, Southern Illinois  
23 University, University of Illinois, Western Illinois  
24 University, and, for purposes of this Code only, the Illinois  
25 Mathematics and Science Academy.

26 (g) (Blank).

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

2 (1) Public Act 98-1076, which took effect on January 1,  
3 2015, changed the repeal date set for this Section from  
4 December 31, 2014 to December 31, 2016.

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

11 (3) This amendatory Act of the 100th General Assembly  
12 manifests the intention of the General Assembly to remove  
13 the repeal of this Section.

14 (4) This Section was originally enacted to protect,  
15 promote, and preserve the general welfare. Any  
16 construction of this Section that results in the repeal of  
17 this Section on December 31, 2014 would be inconsistent  
18 with the manifest intent of the General Assembly and  
19 repugnant to the context of this Code.

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

23 This Section shall be deemed to have been in continuous  
24 effect since December 20, 2011 (the effective date of Public  
25 Act 97-643), and it shall continue to be in effect henceforward  
26 until it is otherwise lawfully repealed. All previously enacted

1 amendments to this Section taking effect on or after December  
2 31, 2014, are hereby validated.

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

6 In order to ensure the continuing effectiveness of this  
7 Section, it is set forth in full and re-enacted by this  
8 amendatory Act of the 100th General Assembly. This re-enactment  
9 is intended as a continuation of this Section. It is not  
10 intended to supersede any amendment to this Section that is  
11 enacted by the 100th General Assembly.

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

16 This Section applies to all procurements made on or before  
17 the effective date of this amendatory Act of the 100th General  
18 Assembly.

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