

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 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

8 (a) This Code applies only to procurements for which
9 contractors were first solicited on or after July 1, 1998. This
10 Code shall not be construed to affect or impair any contract,
11 or any provision of a contract, entered into based on a
12 solicitation prior to the implementation date of this Code as
13 described in Article 99, including but not limited to any
14 covenant entered into with respect to any revenue bonds or
15 similar instruments. All procurements for which contracts are
16 solicited between the effective date of Articles 50 and 99 and
17 July 1, 1998 shall be substantially in accordance with this
18 Code and its intent.

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

22 (1) Contracts between the State and its political
23 subdivisions or other governments, or between State

1 governmental bodies except as specifically provided in
2 this Code.

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

5 (3) Purchase of care.

6 (4) Hiring of an individual as employee and not as an
7 independent contractor, whether pursuant to an employment
8 code or policy or by contract directly with that
9 individual.

10 (5) Collective bargaining contracts.

11 (6) Purchase of real estate, except that notice of this
12 type of contract with a value of more than \$25,000 must be
13 published in the Procurement Bulletin within 7 days after
14 the deed is recorded in the county of jurisdiction. The
15 notice shall identify the real estate purchased, the names
16 of all parties to the contract, the value of the contract,
17 and the effective date of the contract.

18 (7) Contracts necessary to prepare for anticipated
19 litigation, enforcement actions, or investigations,
20 provided that the chief legal counsel to the Governor shall
21 give his or her prior approval when the procuring agency is
22 one subject to the jurisdiction of the Governor, and
23 provided that the chief legal counsel of any other
24 procuring entity subject to this Code shall give his or her
25 prior approval when the procuring entity is not one subject
26 to the jurisdiction of the Governor.

1 (8) Contracts for services to Northern Illinois
2 University by a person, acting as an independent
3 contractor, who is qualified by education, experience, and
4 technical ability and is selected by negotiation for the
5 purpose of providing non-credit educational service
6 activities or products by means of specialized programs
7 offered by the university.

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

10 (10) Procurement expenditures by the Illinois Health
11 Information Exchange Authority involving private funds
12 from the Health Information Exchange Fund. "Private funds"
13 means gifts, donations, and private grants.

14 (11) Public-private agreements entered into according
15 to the procurement requirements of Section 20 of the
16 Public-Private Partnerships for Transportation Act and
17 design-build agreements entered into according to the
18 procurement requirements of Section 25 of the
19 Public-Private Partnerships for Transportation Act.

20 (12) Contracts between the Department of Agriculture
21 and a non-profit service organization for the purpose of
22 providing goods or services on the Illinois State
23 Fairgrounds during the Illinois State Fair or on the
24 DuQuoin State Fairgrounds during the DuQuoin State Fair. As
25 used in this item (12), "service organization" means a
26 veterans organization, as defined in item (10) of

1 subsection (b) of Section 3 of the Solicitation for Charity
2 Act, or a voluntary club or group that is organized for a
3 charitable purpose, for the purpose of making
4 contributions to a charitable organization, or both. As
5 used in this item (12), the terms "charitable purpose",
6 "charitable organization", and "contribution" have the
7 meanings ascribed to those terms in the Solicitation for
8 Charity Act; provided that an entity that would qualify as
9 a charitable organization under the Solicitation for
10 Charity Act but for an exemption granted under Section 3 of
11 that Act is considered a charitable organization for the
12 purposes of this item (12).

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

17 (d) Except for Section 20-160 and Article 50 of this Code,
18 and as expressly required by Section 9.1 of the Illinois
19 Lottery Law, the provisions of this Code do not apply to the
20 procurement process provided for under Section 9.1 of the
21 Illinois Lottery Law.

22 (e) This Code does not apply to the process used by the
23 Capital Development Board to retain a person or entity to
24 assist the Capital Development Board with its duties related to
25 the determination of costs of a clean coal SNG brownfield
26 facility, as defined by Section 1-10 of the Illinois Power

1 Agency Act, as required in subsection (h-3) of Section 9-220 of
2 the Public Utilities Act, including calculating the range of
3 capital costs, the range of operating and maintenance costs, or
4 the sequestration costs or monitoring the construction of clean
5 coal SNG brownfield facility for the full duration of
6 construction.

7 (f) This Code does not apply to the process used by the
8 Illinois Power Agency to retain a mediator to mediate sourcing
9 agreement disputes between gas utilities and the clean coal SNG
10 brownfield facility, as defined in Section 1-10 of the Illinois
11 Power Agency Act, as required under subsection (h-1) of Section
12 9-220 of the Public Utilities Act.

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

24 (h) This Code does not apply to the process to procure or
25 contracts entered into in accordance with Sections 11-5.2 and
26 11-5.3 of the Illinois Public Aid Code.

1 (i) ~~(h)~~ Each chief procurement officer may access records
2 necessary to review whether a contract, purchase, or other
3 expenditure is or is not subject to the provisions of this
4 Code, unless such records would be subject to attorney-client
5 privilege.

6 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;
7 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;
8 97-689, eff. 6-14-12; 97-813, eff. 7-13-12; 97-895, eff.
9 8-3-12; revised 8-23-12.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.