

SB1985



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1985

Introduced 2/26/2021, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-13

Amends the Illinois Procurement Code. Provides that the provisions of the Code shall not apply to procurement expenditures and contracts for investment services by or on behalf of the University of Illinois. Removes prior provisions concerning procurements made by or on behalf of the University of Illinois for investment services.

LRB102 15411 RJF 20774 b

FISCAL NOTE ACT
MAY APPLY

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 1-13 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
13 not 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
17 institution of higher education, an employee of a public
18 institution of higher education, or a student at a public
19 institution of higher education.

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

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

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

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

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

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

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

26 (9) Contracts with a foreign entity for research or

1 educational activities, provided that the foreign entity
2 either does not maintain an office in the United States or
3 is the sole source of the service or product.

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

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

1 medical supplies, and to contracts for medical services
2 necessary for the delivery of care and treatment at medical,
3 dental, or veterinary teaching facilities utilized by Southern
4 Illinois 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
8 these teaching facilities shall be subject to the jurisdiction
9 of the Chief Procurement Officer for Public Institutions of
10 Higher Education who may establish expedited procurement
11 procedures and may waive or modify certification, contract,
12 hearing, process and registration requirements required by the
13 Code. All procurements made under this subsection shall be
14 documented and may require publication in the Illinois
15 Procurement Bulletin.

16 (b-10) The provisions of this Code shall not apply to
17 procurement expenditures and contracts for investment services
18 by or on behalf of the University of Illinois. Procurements
19 ~~made by or on behalf of the University of Illinois for~~
20 ~~investment services scheduled to expire June 2020 may be~~
21 ~~extended through June 2021 without being subject to the~~
22 ~~requirements of this Code. Any contract extended, renewed, or~~
23 ~~entered pursuant to this exception shall be published on the~~
24 ~~Executive Ethics Commission's website within 5 days of~~
25 ~~contract execution. This subsection is inoperative on and~~
26 ~~after July 1, 2021.~~

1 (c) Procurements made by or on behalf of public
2 institutions of higher education for the fulfillment of a
3 grant shall be made in accordance with the requirements of
4 this Code to the extent practical.

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

24 (d) Notwithstanding this Section, a waiver of the
25 registration requirements of Section 20-160 does not permit a
26 business entity and any affiliated entities or affiliated

1 persons to make campaign contributions if otherwise prohibited
2 by Section 50-37. The total amount of contracts awarded in
3 accordance with this Section shall be included in determining
4 the aggregate amount of contracts or pending bids of a
5 business entity and any affiliated entities or affiliated
6 persons.

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

26 (f) As used in this Section:

1 "Grant" means non-appropriated funding provided by a
2 federal or private entity to support a project or program
3 administered by a public institution of higher education and
4 any non-appropriated funding provided to a sub-recipient of
5 the grant.

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

13 (g) (Blank).

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

15 (1) Public Act 98-1076, which took effect on January
16 1, 2015, changed the repeal date set for this Section from
17 December 31, 2014 to December 31, 2016.

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

24 (3) 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 (4) 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, 2014 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, 2014.

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

16 All actions taken in reliance on or pursuant to this
17 Section by any public institution of higher education, person,
18 or entity are 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
22 re-enactment is intended as a continuation of this Section. It
23 is not intended to supersede any amendment to this Section
24 that is enacted by the 100th General Assembly.

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

1 Public Act 98-1076. Striking and underscoring is used only to
2 show changes 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; 101-640, eff. 6-12-20.)