**Section 4.10 General Exemptions**

a) Except as specifically provided in the Code, *the Code* and this Part *do not apply to*:

1) *contracts between the State and its political subdivisions or other governments, or between State governmental bodies*. (For purposes of this subsection (a), "governmental bodies" includes the State universities and their governing boards, community colleges and their governing boards and school districts. This provision applies to contracts between governmental entities; it does not apply to State universities use of contracts established by other governmental entities);

2) *grants,* *except for the filing requirements of Section 20-80 of the Code*;

3) *purchase of care;*

4) *hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual;*

5) *collective bargaining contracts;*

6) *purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction* (This applies to purchases whether outright or by means of an installment purchase. The exercise of an option to purchase in a real estate lease is exempt, but the underlying lease is not exempt from this Part). *The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract*;

7) *contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to* the *Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.* Anticipated litigation is that which a university may prosecute or defend before a court or administrative body and actions necessary to prepare for and conduct the effective legal prosecution or defense of litigation, including, but not limited to, the retention of counsel, investigators, expert witnesses and court reporters. This Section is applicable to equipment or services necessary in the furtherance of covert activities lawfully conducted by a university;

8) *Procurement expenditures by the Illinois Conservation Foundation when only private funds are used*;

9) *Public-Private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act;*

10) *Contracts for legal, financial, and other professional and artistic services entered into on or before December 31, 2018 by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the Board of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of* the *Code, as well as the final approval by the Board of the Illinois Finance Authority of the terms of the contract;*

11) *Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the CPO as provided in Section 5-4-3a(d) of the Unified Code of Corrections* [730 ILCS 5]*, except the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of the Code; however, the CPO may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services that are currently provided by members of a collective bargaining* unit*, the applicable terms of the collective bargaining agreement shall be followed.*

12) *Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor;*

13) *Contracts with a railroad or utility that require the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose.* [30 ILCS 500/1-10(b)]

b) After October 1, 2017, universities shall publish in the Bulletin notice of each contract entered into under Section 1-10(b) of the Code, except for those procured under subsections (a)(1), (a)(2) and (a)(5) of this Section. Notice shall be published within 14 calendar days after contract execution. The CPO-HE shall prescribe the form and content of the notice.

c) The CPO-HE shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the CPO-HE by the universities. The CPO-HE will structure the required Bulletin publication to serve as a university's report, but the CPO-HE may request a report or additional information from a university if Bulletin publication is insufficient. At a minimum, this information published to the Bulletin shall include:

1) the name of the contractor;

2) a description of the supply or service provided;

3) the total amount of the contract;

4) the term of the contract; and

5) the exception to the Code utilized.

d) A copy of any or all of these contracts shall be made available to the CPO-HE within 14 days after request, unless a more immediate response is required.

(Source: Amended at 43 Ill. Reg. 1781, effective February 15, 2019)