



Rep. Dwight Kay

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LRB099 03812 SXM 33294 a

1 AMENDMENT TO HOUSE BILL 2442

2 AMENDMENT NO. _____. Amend House Bill 2442 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 1-10 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 with
15 respect to any revenue bonds or similar instruments. All
16 procurements for which contracts are solicited between the

1 effective date of Articles 50 and 99 and July 1, 1998 shall be
2 substantially in accordance with this Code and its intent.

3 (b) This Code shall apply regardless of the source of the
4 funds with which the contracts are paid, including federal
5 assistance moneys. This Code shall not apply to:

6 (1) Contracts between the State and its political
7 subdivisions or other governments, or between State
8 governmental bodies except as specifically provided in
9 this Code.

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

12 (3) Purchase of care.

13 (4) Hiring of an individual as employee and not as an
14 independent contractor, whether pursuant to an employment
15 code or policy or by contract directly with that
16 individual.

17 (5) Collective bargaining contracts.

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

26 (7) Contracts necessary to prepare for anticipated

1 litigation, enforcement actions, or investigations,
2 provided that the chief legal counsel to the Governor shall
3 give his or her prior approval when the procuring agency is
4 one subject to the jurisdiction of the Governor, and
5 provided that the chief legal counsel of any other
6 procuring entity subject to this Code shall give his or her
7 prior approval when the procuring entity is not one subject
8 to the jurisdiction of the Governor.

9 (8) Contracts for services to Northern Illinois
10 University by a person, acting as an independent
11 contractor, who is qualified by education, experience, and
12 technical ability and is selected by negotiation for the
13 purpose of providing non-credit educational service
14 activities or products by means of specialized programs
15 offered by the university.

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

18 (10) Procurement expenditures by the Illinois Health
19 Information Exchange Authority involving private funds
20 from the Health Information Exchange Fund. "Private funds"
21 means gifts, donations, and private grants.

22 (11) Public-private agreements entered into according
23 to the procurement requirements of Section 20 of the
24 Public-Private Partnerships for Transportation Act and
25 design-build agreements entered into according to the
26 procurement requirements of Section 25 of the

1 Public-Private Partnerships for Transportation Act.

2 (12) Contracts for legal, financial, and other
3 professional and artistic services entered into on or
4 before December 31, 2018 by the Illinois Finance Authority
5 in which the State of Illinois is not obligated. Such
6 contracts shall be awarded through a competitive process
7 authorized by the Board of the Illinois Finance Authority
8 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
9 50-35, and 50-37 of this Code, as well as the final
10 approval by the Board of the Illinois Finance Authority of
11 the terms of the contract.

12 Notwithstanding any other provision of law, contracts
13 entered into under item (12) of this subsection (b) shall be
14 published in the Procurement Bulletin within 14 calendar days
15 after contract execution. The chief procurement officer shall
16 prescribe the form and content of the notice. The Illinois
17 Finance Authority shall provide the chief procurement officer,
18 on a monthly basis, in the form and content prescribed by the
19 chief procurement officer, a report of contracts that are
20 related to the procurement of goods and services identified in
21 item (12) of this subsection (b). At a minimum, this report
22 shall include the name of the contractor, a description of the
23 supply or service provided, the total amount of the contract,
24 the term of the contract, and the exception to the Code
25 utilized. A copy of each of these contracts shall be made
26 available to the chief procurement officer immediately upon

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

6 (c) This Code does not apply to the electric power
7 procurement process provided for under Section 1-75 of the
8 Illinois Power Agency Act and Section 16-111.5 of the Public
9 Utilities Act.

10 (d) Except for Section 20-160 and Article 50 of this Code,
11 and as expressly required by Section 9.1 of the Illinois
12 Lottery Law, the provisions of this Code do not apply to the
13 procurement process provided for under Section 9.1 of the
14 Illinois Lottery Law.

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

26 (f) This Code does not apply to the process used by the

1 Illinois Power Agency to retain a mediator to mediate sourcing
2 agreement disputes between gas utilities and the clean coal SNG
3 brownfield facility, as defined in Section 1-10 of the Illinois
4 Power Agency Act, as required under subsection (h-1) of Section
5 9-220 of the Public Utilities Act.

6 (g) This Code does not apply to the processes used by the
7 Illinois Power Agency to retain a mediator to mediate contract
8 disputes between gas utilities and the clean coal SNG facility
9 and to retain an expert to assist in the review of contracts
10 under subsection (h) of Section 9-220 of the Public Utilities
11 Act. This Code does not apply to the process used by the
12 Illinois Commerce Commission to retain an expert to assist in
13 determining the actual incurred costs of the clean coal SNG
14 facility and the reasonableness of those costs as required
15 under subsection (h) of Section 9-220 of the Public Utilities
16 Act.

17 (h) This Code does not apply to the process to procure or
18 contracts entered into in accordance with Sections 11-5.2 and
19 11-5.3 of the Illinois Public Aid Code.

20 (i) Each chief procurement officer may access records
21 necessary to review whether a contract, purchase, or other
22 expenditure is or is not subject to the provisions of this
23 Code, unless such records would be subject to attorney-client
24 privilege.

25 (j) This Code does not apply to the process used by the
26 Capital Development Board to retain an artist or work or works

1 of art as required in Section 14 of the Capital Development
2 Board Act.

3 (k) This Code does not apply to the process to procure
4 contracts, or contracts entered into, by the State Board of
5 Elections or the State Electoral Board for hearing officers
6 appointed pursuant to the Election Code.

7 (1) In addition to all local, State, and federal
8 requirements, contracts valued at more than \$250,000 between
9 the State or any State agency and a unit of local government,
10 another state or the federal government, or an agency thereof
11 must meet the following requirements:

12 (1) Thirty days prior to the execution of the contract,
13 the contract, along with any cost savings analysis, shall
14 be placed on the awarding agency's website for viewing by
15 the general public.

16 (2) Following the execution of the contract, the
17 contract shall be posted on the Comptroller's website for a
18 period of 3 years.

19 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,
20 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;
21 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
22 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
23 1-1-15.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."