

# HB2546



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2546

Introduced 2/19/2021, by Rep. David Friess

### SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-10

Amends the Illinois Procurement Code. Provides that the Code does not apply to the process to procure contracts, or contracts entered into, by the State of Illinois, acting by and through the Department of Natural Resources, with regards to the World Shooting and Recreational Complex in Randolph County, Illinois.

LRB102 15397 RJF 20760 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 1-10 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  
17 solicited between the effective date of Articles 50 and 99 and  
18 July 1, 1998 shall be substantially in accordance with this  
19 Code and its intent.

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

23 (1) Contracts between the State and its political

1 subdivisions or other governments, or between State  
2 governmental bodies, except as specifically provided in  
3 this Code.

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

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

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

12 (5) Collective bargaining contracts.

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

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

1           procuring entity subject to this Code shall give his or  
2           her prior approval when the procuring entity is not one  
3           subject to the jurisdiction of the Governor.

4           (8) (Blank).

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

7           (10) (Blank).

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

14          (12) Contracts for legal, financial, and other  
15          professional and artistic services entered into on or  
16          before December 31, 2018 by the Illinois Finance Authority  
17          in which the State of Illinois is not obligated. Such  
18          contracts shall be awarded through a competitive process  
19          authorized by the Board of the Illinois Finance Authority  
20          and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
21          50-35, and 50-37 of this Code, as well as the final  
22          approval by the Board of the Illinois Finance Authority of  
23          the terms of the contract.

24          (13) Contracts for services, commodities, and  
25          equipment to support the delivery of timely forensic  
26          science services in consultation with and subject to the

1 approval of the Chief Procurement Officer as provided in  
2 subsection (d) of Section 5-4-3a of the Unified Code of  
3 Corrections, except for the requirements of Sections  
4 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
5 Code; however, the Chief Procurement Officer may, in  
6 writing with justification, waive any certification  
7 required under Article 50 of this Code. For any contracts  
8 for services which are currently provided by members of a  
9 collective bargaining agreement, the applicable terms of  
10 the collective bargaining agreement concerning  
11 subcontracting shall be followed.

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

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

17 (15) Contracts with a railroad or utility that  
18 requires the State to reimburse the railroad or utilities  
19 for the relocation of utilities for construction or other  
20 public purpose. Contracts included within this paragraph  
21 (15) shall include, but not be limited to, those  
22 associated with: relocations, crossings, installations,  
23 and maintenance. For the purposes of this paragraph (15),  
24 "railroad" means any form of non-highway ground  
25 transportation that runs on rails or electromagnetic  
26 guideways and "utility" means: (1) public utilities as

1 defined in Section 3-105 of the Public Utilities Act, (2)  
2 telecommunications carriers as defined in Section 13-202  
3 of the Public Utilities Act, (3) electric cooperatives as  
4 defined in Section 3.4 of the Electric Supplier Act, (4)  
5 telephone or telecommunications cooperatives as defined in  
6 Section 13-212 of the Public Utilities Act, (5) rural  
7 water or waste water systems with 10,000 connections or  
8 less, (6) a holder as defined in Section 21-201 of the  
9 Public Utilities Act, and (7) municipalities owning or  
10 operating utility systems consisting of public utilities  
11 as that term is defined in Section 11-117-2 of the  
12 Illinois Municipal Code.

13 (16) Procurement expenditures necessary for the  
14 Department of Public Health to provide the delivery of  
15 timely newborn screening services in accordance with the  
16 Newborn Metabolic Screening Act.

17 (17) Procurement expenditures necessary for the  
18 Department of Agriculture, the Department of Financial and  
19 Professional Regulation, the Department of Human Services,  
20 and the Department of Public Health to implement the  
21 Compassionate Use of Medical Cannabis Program and Opioid  
22 Alternative Pilot Program requirements and ensure access  
23 to medical cannabis for patients with debilitating medical  
24 conditions in accordance with the Compassionate Use of  
25 Medical Cannabis Program Act.

26 (18) This Code does not apply to any procurements

1 necessary for the Department of Agriculture, the  
2 Department of Financial and Professional Regulation, the  
3 Department of Human Services, the Department of Commerce  
4 and Economic Opportunity, and the Department of Public  
5 Health to implement the Cannabis Regulation and Tax Act if  
6 the applicable agency has made a good faith determination  
7 that it is necessary and appropriate for the expenditure  
8 to fall within this exemption and if the process is  
9 conducted in a manner substantially in accordance with the  
10 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
11 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
12 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
13 Section 50-35, compliance applies only to contracts or  
14 subcontracts over \$100,000. Notice of each contract  
15 entered into under this paragraph (18) that is related to  
16 the procurement of goods and services identified in  
17 paragraph (1) through (9) of this subsection shall be  
18 published in the Procurement Bulletin within 14 calendar  
19 days after contract execution. The Chief Procurement  
20 Officer shall prescribe the form and content of the  
21 notice. Each agency shall provide the Chief Procurement  
22 Officer, on a monthly basis, in the form and content  
23 prescribed by the Chief Procurement Officer, a report of  
24 contracts that are related to the procurement of goods and  
25 services identified in this subsection. At a minimum, this  
26 report shall include the name of the contractor, a

1 description of the supply or service provided, the total  
2 amount of the contract, the term of the contract, and the  
3 exception to this Code utilized. A copy of any or all of  
4 these contracts shall be made available to the Chief  
5 Procurement Officer immediately upon request. The Chief  
6 Procurement Officer shall submit a report to the Governor  
7 and General Assembly no later than November 1 of each year  
8 that includes, at a minimum, an annual summary of the  
9 monthly information reported to the Chief Procurement  
10 Officer. This exemption becomes inoperative 5 years after  
11 June 25, 2019 (the effective date of Public Act 101-27)  
12 ~~this amendatory Act of the 101st General Assembly.~~

13 Notwithstanding any other provision of law, for contracts  
14 entered into on or after October 1, 2017 under an exemption  
15 provided in any paragraph of this subsection (b), except  
16 paragraph (1), (2), or (5), each State agency shall post to the  
17 appropriate procurement bulletin the name of the contractor, a  
18 description of the supply or service provided, the total  
19 amount of the contract, the term of the contract, and the  
20 exception to the Code utilized. The chief procurement officer  
21 shall submit a report to the Governor and General Assembly no  
22 later than November 1 of each year that shall include, at a  
23 minimum, an annual summary of the monthly information reported  
24 to the chief procurement officer.

25 (c) This Code does not apply to the electric power  
26 procurement process provided for under Section 1-75 of the



1 Illinois Power Agency Act and Section 16-111.5 of the Public  
2 Utilities Act.

3 (d) Except for Section 20-160 and Article 50 of this Code,  
4 and as expressly required by Section 9.1 of the Illinois  
5 Lottery Law, the provisions of this Code do not apply to the  
6 procurement process provided for under Section 9.1 of the  
7 Illinois Lottery Law.

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

19 (f) (Blank).

20 (g) (Blank).

21 (h) This Code does not apply to the process to procure or  
22 contracts entered into in accordance with Sections 11-5.2 and  
23 11-5.3 of the Illinois Public Aid Code.

24 (i) Each chief procurement officer may access records  
25 necessary to review whether a contract, purchase, or other  
26 expenditure is or is not subject to the provisions of this

1 Code, unless such records would be subject to attorney-client  
2 privilege.

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

7 (k) This Code does not apply to the process to procure  
8 contracts, or contracts entered into, by the State Board of  
9 Elections or the State Electoral Board for hearing officers  
10 appointed pursuant to the Election Code.

11 (l) This Code does not apply to the processes used by the  
12 Illinois Student Assistance Commission to procure supplies and  
13 services paid for from the private funds of the Illinois  
14 Prepaid Tuition Fund. As used in this subsection (l), "private  
15 funds" means funds derived from deposits paid into the  
16 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

17 (m) This Code does not apply to the process to procure  
18 contracts, or contracts entered into, by the State of  
19 Illinois, acting by and through the Department of Natural  
20 Resources, with regards to the World Shooting and Recreational  
21 Complex in Randolph County, Illinois.

22 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;  
23 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.  
24 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised  
25 9-17-19.)