

SB1371



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1371

Introduced 2/8/2011, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

30 ILCS 500/50-39

Amends the Illinois Procurement Code. Provides that communications received by State employees regarding procurement matters that must be reported to the Procurement Policy Board do not include those related to the qualifications based selection process for architectural, engineering, and land surveying services and do not include those concerning procurement matters of \$250,000 or less. Effective immediately.

LRB097 08068 PJG 48191 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 50-39 as follows:

6 (30 ILCS 500/50-39)

7 Sec. 50-39. Procurement communications reporting
8 requirement.

9 (a) Any written or oral communication, excluding those
10 related to the qualifications based selection process as set
11 forth in the Architectural, Engineering, and Land Surveying
12 Qualifications Based Selection Act, received by a State
13 employee that imparts or requests material information or makes
14 a material argument regarding potential action concerning a
15 procurement matter in excess of \$250,000, including, but not
16 limited to, an application, a contract, or a project, shall be
17 reported to the Procurement Policy Board. These communications
18 do not include the following: (i) statements by a person
19 publicly made in a public forum; (ii) statements regarding
20 matters of procedure and practice, such as format, the number
21 of copies required, the manner of filing, and the status of a
22 matter; and (iii) statements made by a State employee of the
23 agency to the agency head or other employees of that agency or

1 to the employees of the Executive Ethics Commission. The
2 provisions of this Section shall not apply to communications
3 regarding the administration and implementation of an existing
4 contract, except communications regarding change orders or the
5 renewal or extension of a contract.

6 (b) The report required by subsection (a) shall be
7 submitted monthly and include at least the following: (i) the
8 date and time of each communication; (ii) the identity of each
9 person from whom the written or oral communication was
10 received, the individual or entity represented by that person,
11 and any action the person requested or recommended; (iii) the
12 identity and job title of the person to whom each communication
13 was made; (iv) if a response is made, the identity and job
14 title of the person making each response; (v) a detailed
15 summary of the points made by each person involved in the
16 communication; (vi) the duration of the communication; (vii)
17 the location or locations of all persons involved in the
18 communication and, if the communication occurred by telephone,
19 the telephone numbers for the callers and recipients of the
20 communication; and (viii) any other pertinent information.

21 (c) Additionally, when an oral communication made by a
22 person required to register under the Lobbyist Registration Act
23 is received by a State employee that is covered under this
24 Section, all individuals who initiate or participate in the
25 oral communication shall submit a written report to that State
26 employee that memorializes the communication and includes, but

1 is not limited to, the items listed in subsection (b).

2 (d) The Procurement Policy Board shall make each report
3 submitted pursuant to this Section available on its website
4 within 7 days after its receipt of the report. The Procurement
5 Policy Board may promulgate rules to ensure compliance with
6 this Section.

7 (e) The reporting requirements shall also be conveyed
8 through ethics training under the State ~~Employees and~~ Officials
9 and Employees Ethics Act. An employee who knowingly and
10 intentionally violates this Section shall be subject to
11 suspension or discharge. The Executive Ethics Commission shall
12 promulgate rules, including emergency rules, to implement this
13 Section.

14 (f) This Section becomes operative on January 1, 2011.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
16 for the effective date of changes made by P.A. 96-795); 96-920,
17 eff. 7-1-10; revised 9-27-10.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.