

# SB2296



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2296

Introduced 2/7/2025, by Sen. Cristina Castro

### SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-13

Amends the Illinois Procurement Code. Provides that the Code shall not apply to public institutions of higher education.

LRB104 10181 HLH 20253 b

A BILL FOR

1 AN ACT concerning State government.

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 not apply to public institutions of  
10 higher education, regardless of the source of the funds with  
11 which contracts are paid, ~~except as provided in this Section.~~

12 (b) (Blank). ~~Except as provided in this Section, this Code~~  
13 ~~shall 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.~~

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

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

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

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

19           ~~(7) Contracts for programming and broadcast license~~  
20           ~~rights for university operated radio and television~~  
21           ~~stations.~~

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

26           ~~(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 ~~(13) Procurement expenditures for advertising~~  
15 ~~purchased directly from a media station or the owner of~~  
16 ~~the station for distribution of advertising.~~

17 ~~Notice of each contract with an annual value of more than~~  
18 ~~\$100,000 entered into by a public institution of higher~~  
19 ~~education that is related to the procurement of goods and~~  
20 ~~services identified in items (1) through (13) of this~~  
21 ~~subsection shall be published in the Procurement Bulletin~~  
22 ~~within 14 calendar days after contract execution. The Chief~~  
23 ~~Procurement Officer shall prescribe the form and content of~~  
24 ~~the notice. Each public institution of higher education shall~~  
25 ~~provide the Chief Procurement Officer, on a monthly basis, in~~  
26 ~~the form and content prescribed by the Chief Procurement~~

1 ~~Officer, a report of contracts that are related to the~~  
2 ~~procurement of goods and services identified in this~~  
3 ~~subsection. At a minimum, this report shall include the name~~  
4 ~~of the contractor, a description of the supply or service~~  
5 ~~provided, the total amount of the contract, the term of the~~  
6 ~~contract, and the exception to the Code utilized. A copy of any~~  
7 ~~or all of these contracts shall be made available to the Chief~~  
8 ~~Procurement Officer immediately upon request. The Chief~~  
9 ~~Procurement Officer shall submit a report to the Governor and~~  
10 ~~General Assembly no later than November 1 of each year that~~  
11 ~~shall include, at a minimum, an annual summary of the monthly~~  
12 ~~information reported to the Chief Procurement Officer.~~

13 (b-5) (Blank). ~~Except as provided in this subsection, the~~  
14 ~~provisions of this Code shall not apply to contracts for~~  
15 ~~medical supplies or to contracts for medical services~~  
16 ~~necessary for the delivery of care and treatment at medical,~~  
17 ~~dental, pharmaceutical, or veterinary teaching facilities used~~  
18 ~~by Southern Illinois University or the University of Illinois~~  
19 ~~or at any university operated health care center or dispensary~~  
20 ~~that provides care, treatment, and medications for students,~~  
21 ~~faculty, and staff. Furthermore, the provisions of this Code~~  
22 ~~do not apply to the procurement by such a facility of any~~  
23 ~~additional supplies or services that the operator of the~~  
24 ~~facility deems necessary for the effective use and functioning~~  
25 ~~of the medical supplies or services that are otherwise exempt~~  
26 ~~from this Code under this subsection (b 5), including, but not~~

1 ~~limited to, procurements necessary for compliance and~~  
2 ~~management of federal programs. However, other supplies and~~  
3 ~~services needed for these teaching facilities shall be subject~~  
4 ~~to the jurisdiction of the Chief Procurement Officer for~~  
5 ~~Public Institutions of Higher Education who may establish~~  
6 ~~expedited procurement procedures and may waive or modify~~  
7 ~~certification, contract, hearing, process and registration~~  
8 ~~requirements required by this Code. All procurements made~~  
9 ~~under this subsection shall be documented and may require~~  
10 ~~publication in the Illinois Procurement Bulletin.~~

11 (b-10) (Blank). ~~Procurements made by or on behalf of the~~  
12 ~~University of Illinois for investment services may be entered~~  
13 ~~into or renewed without being subject to the requirements of~~  
14 ~~this Code. Notice of intent to renew a contract shall be~~  
15 ~~published in the Illinois Public Higher Education Procurement~~  
16 ~~Bulletin at least 14 days prior to the execution of a renewal,~~  
17 ~~and the University of Illinois shall hold a public hearing for~~  
18 ~~interested parties to provide public comment. Any contract~~  
19 ~~extended, renewed, or entered pursuant to this exception shall~~  
20 ~~be published in the Illinois Public Higher Education~~  
21 ~~Procurement Bulletin within 5 days of contract execution.~~

22 (c) (Blank). ~~Procurements made by or on behalf of public~~  
23 ~~institutions of higher education for the fulfillment of a~~  
24 ~~grant shall be made in accordance with the requirements of~~  
25 ~~this Code to the extent practical.~~

26 ~~Upon the written request of a public institution of higher~~

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

19 (d) (Blank). ~~Notwithstanding this Section, a waiver of the~~  
20 ~~registration requirements of Section 20-160 does not permit a~~  
21 ~~business entity and any affiliated entities or affiliated~~  
22 ~~persons to make campaign contributions if otherwise prohibited~~  
23 ~~by Section 50-37. The total amount of contracts awarded in~~  
24 ~~accordance with this Section shall be included in determining~~  
25 ~~the aggregate amount of contracts or pending bids of a~~  
26 ~~business entity and any affiliated entities or affiliated~~

1 ~~persons.~~

2 (e) (Blank). ~~Notwithstanding subsection (e) of Section~~  
3 ~~50-10.5 of this Code, the Chief Procurement Officer, with the~~  
4 ~~approval of the Executive Ethics Commission, may permit a~~  
5 ~~public institution of higher education to accept a bid or~~  
6 ~~enter into a contract with a business that assisted the public~~  
7 ~~institution of higher education in determining whether there~~  
8 ~~is a need for a contract or assisted in reviewing, drafting, or~~  
9 ~~preparing documents related to a bid or contract, provided~~  
10 ~~that the bid or contract is essential to research administered~~  
11 ~~by the public institution of higher education and it is in the~~  
12 ~~best interest of the public institution of higher education to~~  
13 ~~accept the bid or contract. For purposes of this subsection,~~  
14 ~~"business" includes all individuals with whom a business is~~  
15 ~~affiliated, including, but not limited to, any officer, agent,~~  
16 ~~employee, consultant, independent contractor, director,~~  
17 ~~partner, manager, or shareholder of a business. The Executive~~  
18 ~~Ethics Commission may promulgate rules and regulations for the~~  
19 ~~implementation and administration of the provisions of this~~  
20 ~~subsection (e).~~

21 (f) As used in this Section:

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

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

8 (g) (Blank).

9 (h) The General Assembly finds and declares that:

10 (1) Public Act 98-1076, which took effect on January  
11 1, 2015, changed the repeal date set for this Section from  
12 December 31, 2014 to December 31, 2016.

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

19 (3) This amendatory Act of the 100th General Assembly  
20 manifests the intention of the General Assembly to remove  
21 the repeal of this Section.

22 (4) This Section was originally enacted to protect,  
23 promote, and preserve the general welfare. Any  
24 construction of this Section that results in the repeal of  
25 this Section on December 31, 2014 would be inconsistent  
26 with the manifest intent of the General Assembly and

1 repugnant to the context of this Code.

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

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

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

14 In order to ensure the continuing effectiveness of this  
15 Section, it is set forth in full and re-enacted by this  
16 amendatory Act of the 100th General Assembly. This  
17 re-enactment is intended as a continuation of this Section. It  
18 is not intended to supersede any amendment to this Section  
19 that is enacted by the 100th General Assembly.

20 In this amendatory Act of the 100th General Assembly, the  
21 base text of the reenacted Section is set forth as amended by  
22 Public Act 98-1076. Striking and underscoring is used only to  
23 show changes being made to the base text.

24 This Section applies to all procurements made on or before  
25 the effective date of this amendatory Act of the 100th General  
26 Assembly.

1 (Source: P.A. 102-16, eff. 6-17-21; 102-721, eff. 5-6-22;  
2 102-1119, eff. 1-23-23; 103-570, eff. 1-1-24; 103-865, eff.  
3 1-1-25.)