



Sen. Steve McClure

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10400SB1861sam001

LRB104 08647 HLH 25236 a

1 AMENDMENT TO SENATE BILL 1861

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1861 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  
12 provision of a contract, entered into based on a solicitation  
13 prior to the implementation date of this Code as described in  
14 Article 99, including, but not limited to, any covenant  
15 entered into with respect to any revenue bonds or similar  
16 instruments. All procurements for which contracts are

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

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

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

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

13 (3) Purchase of care, except as provided in Section  
14 5-30.6 of the Illinois Public Aid Code and this Section.

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

19 (5) Collective bargaining contracts.

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

1 contract.

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

11 (8) (Blank).

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

14 (10) (Blank).

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

21 (12) (A) Contracts for legal, financial, and other  
22 professional and artistic services entered into by the  
23 Illinois Finance Authority in which the State of Illinois  
24 is not obligated. Such contracts shall be awarded through  
25 a competitive process authorized by the members of the  
26 Illinois Finance Authority and are subject to Sections

1 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
2 as well as the final approval by the members of the  
3 Illinois Finance Authority of the terms of the contract.

4 (B) Contracts for legal and financial services entered  
5 into by the Illinois Housing Development Authority in  
6 connection with the issuance of bonds in which the State  
7 of Illinois is not obligated. Such contracts shall be  
8 awarded through a competitive process authorized by the  
9 members of the Illinois Housing Development Authority and  
10 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
11 and 50-37 of this Code, as well as the final approval by  
12 the members of the Illinois Housing Development Authority  
13 of the terms of the contract.

14 (13) Contracts for services, commodities, and  
15 equipment to support the delivery of timely forensic  
16 science services in consultation with and subject to the  
17 approval of the Chief Procurement Officer as provided in  
18 subsection (d) of Section 5-4-3a of the Unified Code of  
19 Corrections, except for the requirements of Sections  
20 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
21 Code; however, the Chief Procurement Officer may, in  
22 writing with justification, waive any certification  
23 required under Article 50 of this Code. For any contracts  
24 for services which are currently provided by members of a  
25 collective bargaining agreement, the applicable terms of  
26 the collective bargaining agreement concerning

1 subcontracting shall be followed.

2 On and after January 1, 2019, this paragraph (13),  
3 except for this sentence, is inoperative.

4 (14) Contracts for participation expenditures required  
5 by a domestic or international trade show or exhibition of  
6 an exhibitor, member, or sponsor.

7 (15) Contracts with a railroad or utility that  
8 requires the State to reimburse the railroad or utilities  
9 for the relocation of utilities for construction or other  
10 public purpose. Contracts included within this paragraph  
11 (15) shall include, but not be limited to, those  
12 associated with: relocations, crossings, installations,  
13 and maintenance. For the purposes of this paragraph (15),  
14 "railroad" means any form of non-highway ground  
15 transportation that runs on rails or electromagnetic  
16 guideways and "utility" means: (1) public utilities as  
17 defined in Section 3-105 of the Public Utilities Act, (2)  
18 telecommunications carriers as defined in Section 13-202  
19 of the Public Utilities Act, (3) electric cooperatives as  
20 defined in Section 3.4 of the Electric Supplier Act, (4)  
21 telephone or telecommunications cooperatives as defined in  
22 Section 13-212 of the Public Utilities Act, (5) rural  
23 water or waste water systems with 10,000 connections or  
24 less, (6) a holder as defined in Section 21-201 of the  
25 Public Utilities Act, and (7) municipalities owning or  
26 operating utility systems consisting of public utilities

1 as that term is defined in Section 11-117-2 of the  
2 Illinois Municipal Code.

3 (16) Procurement expenditures necessary for the  
4 Department of Public Health to provide the delivery of  
5 timely newborn screening services in accordance with the  
6 Newborn Metabolic Screening Act.

7 (17) Procurement expenditures necessary for the  
8 Department of Agriculture, the Department of Financial and  
9 Professional Regulation, the Department of Human Services,  
10 and the Department of Public Health to implement the  
11 Compassionate Use of Medical Cannabis Program and Opioid  
12 Alternative Pilot Program requirements and ensure access  
13 to medical cannabis for patients with debilitating medical  
14 conditions in accordance with the Compassionate Use of  
15 Medical Cannabis Program Act.

16 (18) This Code does not apply to any procurements  
17 necessary for the Department of Agriculture, the  
18 Department of Financial and Professional Regulation, the  
19 Department of Human Services, the Department of Commerce  
20 and Economic Opportunity, and the Department of Public  
21 Health to implement the Cannabis Regulation and Tax Act if  
22 the applicable agency has made a good faith determination  
23 that it is necessary and appropriate for the expenditure  
24 to fall within this exemption and if the process is  
25 conducted in a manner substantially in accordance with the  
26 requirements of Sections 20-160, 25-60, 30-22, 50-5,

1 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
2 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
3 Section 50-35, compliance applies only to contracts or  
4 subcontracts over \$100,000. Notice of each contract  
5 entered into under this paragraph (18) that is related to  
6 the procurement of goods and services identified in  
7 paragraph (1) through (9) of this subsection shall be  
8 published in the Procurement Bulletin within 14 calendar  
9 days after contract execution. The Chief Procurement  
10 Officer shall prescribe the form and content of the  
11 notice. Each agency shall provide the Chief Procurement  
12 Officer, on a monthly basis, in the form and content  
13 prescribed by the Chief Procurement Officer, a report of  
14 contracts that are related to the procurement of goods and  
15 services identified in this subsection. At a minimum, this  
16 report shall include the name of the contractor, a  
17 description of the supply or service provided, the total  
18 amount of the contract, the term of the contract, and the  
19 exception to this Code utilized. A copy of any or all of  
20 these contracts shall be made available to the Chief  
21 Procurement Officer immediately upon request. The Chief  
22 Procurement Officer shall submit a report to the Governor  
23 and General Assembly no later than November 1 of each year  
24 that includes, at a minimum, an annual summary of the  
25 monthly information reported to the Chief Procurement  
26 Officer. This exemption becomes inoperative 5 years after

1 June 25, 2019 (the effective date of Public Act 101-27).

2 (19) Acquisition of modifications or adjustments,  
3 limited to assistive technology devices and assistive  
4 technology services, adaptive equipment, repairs, and  
5 replacement parts to provide reasonable accommodations (i)  
6 that enable a qualified applicant with a disability to  
7 complete the job application process and be considered for  
8 the position such qualified applicant desires, (ii) that  
9 modify or adjust the work environment to enable a  
10 qualified current employee with a disability to perform  
11 the essential functions of the position held by that  
12 employee, (iii) to enable a qualified current employee  
13 with a disability to enjoy equal benefits and privileges  
14 of employment as are enjoyed by other similarly situated  
15 employees without disabilities, and (iv) that allow a  
16 customer, client, claimant, or member of the public  
17 seeking State services full use and enjoyment of and  
18 access to its programs, services, or benefits.

19 For purposes of this paragraph (19):

20 "Assistive technology devices" means any item, piece  
21 of equipment, or product system, whether acquired  
22 commercially off the shelf, modified, or customized, that  
23 is used to increase, maintain, or improve functional  
24 capabilities of individuals with disabilities.

25 "Assistive technology services" means any service that  
26 directly assists an individual with a disability in



1 selection, acquisition, or use of an assistive technology  
2 device.

3 "Qualified" has the same meaning and use as provided  
4 under the federal Americans with Disabilities Act when  
5 describing an individual with a disability.

6 (20) Procurement expenditures necessary for the  
7 Illinois Commerce Commission to hire third-party  
8 facilitators pursuant to Sections 16-105.17 and 16-108.18  
9 of the Public Utilities Act or an ombudsman pursuant to  
10 Section 16-107.5 of the Public Utilities Act, a  
11 facilitator pursuant to Section 16-105.17 of the Public  
12 Utilities Act, or a grid auditor pursuant to Section  
13 16-105.10 of the Public Utilities Act.

14 (21) Procurement expenditures for the purchase,  
15 renewal, and expansion of software, software licenses, or  
16 software maintenance agreements that support the efforts  
17 of the Illinois State Police to enforce, regulate, and  
18 administer the Firearm Owners Identification Card Act, the  
19 Firearm Concealed Carry Act, the Firearms Restraining  
20 Order Act, the Firearm Dealer License Certification Act,  
21 the Law Enforcement Agencies Data System (LEADS), the  
22 Uniform Crime Reporting Act, the Criminal Identification  
23 Act, the Illinois Uniform Conviction Information Act, and  
24 the Gun Trafficking Information Act, or establish or  
25 maintain record management systems necessary to conduct  
26 human trafficking investigations or gun trafficking or

1 other stolen firearm investigations. This paragraph (21)  
2 applies to contracts entered into on or after January 10,  
3 2023 (the effective date of Public Act 102-1116) and the  
4 renewal of contracts that are in effect on January 10,  
5 2023 (the effective date of Public Act 102-1116).

6 (22) Contracts for project management services and  
7 system integration services required for the completion of  
8 the State's enterprise resource planning project. This  
9 exemption becomes inoperative 5 years after June 7, 2023  
10 (the effective date of the changes made to this Section by  
11 Public Act 103-8). This paragraph (22) applies to  
12 contracts entered into on or after June 7, 2023 (the  
13 effective date of the changes made to this Section by  
14 Public Act 103-8) and the renewal of contracts that are in  
15 effect on June 7, 2023 (the effective date of the changes  
16 made to this Section by Public Act 103-8).

17 (23) Procurements necessary for the Department of  
18 Insurance to implement the Illinois Health Benefits  
19 Exchange Law if the Department of Insurance has made a  
20 good faith determination that it is necessary and  
21 appropriate for the expenditure to fall within this  
22 exemption. The procurement process shall be conducted in a  
23 manner substantially in accordance with the requirements  
24 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
25 copy of these contracts shall be made available to the  
26 Chief Procurement Officer immediately upon request. This

1 paragraph is inoperative 5 years after June 27, 2023 (the  
2 effective date of Public Act 103-103).

3 (24) Contracts for public education programming,  
4 noncommercial sustaining announcements, public service  
5 announcements, and public awareness and education  
6 messaging with the nonprofit trade associations of the  
7 providers of those services that inform the public on  
8 immediate and ongoing health and safety risks and hazards.

9 (25) Procurements necessary for the Department of  
10 Early Childhood to implement the Department of Early  
11 Childhood Act if the Department has made a good faith  
12 determination that it is necessary and appropriate for the  
13 expenditure to fall within this exemption. This exemption  
14 shall only be used for products and services procured  
15 solely for use by the Department of Early Childhood. The  
16 procurements may include those necessary to design and  
17 build integrated, operational systems of programs and  
18 services. The procurements may include, but are not  
19 limited to, those necessary to align and update program  
20 standards, integrate funding systems, design and establish  
21 data and reporting systems, align and update models for  
22 technical assistance and professional development, design  
23 systems to manage grants and ensure compliance, design and  
24 implement management and operational structures, and  
25 establish new means of engaging with families, educators,  
26 providers, and stakeholders. The procurement processes

1 shall be conducted in a manner substantially in accordance  
2 with the requirements of Article 50 (ethics) and Sections  
3 5-5 (Procurement Policy Board), 5-7 (Commission on Equity  
4 and Inclusion), 20-80 (contract files), 20-120  
5 (subcontractors), 20-155 (paperwork), 20-160  
6 (ethics/campaign contribution prohibitions), 25-60  
7 (prevailing wage), and 25-90 (prohibited and authorized  
8 cybersecurity) of this Code. Beginning January 1, 2025,  
9 the Department of Early Childhood shall provide a  
10 quarterly report to the General Assembly detailing a list  
11 of expenditures and contracts for which the Department  
12 uses this exemption. This paragraph is inoperative on and  
13 after July 1, 2027.

14 (26) ~~(25)~~ Procurements that are necessary for  
15 increasing the recruitment and retention of State  
16 employees, particularly minority candidates for  
17 employment, including:

18 (A) procurements related to registration fees for  
19 job fairs and other outreach and recruitment events;

20 (B) production of recruitment materials; and

21 (C) other services related to recruitment and  
22 retention of State employees.

23 The exemption under this paragraph (26) ~~(25)~~ applies  
24 only if the State agency has made a good faith  
25 determination that it is necessary and appropriate for the  
26 expenditure to fall within this paragraph (26) ~~(25)~~. The

1 procurement process under this paragraph (26) ~~(25)~~ shall  
2 be conducted in a manner substantially in accordance with  
3 the requirements of Sections 20-160 and 25-60 and Article  
4 50 of this Code. A copy of these contracts shall be made  
5 available to the Chief Procurement Officer immediately  
6 upon request. Nothing in this paragraph (26) ~~(25)~~  
7 authorizes the replacement or diminishment of State  
8 responsibilities in hiring or the positions that  
9 effectuate that hiring. This paragraph (26) ~~(25)~~ is  
10 inoperative on and after June 30, 2029.

11 (27) Procurements for expenditures that are necessary  
12 for the construction, reconstruction, maintenance, and  
13 operation of the Lincoln's New Salem State Historic Site  
14 if the Department of Natural Resources makes a good faith  
15 determination that it is necessary and appropriate for the  
16 expenditure to fall within this exemption. The procurement  
17 process shall be conducted in a manner substantially in  
18 accordance with the requirements of Article 50 of this  
19 Code.

20 Notwithstanding any other provision of law, for contracts  
21 with an annual value of more than \$100,000 entered into on or  
22 after October 1, 2017 under an exemption provided in any  
23 paragraph of this subsection (b), except paragraph (1), (2),  
24 or (5), each State agency shall post to the appropriate  
25 procurement bulletin the name of the contractor, a description  
26 of the supply or service provided, the total amount of the

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

7 (c) This Code does not apply to the electric power  
8 procurement process provided for under Section 1-75 of the  
9 Illinois Power Agency Act and Section 16-111.5 of the Public  
10 Utilities Act. This Code does not apply to the procurement of  
11 technical and policy experts pursuant to Section 1-129 of the  
12 Illinois Power Agency Act.

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

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

1 construction of clean coal SNG brownfield facility for the  
2 full duration of construction.

3 (f) (Blank).

4 (g) (Blank).

5 (h) This Code does not apply to the process to procure or  
6 contracts entered into in accordance with Sections 11-5.2 and  
7 11-5.3 of the Illinois Public Aid Code.

8 (i) Each chief procurement officer may access records  
9 necessary to review whether a contract, purchase, or other  
10 expenditure is or is not subject to the provisions of this  
11 Code, unless such records would be subject to attorney-client  
12 privilege.

13 (j) This Code does not apply to the process used by the  
14 Capital Development Board to retain an artist or work or works  
15 of art as required in Section 14 of the Capital Development  
16 Board Act.

17 (k) This Code does not apply to the process to procure  
18 contracts, or contracts entered into, by the State Board of  
19 Elections or the State Electoral Board for hearing officers  
20 appointed pursuant to the Election Code.

21 (l) This Code does not apply to the processes used by the  
22 Illinois Student Assistance Commission to procure supplies and  
23 services paid for from the private funds of the Illinois  
24 Prepaid Tuition Fund. As used in this subsection (l), "private  
25 funds" means funds derived from deposits paid into the  
26 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

1           (m) This Code shall apply regardless of the source of  
2 funds with which contracts are paid, including federal  
3 assistance moneys. Except as specifically provided in this  
4 Code, this Code shall not apply to procurement expenditures  
5 necessary for the Department of Public Health to conduct the  
6 Healthy Illinois Survey in accordance with Section 2310-431 of  
7 the Department of Public Health Powers and Duties Law of the  
8 Civil Administrative Code of Illinois.

9       (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;  
10 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.  
11 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;  
12 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.  
13 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594,  
14 eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25;  
15 revised 11-26-24.)".