

HB3558



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3558

Introduced 2/18/2025, by Rep. Katie Stuart

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-13

Amends the Illinois Procurement Code. Provides that the Code does not apply to the following procurements made by or on behalf of public institutions of higher education: (1) non-construction procurements under \$250,000; (2) construction procurements under \$500,000; (3) procurements and purchases made under the Illinois Public Higher Education Cooperative; and (4) all post-award procurement activities and documentation.

LRB104 10174 HLH 20246 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 1-13 as follows:

6 (30 ILCS 500/1-13)

7 Sec. 1-13. Applicability to public institutions of higher
8 education.

9 (a) This Code shall apply to public institutions of higher
10 education, regardless of the source of the funds with which
11 contracts are paid, except as provided in this Section.

12 (b) Except as provided in this Section, this Code shall
13 not apply to procurements made by or on behalf of public
14 institutions of higher education for any of the following:

15 (1) Memberships in professional, academic, research,
16 or athletic organizations on behalf of a public
17 institution of higher education, an employee of a public
18 institution of higher education, or a student at a public
19 institution of higher education.

20 (2) Procurement expenditures for events or activities
21 paid for exclusively by revenues generated by the event or
22 activity, gifts or donations for the event or activity,
23 private grants, or any combination thereof.

(3) Procurement expenditures for events or activities for which the use of specific potential contractors is mandated or identified by the sponsor of the event or activity, provided that the sponsor is providing a majority of the funding for the event or activity.

(4) Procurement expenditures necessary to provide athletic, artistic or musical services, performances, events, or productions by or for a public institution of higher education.

(5) Procurement expenditures for periodicals, books, subscriptions, database licenses, and other publications procured for use by a university library or academic department, except for expenditures related to procuring textbooks for student use or materials for resale or rental.

(6) Procurement expenditures for placement of students in externships, practicums, field experiences, and for medical residencies and rotations.

(7) Contracts for programming and broadcast license rights for university-operated radio and television stations.

(8) Procurement expenditures necessary to perform sponsored research and other sponsored activities under grants and contracts funded by the sponsor or by sources other than State appropriations.

(9) Contracts with a foreign entity for research or

1 educational activities, provided that the foreign entity
2 either does not maintain an office in the United States or
3 is the sole source of the service or product.

4 (10) Procurement expenditures for any ongoing software
5 license or maintenance agreement or competitively
6 solicited software purchase, when the software, license,
7 or maintenance agreement is available through only the
8 software creator or its manufacturer and not a reseller.

9 (11) Procurement expenditures incurred outside of the
10 United States for the recruitment of international
11 students.

12 (12) Procurement expenditures for contracts entered
13 into under the Public University Energy Conservation Act.

14 (12.1) Non-construction procurements under \$250,000.

15 (12.2) Construction procurements under \$500,000.

16 (12.3) Procurements and purchases made under the
17 Illinois Public Higher Education Cooperative.

18 (12.4) All post-award procurement activities and
19 documentation.

20 (13) Procurement expenditures for advertising
21 purchased directly from a media station or the owner of
22 the station for distribution of advertising.

23 Notice of each contract with an annual value of more than
24 \$100,000 entered into by a public institution of higher
25 education that is related to the procurement of goods and
26 services identified in items (1) through (13) of this

1 subsection shall be published in the Procurement Bulletin
2 within 14 calendar days after contract execution. The Chief
3 Procurement Officer shall prescribe the form and content of
4 the notice. Each public institution of higher education shall
5 provide the Chief Procurement Officer, on a monthly basis, in
6 the form and content prescribed by the Chief Procurement
7 Officer, a report of contracts that are related to the
8 procurement of goods and services identified in this
9 subsection. At a minimum, this report shall include the name
10 of the contractor, a description of the supply or service
11 provided, the total amount of the contract, the term of the
12 contract, and the exception to the Code utilized. A copy of any
13 or all of these contracts shall be made available to the Chief
14 Procurement Officer immediately upon request. The Chief
15 Procurement Officer shall submit a report to the Governor and
16 General Assembly no later than November 1 of each year that
17 shall include, at a minimum, an annual summary of the monthly
18 information reported to the Chief Procurement Officer.

19 (b-5) Except as provided in this subsection, the
20 provisions of this Code shall not apply to contracts for
21 medical supplies or to contracts for medical services
22 necessary for the delivery of care and treatment at medical,
23 dental, pharmaceutical, or veterinary teaching facilities used
24 by Southern Illinois University or the University of Illinois
25 or at any university-operated health care center or dispensary
26 that provides care, treatment, and medications for students,

1 faculty, and staff. Furthermore, the provisions of this Code
2 do not apply to the procurement by such a facility of any
3 additional supplies or services that the operator of the
4 facility deems necessary for the effective use and functioning
5 of the medical supplies or services that are otherwise exempt
6 from this Code under this subsection (b-5), including, but not
7 limited to, procurements necessary for compliance and
8 management of federal programs. However, other supplies and
9 services needed for these teaching facilities shall be subject
10 to the jurisdiction of the Chief Procurement Officer for
11 Public Institutions of Higher Education who may establish
12 expedited procurement procedures and may waive or modify
13 certification, contract, hearing, process and registration
14 requirements required by this Code. All procurements made
15 under this subsection shall be documented and may require
16 publication in the Illinois Procurement Bulletin.

17 (b-10) Procurements made by or on behalf of the University
18 of Illinois for investment services may be entered into or
19 renewed without being subject to the requirements of this
20 Code. Notice of intent to renew a contract shall be published
21 in the Illinois Public Higher Education Procurement Bulletin
22 at least 14 days prior to the execution of a renewal, and the
23 University of Illinois shall hold a public hearing for
24 interested parties to provide public comment. Any contract
25 extended, renewed, or entered pursuant to this exception shall
26 be published in the Illinois Public Higher Education

1 Procurement Bulletin within 5 days of contract execution.

2 (c) Procurements made by or on behalf of public
3 institutions of higher education for the fulfillment of a
4 grant shall be made in accordance with the requirements of
5 this Code to the extent practical.

6 Upon the written request of a public institution of higher
7 education, the Chief Procurement Officer may waive contract,
8 registration, certification, and hearing requirements of this
9 Code if, based on the item to be procured or the terms of a
10 grant, compliance is impractical. The public institution of
11 higher education shall provide the Chief Procurement Officer
12 with specific reasons for the waiver, including the necessity
13 of contracting with a particular potential contractor, and
14 shall certify that an effort was made in good faith to comply
15 with the provisions of this Code. The Chief Procurement
16 Officer shall provide written justification for any waivers.
17 By November 1 of each year, the Chief Procurement Officer
18 shall file a report with the General Assembly identifying each
19 contract approved with waivers and providing the justification
20 given for any waivers for each of those contracts. Notice of
21 each waiver made under this subsection shall be published in
22 the Procurement Bulletin within 14 calendar days after
23 contract execution. The Chief Procurement Officer shall
24 prescribe the form and content of the notice.

25 (d) Notwithstanding this Section, a waiver of the
26 registration requirements of Section 20-160 does not permit a

1 business entity and any affiliated entities or affiliated
2 persons to make campaign contributions if otherwise prohibited
3 by Section 50-37. The total amount of contracts awarded in
4 accordance with this Section shall be included in determining
5 the aggregate amount of contracts or pending bids of a
6 business entity and any affiliated entities or affiliated
7 persons.

8 (e) Notwithstanding subsection (e) of Section 50-10.5 of
9 this Code, the Chief Procurement Officer, with the approval of
10 the Executive Ethics Commission, may permit a public
11 institution of higher education to accept a bid or enter into a
12 contract with a business that assisted the public institution
13 of higher education in determining whether there is a need for
14 a contract or assisted in reviewing, drafting, or preparing
15 documents related to a bid or contract, provided that the bid
16 or contract is essential to research administered by the
17 public institution of higher education and it is in the best
18 interest of the public institution of higher education to
19 accept the bid or contract. For purposes of this subsection,
20 "business" includes all individuals with whom a business is
21 affiliated, including, but not limited to, any officer, agent,
22 employee, consultant, independent contractor, director,
23 partner, manager, or shareholder of a business. The Executive
24 Ethics Commission may promulgate rules and regulations for the
25 implementation and administration of the provisions of this
26 subsection (e).

(f) As used in this Section:

"Grant" means non-appropriated funding provided by a federal or private entity to support a project or program administered by a public institution of higher education and any non-appropriated funding provided to a sub-recipient of the grant.

"Public institution of higher education" means Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University, University of Illinois, Western Illinois University, and, for purposes of this Code only, the Illinois Mathematics and Science Academy.

(g) (Blank) .

(h) The General Assembly finds and declares that:

(1) Public Act 98-1076, which took effect on January 1, 2015, changed the repeal date set for this Section from December 31, 2014 to December 31, 2016.

(2) The Statute on Statutes sets forth general rules on the repeal of statutes and the construction of multiple amendments, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(3) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to remove

1 the repeal of this Section.

2 (4) This Section was originally enacted to protect,
3 promote, and preserve the general welfare. Any
4 construction of this Section that results in the repeal of
5 this Section on December 31, 2014 would be inconsistent
6 with the manifest intent of the General Assembly and
7 repugnant to the context of this Code.

8 It is hereby declared to have been the intent of the
9 General Assembly that this Section not be subject to repeal on
10 December 31, 2014.

11 This Section shall be deemed to have been in continuous
12 effect since December 20, 2011 (the effective date of Public
13 Act 97-643), and it shall continue to be in effect
14 henceforward until it is otherwise lawfully repealed. All
15 previously enacted amendments to this Section taking effect on
16 or after December 31, 2014, are hereby validated.

17 All actions taken in reliance on or pursuant to this
18 Section by any public institution of higher education, person,
19 or entity are hereby validated.

20 In order to ensure the continuing effectiveness of this
21 Section, it is set forth in full and re-enacted by this
22 amendatory Act of the 100th General Assembly. This
23 re-enactment is intended as a continuation of this Section. It
24 is not intended to supersede any amendment to this Section
25 that is enacted by the 100th General Assembly.

26 In this amendatory Act of the 100th General Assembly, the

1 base text of the reenacted Section is set forth as amended by
2 Public Act 98-1076. Striking and underscoring is used only to
3 show changes being made to the base text.

4 This Section applies to all procurements made on or before
5 the effective date of this amendatory Act of the 100th General
6 Assembly.

7 (Source: P.A. 102-16, eff. 6-17-21; 102-721, eff. 5-6-22;
8 102-1119, eff. 1-23-23; 103-570, eff. 1-1-24; 103-865, eff.
9 1-1-25.)