

SB2124



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2124

Introduced 2/10/2023, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-60

Amends the Illinois Procurement Code. Provides that, in connection with the issuance of certificates of participation, the governing board of a public institution of higher education may enter into contracts for a term of not more than 35 years for the purpose of financing or refinancing real or personal property. Effective immediately.

LRB103 26241 HLH 52600 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; provided that, in
12 connection with the issuance of certificates of participation,
13 the governing board of a public institution of higher
14 education, as defined in Section 1-13, may enter into
15 contracts for a term of not more than 35 years for the purpose
16 of financing or refinancing real or personal property. Third
17 parties may lease State-owned dark fiber networks for any
18 period of time deemed to be in the best interest of the State,
19 but not exceeding 20 years. The length of a lease for real
20 property or capital improvements shall be in accordance with
21 the provisions of Section 40-25. The length of energy
22 conservation program contracts or energy savings contracts or
23 leases shall be in accordance with the provisions of Section

1 25-45. A contract for bond or mortgage insurance awarded by
2 the Illinois Housing Development Authority, however, may be
3 entered into for any period of time less than or equal to the
4 maximum period of time that the subject bond or mortgage may
5 remain outstanding.

6 (b) Subject to appropriation. All contracts made or
7 entered into shall recite that they are subject to termination
8 and cancellation in any year for which the General Assembly
9 fails to make an appropriation to make payments under the
10 terms of the contract.

11 (c) The chief procurement officer shall file a proposed
12 extension or renewal of a contract with the Procurement Policy
13 Board and the Commission on Equity and Inclusion prior to
14 entering into any extension or renewal if the cost associated
15 with the extension or renewal exceeds \$249,999. The
16 Procurement Policy Board or the Commission on Equity and
17 Inclusion may object to the proposed extension or renewal
18 within 14 calendar days and require a hearing before the Board
19 or the Commission on Equity and Inclusion prior to entering
20 into the extension or renewal. If the Procurement Policy Board
21 or the Commission on Equity and Inclusion does not object
22 within 14 calendar days or takes affirmative action to
23 recommend the extension or renewal, the chief procurement
24 officer may enter into the extension or renewal of a contract.
25 This subsection does not apply to any emergency procurement,
26 any procurement under Article 40, or any procurement exempted

1 by Section 1-10(b) of this Code. If any State agency contract
2 is paid for in whole or in part with federal-aid funds, grants,
3 or loans and the provisions of this subsection would result in
4 the loss of those federal-aid funds, grants, or loans, then
5 the contract is exempt from the provisions of this subsection
6 in order to remain eligible for those federal-aid funds,
7 grants, or loans, and the State agency shall file notice of
8 this exemption with the Procurement Policy Board or the
9 Commission on Equity and Inclusion prior to entering into the
10 proposed extension or renewal. Nothing in this subsection
11 permits a chief procurement officer to enter into an extension
12 or renewal in violation of subsection (a). By August 1 each
13 year, the Procurement Policy Board and the Commission on
14 Equity and Inclusion shall each file a report with the General
15 Assembly identifying for the previous fiscal year (i) the
16 proposed extensions or renewals that were filed and whether
17 such extensions and renewals were objected to and (ii) the
18 contracts exempt from this subsection.

19 (d) Notwithstanding the provisions of subsection (a) of
20 this Section, the Department of Innovation and Technology may
21 enter into leases for dark fiber networks for any period of
22 time deemed to be in the best interests of the State but not
23 exceeding 20 years inclusive. The Department of Innovation and
24 Technology may lease dark fiber networks from third parties
25 only for the primary purpose of providing services (i) to the
26 offices of Governor, Lieutenant Governor, Attorney General,

1 Secretary of State, Comptroller, or Treasurer and State
2 agencies, as defined under Section 5-15 of the Civil
3 Administrative Code of Illinois or (ii) for anchor
4 institutions, as defined in Section 7 of the Illinois Century
5 Network Act. Dark fiber network lease contracts shall be
6 subject to all other provisions of this Code and any
7 applicable rules or requirements, including, but not limited
8 to, publication of lease solicitations, use of standard State
9 contracting terms and conditions, and approval of vendor
10 certifications and financial disclosures.

11 (e) As used in this Section, "dark fiber network" means a
12 network of fiber optic cables laid but currently unused by a
13 third party that the third party is leasing for use as network
14 infrastructure.

15 (f) No vendor shall be eligible for renewal of a contract
16 when that vendor has failed to meet the goals agreed to in the
17 vendor's utilization plan, as defined in Section 2 of the
18 Business Enterprise for Minorities, Women, and Persons with
19 Disabilities Act, unless the State agency or public
20 institution of higher education has determined that the vendor
21 made good faith efforts toward meeting the contract goals. If
22 the State agency or public institution of higher education
23 determines that the vendor made good faith efforts, the agency
24 or public institution of higher education may issue a waiver
25 after concurrence by the chief procurement officer, which
26 shall not be unreasonably withheld or impair a State agency

1 determination to execute the renewal. The form and content of
2 the waiver shall be prescribed by each chief procurement
3 officer, but shall not impair a State agency or public
4 institution of higher education determination to execute the
5 renewal. The chief procurement officer shall post the
6 completed form on his or her official website within 5
7 business days after receipt from the State agency or public
8 institution of higher education. The chief procurement officer
9 shall maintain on his or her official website a database of
10 waivers granted under this Section with respect to contracts
11 under his or her jurisdiction. The database shall be updated
12 periodically and shall be searchable by contractor name and by
13 contracting State agency or public institution of higher
14 education.

15 (Source: P.A. 101-81, eff. 7-12-19; 101-657, Article 5,
16 Section 5-5, eff. 7-1-21 (See Section 25 of P.A. 102-29 for
17 effective date of P.A. 101-657, Article 5, Section 5-5);
18 101-657, Article 40, Section 40-125, eff. 1-1-22; 102-29, eff.
19 6-25-21; 102-721, eff. 1-1-23.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.