



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3574

by Rep. Keith R. Wheeler

SYNOPSIS AS INTRODUCED:

New Act

Creates the Ethics in Public Contracting Act. Provides that whenever any State agency or chief procurement officer has taken an action to issue a suspension, debarment, or limit the ability of a business or person to enter into a public contract as otherwise provided by law, the public body or the chief procurement officer shall provide a report to the Executive Ethics Commission identifying specified items. Provides that whenever any unit of local government has taken an action to issue a suspension, debarment, or limit the ability of a business or person to enter into a public contract as otherwise provided by law, the unit of local government may provide a report to the Executive Ethics Commission identifying specified items. Provides that the Executive Ethics Commission, within 12 months after the effective date of the Act, shall establish and maintain a website, known as the Ethics in Public Contracting Portal, with information received from all State agencies and units of local government. Provides that a State agency or unit of local government may reciprocate another public body's suspension, debarment, or other limitation on the ability of a business or person to enter into a public contract. Provides that the Executive Ethics Commission shall adopt rules to carry out the intent of the Act, and to provide a review process for persons to petition for removal from the Ethics in Public Contracting Portal. Defines terms.

LRB101 10048 RJF 55150 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 1. Short title. This Act may be cited as the Ethics
5 in Public Contracting Act.

6 Section 5. Purpose. The purpose of this Act is to promote
7 inter-governmental cooperation in providing full and complete
8 disclosure to the public of any entity against whom a public
9 body has taken an action limiting the ability of that entity to
10 enter into a public contract.

11 Section 10. Definitions. As used in this Act:

12 "Business" has the meaning provided under Section 1-15.10
13 of the Illinois Procurement Code.

14 "Chief procurement officer" means an independent chief
15 procurement officer as provided for under Section 10-20 of the
16 Illinois Procurement Code.

17 "Person" has the meaning provided under Section 1-15.55 of
18 the Illinois Procurement Code.

19 "State agency" has the meaning provided under Section
20 1-15.100 of the Illinois Procurement Code.

21 "Suspension" means a suspension as provided for under
22 Section 50-65 of the Illinois Procurement Code.

1 "Unit of Local Government" means the various counties,
2 townships, cities, villages and incorporated towns, school
3 districts, sanitary districts, courts, boards of education,
4 park districts, housing authorities, public building
5 commissions, or any other municipal corporation or
6 governmental agencies of the State.

7 Section 15. State agency notification. Whenever any State
8 agency or chief procurement officer has taken an action to
9 issue a suspension, debarment, or limit the ability of a
10 business or person to enter into a public contract as otherwise
11 provided by law, the public body or the chief procurement
12 officer shall provide a report to the Executive Ethics
13 Commission identifying: (i) the public body or chief
14 procurement officer submitting the report; (ii) the legal name
15 and Secretary of State registration number of the business or
16 person; and (iii) a summary of the action taken against the
17 business or person, including the effective length of time of
18 such action and the rationale for the action.

19 Section 20. Unit of local government notification.
20 Whenever any unit of local government has taken an action to
21 issue a suspension, debarment, or limit the ability of a
22 business or person to enter into a public contract as otherwise
23 provided by law, the unit of local government may provide a
24 report to the Executive Ethics Commission identifying: (i) the

1 unit of local government submitting the report; (ii) the legal
2 name and Secretary of State registration number of the business
3 or person; and (iii) a summary of the action taken against the
4 business or person, including the effective length of time of
5 such action and the rationale for the action.

6 Section 25. Ethics in public contracting portal. The
7 Executive Ethics Commission, within 12 months after the
8 effective date of this Act, shall establish and maintain a
9 website, known as the Ethics in Public Contracting Portal, with
10 information received from all State agencies and units of local
11 government as defined in this Act.

12 Section 30. Public body reciprocity rights. A State agency
13 or unit of local government may reciprocate another public
14 body's suspension, debarment, or other limitation on the
15 ability of a business or person to enter into a public
16 contract.

17 Section 35. Rules; petition for removal. The Executive
18 Ethics Commission shall adopt rules to carry out the intent of
19 this Act, and to provide a review process for persons to
20 petition for removal from the Ethics in Public Contracting
21 Portal.