

# SB3069



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3069

Introduced 1/28/2026, by Sen. Cristina Castro

### SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-10

Amends Illinois Procurement Code. Provides that, after exhausting the list of master contracts and cooperative agreements, procurement expenditures necessary for the Department of Public Health, the Department of Agriculture, the Illinois State Police, or the Illinois Environmental Protection Agency to operate State laboratories are exempt from the Code.

LRB104 20173 HLH 33624 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 1-10 as follows:

6 (30 ILCS 500/1-10)

7 (Text of Section before amendment by P.A. 104-458)

8 Sec. 1-10. Application.

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

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

1           (1) Contracts between the State and its political  
2 subdivisions or other governments, or between State  
3 governmental bodies, except as specifically provided in  
4 this Code.

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

7           (3) Purchase of care, except as provided in Section  
8 5-30.6 of the Illinois Public Aid Code and this Section.

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

13           (5) Collective bargaining contracts.

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

22           (7) Contracts necessary to prepare for anticipated  
23 litigation, enforcement actions, or investigations,  
24 provided that the chief legal counsel to the Governor  
25 shall give his or her prior approval when the procuring  
26 agency is one subject to the jurisdiction of the Governor,

1 and provided that the chief legal counsel of any other  
2 procuring entity subject to this Code shall give his or  
3 her prior approval when the procuring entity is not one  
4 subject to the jurisdiction of the Governor.

5 (8) (Blank).

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

8 (10) (Blank).

9 (11) Public-private agreements entered into according  
10 to the procurement requirements of Section 20 of the  
11 Public-Private Partnerships for Transportation Act and  
12 design-build agreements entered into according to the  
13 procurement requirements of Section 25 of the  
14 Public-Private Partnerships for Transportation Act.

15 (12) (A) Contracts for legal, financial, and other  
16 professional and artistic services entered into by the  
17 Illinois Finance Authority in which the State of Illinois  
18 is not obligated. Such contracts shall be awarded through  
19 a competitive process authorized by the members of the  
20 Illinois Finance Authority and are subject to Sections  
21 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
22 as well as the final approval by the members of the  
23 Illinois Finance Authority of the terms of the contract.

24 (B) Contracts for legal and financial services entered  
25 into by the Illinois Housing Development Authority in  
26 connection with the issuance of bonds in which the State

1 of Illinois is not obligated. Such contracts shall be  
2 awarded through a competitive process authorized by the  
3 members of the Illinois Housing Development Authority and  
4 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
5 and 50-37 of this Code, as well as the final approval by  
6 the members of the Illinois Housing Development Authority  
7 of the terms of the contract.

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

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

24 (14) Contracts for participation expenditures required  
25 by a domestic or international trade show or exhibition of  
26 an exhibitor, member, or sponsor.

1           (15) Contracts with a railroad or utility that  
2 requires the State to reimburse the railroad or utilities  
3 for the relocation of utilities for construction or other  
4 public purpose. Contracts included within this paragraph  
5 (15) shall include, but not be limited to, those  
6 associated with: relocations, crossings, installations,  
7 and maintenance. For the purposes of this paragraph (15),  
8 "railroad" means any form of non-highway ground  
9 transportation that runs on rails or electromagnetic  
10 guideways and "utility" means: (1) public utilities as  
11 defined in Section 3-105 of the Public Utilities Act, (2)  
12 telecommunications carriers as defined in Section 13-202  
13 of the Public Utilities Act, (3) electric cooperatives as  
14 defined in Section 3.4 of the Electric Supplier Act, (4)  
15 telephone or telecommunications cooperatives as defined in  
16 Section 13-212 of the Public Utilities Act, (5) rural  
17 water or wastewater ~~waste-water~~ systems with 10,000  
18 connections or less, (6) a holder as defined in Section  
19 21-201 of the Public Utilities Act, and (7) municipalities  
20 owning or operating utility systems consisting of public  
21 utilities as that term is defined in Section 11-117-2 of  
22 the Illinois Municipal Code.

23           (16) Procurement expenditures necessary for the  
24 Department of Public Health to provide the delivery of  
25 timely newborn screening services in accordance with the  
26 Newborn Metabolic Screening Act.

1           (17) Procurement expenditures necessary for the  
2 Department of Agriculture, the Department of Financial and  
3 Professional Regulation, the Department of Human Services,  
4 and the Department of Public Health to implement the  
5 Compassionate Use of Medical Cannabis Program and Opioid  
6 Alternative Pilot Program requirements and ensure access  
7 to medical cannabis for patients with debilitating medical  
8 conditions in accordance with the Compassionate Use of  
9 Medical Cannabis Program Act.

10           (18) This Code does not apply to any procurements  
11 necessary for the Department of Agriculture, the  
12 Department of Financial and Professional Regulation, the  
13 Department of Human Services, the Department of Commerce  
14 and Economic Opportunity, and the Department of Public  
15 Health to implement the Cannabis Regulation and Tax Act if  
16 the applicable agency has made a good faith determination  
17 that it is necessary and appropriate for the expenditure  
18 to fall within this exemption and if the process is  
19 conducted in a manner substantially in accordance with the  
20 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
21 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
22 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
23 Section 50-35, compliance applies only to contracts or  
24 subcontracts over \$100,000. Notice of each contract  
25 entered into under this paragraph (18) that is related to  
26 the procurement of goods and services identified in

1 paragraph (1) through (9) of this subsection shall be  
2 published in the Procurement Bulletin within 14 calendar  
3 days after contract execution. The Chief Procurement  
4 Officer shall prescribe the form and content of the  
5 notice. Each agency shall provide the Chief Procurement  
6 Officer, on a monthly basis, in the form and content  
7 prescribed by the Chief Procurement Officer, a report of  
8 contracts that are related to the procurement of goods and  
9 services identified in this subsection. At a minimum, this  
10 report shall include the name of the contractor, a  
11 description of the supply or service provided, the total  
12 amount of the contract, the term of the contract, and the  
13 exception to this Code utilized. A copy of any or all of  
14 these contracts shall be made available to the Chief  
15 Procurement Officer immediately upon request. The Chief  
16 Procurement Officer shall submit a report to the Governor  
17 and General Assembly no later than November 1 of each year  
18 that includes, at a minimum, an annual summary of the  
19 monthly information reported to the Chief Procurement  
20 Officer. This exemption becomes inoperative 5 years after  
21 June 25, 2019 (the effective date of Public Act 101-27).

22 (19) Acquisition of modifications or adjustments,  
23 limited to assistive technology devices and assistive  
24 technology services, adaptive equipment, repairs, and  
25 replacement parts to provide reasonable accommodations (i)  
26 that enable a qualified applicant with a disability to

1 complete the job application process and be considered for  
2 the position such qualified applicant desires, (ii) that  
3 modify or adjust the work environment to enable a  
4 qualified current employee with a disability to perform  
5 the essential functions of the position held by that  
6 employee, (iii) to enable a qualified current employee  
7 with a disability to enjoy equal benefits and privileges  
8 of employment as are enjoyed by other similarly situated  
9 employees without disabilities, and (iv) that allow a  
10 customer, client, claimant, or member of the public  
11 seeking State services full use and enjoyment of and  
12 access to its programs, services, or benefits.

13 For purposes of this paragraph (19):

14 "Assistive technology devices" means any item, piece  
15 of equipment, or product system, whether acquired  
16 commercially off the shelf, modified, or customized, that  
17 is used to increase, maintain, or improve functional  
18 capabilities of individuals with disabilities.

19 "Assistive technology services" means any service that  
20 directly assists an individual with a disability in  
21 selection, acquisition, or use of an assistive technology  
22 device.

23 "Qualified" has the same meaning and use as provided  
24 under the federal Americans with Disabilities Act when  
25 describing an individual with a disability.

26 (20) Procurement expenditures necessary for the

1 Illinois Commerce Commission to hire third-party  
2 facilitators pursuant to Sections 16-105.17 and 16-108.18  
3 of the Public Utilities Act or an ombudsman pursuant to  
4 Section 16-107.5 of the Public Utilities Act, a  
5 facilitator pursuant to Section 16-105.17 of the Public  
6 Utilities Act, or a grid auditor pursuant to Section  
7 16-105.10 of the Public Utilities Act.

8 (21) Procurement expenditures for the purchase,  
9 renewal, and expansion of software, software licenses, or  
10 software maintenance agreements that support the efforts  
11 of the Illinois State Police to enforce, regulate, and  
12 administer the Firearm Owners Identification Card Act, the  
13 Firearm Concealed Carry Act, the Firearms Restraining  
14 Order Act, the Firearm Dealer License Certification Act,  
15 the Law Enforcement Agencies Data System (LEADS), the  
16 Uniform Crime Reporting Act, the Criminal Identification  
17 Act, the Illinois Uniform Conviction Information Act, and  
18 the Gun Trafficking Information Act, or establish or  
19 maintain record management systems necessary to conduct  
20 human trafficking investigations or gun trafficking or  
21 other stolen firearm investigations. This paragraph (21)  
22 applies to contracts entered into on or after January 10,  
23 2023 (the effective date of Public Act 102-1116) and the  
24 renewal of contracts that are in effect on January 10,  
25 2023 (the effective date of Public Act 102-1116).

26 (22) Contracts for project management services and

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

11 (23) Procurements necessary for the Department of  
12 Insurance to implement the Illinois Health Benefits  
13 Exchange Law if the Department of Insurance has made a  
14 good faith determination that it is necessary and  
15 appropriate for the expenditure to fall within this  
16 exemption. The procurement process shall be conducted in a  
17 manner substantially in accordance with the requirements  
18 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
19 copy of these contracts shall be made available to the  
20 Chief Procurement Officer immediately upon request. This  
21 paragraph is inoperative 5 years after June 27, 2023 (the  
22 effective date of Public Act 103-103).

23 (24) Contracts for public education programming,  
24 noncommercial sustaining announcements, public service  
25 announcements, and public awareness and education  
26 messaging with the nonprofit trade associations of the

1 providers of those services that inform the public on  
2 immediate and ongoing health and safety risks and hazards.

3 (25) Procurements necessary for the Department of  
4 Early Childhood to implement the Department of Early  
5 Childhood Act if the Department has made a good faith  
6 determination that it is necessary and appropriate for the  
7 expenditure to fall within this exemption. This exemption  
8 shall only be used for products and services procured  
9 solely for use by the Department of Early Childhood. The  
10 procurements may include those necessary to design and  
11 build integrated, operational systems of programs and  
12 services. The procurements may include, but are not  
13 limited to, those necessary to align and update program  
14 standards, integrate funding systems, design and establish  
15 data and reporting systems, align and update models for  
16 technical assistance and professional development, design  
17 systems to manage grants and ensure compliance, design and  
18 implement management and operational structures, and  
19 establish new means of engaging with families, educators,  
20 providers, and stakeholders. The procurement processes  
21 shall be conducted in a manner substantially in accordance  
22 with the requirements of Article 50 (ethics) and Sections  
23 5-5 (Procurement Policy Board), 5-7 (Commission on Equity  
24 and Inclusion), 20-80 (contract files), 20-120  
25 (subcontractors), 20-155 (paperwork), 20-160  
26 (ethics/campaign contribution prohibitions), 25-60

1 (prevailing wage), and 25-90 (prohibited and authorized  
2 cybersecurity) of this Code. Beginning January 1, 2025,  
3 the Department of Early Childhood shall provide a  
4 quarterly report to the General Assembly detailing a list  
5 of expenditures and contracts for which the Department  
6 uses this exemption. This paragraph is inoperative on and  
7 after July 1, 2027.

8 (26) Procurements that are necessary for increasing  
9 the recruitment and retention of State employees,  
10 particularly minority candidates for employment,  
11 including:

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

14 (B) production of recruitment materials; and

15 (C) other services related to recruitment and  
16 retention of State employees.

17 The exemption under this paragraph (26) applies only  
18 if the State agency has made a good faith determination  
19 that it is necessary and appropriate for the expenditure  
20 to fall within this paragraph (26). The procurement  
21 process under this paragraph (26) shall be conducted in a  
22 manner substantially in accordance with the requirements  
23 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
24 copy of these contracts shall be made available to the  
25 Chief Procurement Officer immediately upon request.  
26 Nothing in this paragraph (26) authorizes the replacement

1 or diminishment of State responsibilities in hiring or the  
2 positions that effectuate that hiring. This paragraph (26)  
3 is inoperative on and after June 30, 2029.

4 (27) Procurements necessary for the Department of  
5 Healthcare and Family Services to implement changes to the  
6 State's Integrated Eligibility System to ensure the  
7 system's compliance with federal implementation mandates  
8 and deadlines, if the Department of Healthcare and Family  
9 Services has made a good faith determination that it is  
10 necessary and appropriate for the procurement to fall  
11 within this exemption.

12 (28) After exhausting the list of master contracts and  
13 cooperative agreements, procurement expenditures  
14 necessary for the Department of Public Health, the  
15 Department of Agriculture, the Illinois State Police, or  
16 the Illinois Environmental Protection Agency to operate  
17 State laboratories.

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

1 report to the Governor and General Assembly no later than  
2 November 1 of each year that shall include, at a minimum, an  
3 annual summary of the monthly information reported to the  
4 chief procurement officer.

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

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

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

1 (f) (Blank).

2 (g) (Blank).

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

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

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

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

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

25 (m) This Code shall apply regardless of the source of  
26 funds with which contracts are paid, including federal

1 assistance moneys. Except as specifically provided in this  
2 Code, this Code shall not apply to procurement expenditures  
3 necessary for the Department of Public Health to conduct the  
4 Healthy Illinois Survey in accordance with Section 2310-431 of  
5 the Department of Public Health Powers and Duties Law of the  
6 Civil Administrative Code of Illinois.

7 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;  
8 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.  
9 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,  
10 eff. 6-16-25; 104-417, eff. 8-15-25)

11 (Text of Section after amendment by P.A. 104-458)

12 Sec. 1-10. Application.

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

25 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal  
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political  
4 subdivisions or other governments, or between State  
5 governmental bodies, except as specifically provided in  
6 this Code.

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

9 (3) Purchase of care, except as provided in Section  
10 5-30.6 of the Illinois Public Aid Code and this Section.

11 (4) Hiring of an individual as an employee and not as  
12 an independent contractor, whether pursuant to an  
13 employment code or policy or by contract directly with  
14 that individual.

15 (5) Collective bargaining contracts.

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

24 (7) Contracts necessary to prepare for anticipated  
25 litigation, enforcement actions, or investigations,  
26 provided that the chief legal counsel to the Governor

1 shall give his or her prior approval when the procuring  
2 agency is one subject to the jurisdiction of the Governor,  
3 and provided that the chief legal counsel of any other  
4 procuring entity subject to this Code shall give his or  
5 her prior approval when the procuring entity is not one  
6 subject to the jurisdiction of the Governor.

7 (8) (Blank).

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

10 (10) (Blank).

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

17 (12) (A) Contracts for legal, financial, and other  
18 professional and artistic services entered into by the  
19 Illinois Finance Authority in which the State of Illinois  
20 is not obligated. Such contracts shall be awarded through  
21 a competitive process authorized by the members of the  
22 Illinois Finance Authority and are subject to Sections  
23 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
24 as well as the final approval by the members of the  
25 Illinois Finance Authority of the terms of the contract.

26 (B) Contracts for legal and financial services entered

1 into by the Illinois Housing Development Authority in  
2 connection with the issuance of bonds in which the State  
3 of Illinois is not obligated. Such contracts shall be  
4 awarded through a competitive process authorized by the  
5 members of the Illinois Housing Development Authority and  
6 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
7 and 50-37 of this Code, as well as the final approval by  
8 the members of the Illinois Housing Development Authority  
9 of the terms of the contract.

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

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

26 (14) Contracts for participation expenditures required

1 by a domestic or international trade show or exhibition of  
2 an exhibitor, member, or sponsor.

3 (15) Contracts with a railroad or utility that  
4 requires the State to reimburse the railroad or utilities  
5 for the relocation of utilities for construction or other  
6 public purpose. Contracts included within this paragraph  
7 (15) shall include, but not be limited to, those  
8 associated with: relocations, crossings, installations,  
9 and maintenance. For the purposes of this paragraph (15),  
10 "railroad" means any form of non-highway ground  
11 transportation that runs on rails or electromagnetic  
12 guideways and "utility" means: (1) public utilities as  
13 defined in Section 3-105 of the Public Utilities Act, (2)  
14 telecommunications carriers as defined in Section 13-202  
15 of the Public Utilities Act, (3) electric cooperatives as  
16 defined in Section 3.4 of the Electric Supplier Act, (4)  
17 telephone or telecommunications cooperatives as defined in  
18 Section 13-212 of the Public Utilities Act, (5) rural  
19 water or wastewater ~~waste-water~~ systems with 10,000  
20 connections or less, (6) a holder as defined in Section  
21 21-201 of the Public Utilities Act, and (7) municipalities  
22 owning or operating utility systems consisting of public  
23 utilities as that term is defined in Section 11-117-2 of  
24 the Illinois Municipal Code.

25 (16) Procurement expenditures necessary for the  
26 Department of Public Health to provide the delivery of

1           timely newborn screening services in accordance with the  
2           Newborn Metabolic Screening Act.

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

12          (18) This Code does not apply to any procurements  
13          necessary for the Department of Agriculture, the  
14          Department of Financial and Professional Regulation, the  
15          Department of Human Services, the Department of Commerce  
16          and Economic Opportunity, and the Department of Public  
17          Health to implement the Cannabis Regulation and Tax Act if  
18          the applicable agency has made a good faith determination  
19          that it is necessary and appropriate for the expenditure  
20          to fall within this exemption and if the process is  
21          conducted in a manner substantially in accordance with the  
22          requirements of Sections 20-160, 25-60, 30-22, 50-5,  
23          50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
24          50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
25          Section 50-35, compliance applies only to contracts or  
26          subcontracts over \$100,000. Notice of each contract

1 entered into under this paragraph (18) that is related to  
2 the procurement of goods and services identified in  
3 paragraph (1) through (9) of this subsection shall be  
4 published in the Procurement Bulletin within 14 calendar  
5 days after contract execution. The Chief Procurement  
6 Officer shall prescribe the form and content of the  
7 notice. Each agency shall provide the Chief Procurement  
8 Officer, on a monthly basis, in the form and content  
9 prescribed by the Chief Procurement Officer, a report of  
10 contracts that are related to the procurement of goods and  
11 services identified in this subsection. At a minimum, this  
12 report shall include the name of the contractor, a  
13 description of the supply or service provided, the total  
14 amount of the contract, the term of the contract, and the  
15 exception to this Code utilized. A copy of any or all of  
16 these contracts shall be made available to the Chief  
17 Procurement Officer immediately upon request. The Chief  
18 Procurement Officer shall submit a report to the Governor  
19 and General Assembly no later than November 1 of each year  
20 that includes, at a minimum, an annual summary of the  
21 monthly information reported to the Chief Procurement  
22 Officer. This exemption becomes inoperative 5 years after  
23 June 25, 2019 (the effective date of Public Act 101-27).

24 (19) Acquisition of modifications or adjustments,  
25 limited to assistive technology devices and assistive  
26 technology services, adaptive equipment, repairs, and

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

15 For purposes of this paragraph (19):

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

21 "Assistive technology services" means any service that  
22 directly assists an individual with a disability in  
23 selection, acquisition, or use of an assistive technology  
24 device.

25 "Qualified" has the same meaning and use as provided  
26 under the federal Americans with Disabilities Act when

1 describing an individual with a disability.

2 (20) Procurement expenditures necessary for the  
3 Illinois Commerce Commission to hire third-party  
4 facilitators pursuant to Sections 16-105.17 and 16-108.18  
5 of the Public Utilities Act or an ombudsman pursuant to  
6 Section 16-107.5 of the Public Utilities Act, a  
7 facilitator pursuant to Section 16-105.17 of the Public  
8 Utilities Act, a grid auditor pursuant to Section  
9 16-105.10 of the Public Utilities Act, a facilitator,  
10 expert, or consultant pursuant to Sections 16-126.2 and  
11 16-202 of the Public Utilities Act, a procurement monitor  
12 pursuant to Section 16-111.5 of the Public Utilities Act,  
13 an ombudsperson pursuant to Section 20-145 of the Public  
14 Utilities Act, or consultants and experts pursuant to  
15 Section 5-15 of the Utility Data Access Act.

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

1 maintain record management systems necessary to conduct  
2 human trafficking investigations or gun trafficking or  
3 other stolen firearm investigations. This paragraph (21)  
4 applies to contracts entered into on or after January 10,  
5 2023 (the effective date of Public Act 102-1116) and the  
6 renewal of contracts that are in effect on January 10,  
7 2023 (the effective date of Public Act 102-1116).

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

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

1 copy of these contracts shall be made available to the  
2 Chief Procurement Officer immediately upon request. This  
3 paragraph is inoperative 5 years after June 27, 2023 (the  
4 effective date of Public Act 103-103).

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

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

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

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

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

22 (B) production of recruitment materials; and

23 (C) other services related to recruitment and  
24 retention of State employees.

25 The exemption under this paragraph (26) applies only  
26 if the State agency has made a good faith determination

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

12 (27) Procurements necessary for the Department of  
13 Healthcare and Family Services to implement changes to the  
14 State's Integrated Eligibility System to ensure the  
15 system's compliance with federal implementation mandates  
16 and deadlines, if the Department of Healthcare and Family  
17 Services has made a good faith determination that it is  
18 necessary and appropriate for the procurement to fall  
19 within this exemption.

20 (28) After exhausting the list of master contracts and  
21 cooperative agreements, procurement expenditures  
22 necessary for the Department of Public Health, the  
23 Department of Agriculture, the Illinois State Police, or  
24 the Illinois Environmental Protection Agency to operate  
25 State laboratories.

26 Notwithstanding any other provision of law, for contracts

1 with an annual value of more than \$100,000 entered into on or  
2 after October 1, 2017 under an exemption provided in any  
3 paragraph of this subsection (b), except paragraph (1), (2),  
4 or (5), each State agency shall post to the appropriate  
5 procurement bulletin the name of the contractor, a description  
6 of the supply or service provided, the total amount of the  
7 contract, the term of the contract, and the exception to the  
8 Code utilized. The chief procurement officer shall submit a  
9 report to the Governor and General Assembly no later than  
10 November 1 of each year that shall include, at a minimum, an  
11 annual summary of the monthly information reported to the  
12 chief procurement officer.

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. This Code does not apply to the procurement of  
17 technical and policy experts pursuant to Section 1-129 of the  
18 Illinois Power Agency Act.

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

24 (e) This Code does not apply to the process used by the  
25 Capital Development Board to retain a person or entity to  
26 assist the Capital Development Board with its duties related

1 to the determination of costs of a clean coal SNG brownfield  
2 facility, as defined by Section 1-10 of the Illinois Power  
3 Agency Act, as required in subsection (h-3) of Section 9-220  
4 of the Public Utilities Act, including calculating the range  
5 of capital costs, the range of operating and maintenance  
6 costs, or the sequestration costs or monitoring the  
7 construction of clean coal SNG brownfield facility for the  
8 full duration of construction.

9 (f) (Blank).

10 (g) (Blank).

11 (h) This Code does not apply to the process to procure or  
12 contracts entered into in accordance with Sections 11-5.2 and  
13 11-5.3 of the Illinois Public Aid Code.

14 (i) Each chief procurement officer may access records  
15 necessary to review whether a contract, purchase, or other  
16 expenditure is or is not subject to the provisions of this  
17 Code, unless such records would be subject to attorney-client  
18 privilege.

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

23 (k) This Code does not apply to the process to procure  
24 contracts, or contracts entered into, by the State Board of  
25 Elections or the State Electoral Board for hearing officers  
26 appointed pursuant to the Election Code.

1           (1) This Code does not apply to the processes used by the  
2 Illinois Student Assistance Commission to procure supplies and  
3 services paid for from the private funds of the Illinois  
4 Prepaid Tuition Fund. As used in this subsection (1), "private  
5 funds" means funds derived from deposits paid into the  
6 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

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

15           (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;  
16 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.  
17 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,  
18 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;  
19 revised 1-12-26.)

20           Section 95. No acceleration or delay. Where this Act makes  
21 changes in a statute that is represented in this Act by text  
22 that is not yet or no longer in effect (for example, a Section  
23 represented by multiple versions), the use of that text does  
24 not accelerate or delay the taking effect of (i) the changes  
25 made by this Act or (ii) provisions derived from any other

1 Public Act.