



Sen. Cristina Castro

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10200HB4285sam002

LRB102 21927 JDS 41992 a

1 AMENDMENT TO HOUSE BILL 4285

2 AMENDMENT NO. _____. Amend House Bill 4285, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Commission to End Hunger Act is amended by
6 changing Section 15 as follows:

7 (20 ILCS 5015/15)

8 Sec. 15. Members. The Commission to End Hunger shall be
9 composed of no more than 21 voting members including 2 members
10 of the Illinois House of Representatives, one appointed by the
11 Speaker of the House and one appointed by the House Minority
12 Leader; 2 members of the Illinois Senate, one appointed by the
13 Senate President and one appointed by the Senate Minority
14 Leader; one representative of the Office of the Governor
15 appointed by the Governor; one representative of the Office of
16 the Lieutenant Governor appointed by the Lieutenant Governor;

1 and 15 public members, who shall be appointed by the Governor.

2 The public members shall include 2 representatives of food
3 banks; 2 representatives from other community food assistance
4 programs; a representative of a statewide organization focused
5 on responding to hunger; a representative from an anti-poverty
6 organization; a representative of an organization that serves
7 or advocates for children and youth; a representative of an
8 organization that serves or advocates for older adults; a
9 representative of an organization that advocates for people
10 who are homeless; a representative of an organization that
11 serves or advocates for persons with disabilities; a
12 representative of an organization that advocates for
13 immigrants; a representative of a municipal or county
14 government; and 3 at-large members. The appointed members
15 shall reflect the racial, gender, and geographic diversity of
16 the State and shall include representation from regions of the
17 State.

18 The following officials shall serve as ex-officio members:
19 the Secretary of Human Services or his or her designee; the
20 State Superintendent of Education or his or her designee; the
21 Director of Healthcare and Family Services or his or her
22 designee; the Director of Children and Family Services or his
23 or her designee; the Director of Aging or his or her designee;
24 the Director of Natural Resources or his or her designee; and
25 the Director of Agriculture or his or her designee. The
26 African-American Family Commission and 7 the Latino Family

1 ~~Commission, and the Local Food, Farms, and Jobs Council~~ shall
2 each designate a liaison to serve ex-officio on the
3 Commission.

4 Members shall serve without compensation and are
5 responsible for the cost of all reasonable and necessary
6 travel expenses connected to Commission business, as the State
7 of Illinois will not reimburse Commission members for these
8 costs.

9 Commission members shall be appointed within 60 days after
10 the effective date of this Act. The Commission shall hold
11 their initial meetings within 60 days after at least 50% of the
12 members have been appointed.

13 The representative of the Office of the Governor and a
14 representative of a food bank shall serve as co-chairs of the
15 Commission.

16 At the first meeting of the Commission, the members shall
17 select a 5-person Steering Committee that includes the
18 co-chairs.

19 The Commission may establish committees that address
20 specific issues or populations and may appoint individuals
21 with relevant expertise who are not appointed members of the
22 Commission to serve on committees as needed.

23 The Office of the Governor, or a designee of the
24 Governor's choosing, shall provide guidance to the Commission.
25 Under the leadership of the Office of the Governor, subject to
26 appropriation, the Department of Human Services shall also

1 provide leadership to support the Commission. The Department
2 of Human Services and the State of Illinois shall not incur any
3 costs as a result of the creation of the Commission to End
4 Hunger as the coordination of meetings, report preparation,
5 and other related duties will be completed by a representative
6 of a food bank that is serving as a co-chair of the Commission.
7 (Source: P.A. 96-1119, eff. 7-20-10; 97-419, eff. 8-16-11.)

8 Section 10. The State Finance Act is amended by changing
9 Section 12-2 as follows:

10 (30 ILCS 105/12-2) (from Ch. 127, par. 148-2)

11 Sec. 12-2. Travel Regulation Council; State travel
12 reimbursement.

13 (a) The chairmen of the travel control boards established
14 by Section 12-1, or their designees, shall together comprise
15 the Travel Regulation Council. The Travel Regulation Council
16 shall be chaired by the Director of Central Management
17 Services, who shall be a nonvoting member of the Council,
18 unless he is otherwise qualified to vote by virtue of being the
19 designee of a voting member. No later than March 1, 1986, and
20 at least biennially thereafter, the Council shall adopt State
21 Travel Regulations and Reimbursement Rates which shall be
22 applicable to all personnel subject to the jurisdiction of the
23 travel control boards established by Section 12-1. An
24 affirmative vote of a majority of the members of the Council

1 shall be required to adopt regulations and reimbursement
2 rates. If the Council fails to adopt regulations by March 1 of
3 any odd-numbered year, the Director of Central Management
4 Services shall adopt emergency regulations and reimbursement
5 rates pursuant to the Illinois Administrative Procedure Act.
6 As soon as practicable after the effective date of this
7 amendatory Act of the 102nd General Assembly, the Travel
8 Regulation Council and the Higher Education Travel Control
9 Board shall adopt amendments to their existing rules to ensure
10 that reimbursement rates for public institutions of higher
11 education, as defined in Section 1-13 of the Illinois
12 Procurement Code, are set in accordance with the requirements
13 of subsection (f) of this Section.

14 (b) Mileage for automobile travel shall be reimbursed at
15 the allowance rate in effect under regulations promulgated
16 pursuant to 5 U.S.C. 5707(b)(2). In the event the rate set
17 under federal regulations increases or decreases during the
18 course of the State's fiscal year, the effective date of the
19 new rate shall be the effective date of the change in the
20 federal rate.

21 (c) Rates for reimbursement of expenses other than mileage
22 shall not exceed the actual cost of travel as determined by the
23 United States Internal Revenue Service.

24 (d) Reimbursements to travelers shall be made pursuant to
25 the rates and regulations applicable to the respective State
26 agency as of the effective date of this amendatory Act, until

1 the State Travel Regulations and Reimbursement Rates
2 established by this Section are adopted and effective.

3 (e) Lodging in Cook County, Illinois and the District of
4 Columbia shall be reimbursed at the maximum lodging rate in
5 effect under regulations promulgated pursuant to 5 U.S.C.
6 5701-5709. For purposes of this subsection (e), the District
7 of Columbia shall include the cities and counties included in
8 the per diem locality of the District of Columbia, as defined
9 by the regulations in effect promulgated pursuant to 5 U.S.C.
10 5701-5709. Individual travel control boards may set a lodging
11 reimbursement rate more restrictive than the rate set forth in
12 the federal regulations.

13 (f) Notwithstanding any other law, travel reimbursement
14 rates for lodging and mileage for automobile travel, as well
15 as allowances for meals, shall be set for public institutions
16 of higher education at the maximum rates established by the
17 federal government for travel expenses, subsistence expenses,
18 and mileage allowances under 5 U.S.C. Subchapter I and
19 regulations promulgated thereunder. If a rate set under
20 federal regulations increases or decreases in the course of
21 the State's fiscal year, the effective date of the new rate
22 shall be the effective date of the change in the federal rate.

23 (Source: P.A. 96-240, eff. 1-1-10.)

24 Section 15. The Illinois Procurement Code is amended by
25 changing Sections 1-13, 1-15.93, 15-25, 20-20, 20-30, 25-90,

1 30-30, 33-5, 33-50, 50-35, and 55-25 as follows:

2 (30 ILCS 500/1-13)

3 Sec. 1-13. Applicability to public institutions of higher
4 education.

5 (a) This Code shall apply to public institutions of higher
6 education, regardless of the source of the funds with which
7 contracts are paid, except as provided in this Section.

8 (b) Except as provided in this Section, this Code shall
9 not apply to procurements made by or on behalf of public
10 institutions of higher education for any of the following:

11 (1) Memberships in professional, academic, research,
12 or athletic organizations on behalf of a public
13 institution of higher education, an employee of a public
14 institution of higher education, or a student at a public
15 institution of higher education.

16 (2) Procurement expenditures for events or activities
17 paid for exclusively by revenues generated by the event or
18 activity, gifts or donations for the event or activity,
19 private grants, or any combination thereof.

20 (3) Procurement expenditures for events or activities
21 for which the use of specific potential contractors is
22 mandated or identified by the sponsor of the event or
23 activity, provided that the sponsor is providing a
24 majority of the funding for the event or activity.

25 (4) Procurement expenditures necessary to provide

1 athletic, artistic or musical services, performances,
2 events, or productions by or for a public institution of
3 higher education.

4 (5) Procurement expenditures for periodicals, books,
5 subscriptions, database licenses, and other publications
6 procured for use by a university library or academic
7 department, except for expenditures related to procuring
8 textbooks for student use or materials for resale or
9 rental.

10 (6) Procurement expenditures for placement of students
11 in externships, practicums, field experiences, and for
12 medical residencies and rotations.

13 (7) Contracts for programming and broadcast license
14 rights for university-operated radio and television
15 stations.

16 (8) Procurement expenditures necessary to perform
17 sponsored research and other sponsored activities under
18 grants and contracts funded by the sponsor or by sources
19 other than State appropriations.

20 (9) Contracts with a foreign entity for research or
21 educational activities, provided that the foreign entity
22 either does not maintain an office in the United States or
23 is the sole source of the service or product.

24 (10) Procurement expenditures for any ongoing software
25 license or maintenance agreement or competitively
26 solicited software purchase, when the software, license,

1 or maintenance agreement is available through only the
2 software creator or its manufacturer and not a reseller.

3 (11) Procurement expenditures incurred outside of the
4 United States for the recruitment of international
5 students.

6 Notice of each contract with an annual value of more than
7 \$100,000 entered into by a public institution of higher
8 education that is related to the procurement of goods and
9 services identified in items (1) through (11) ~~(9)~~ of this
10 subsection shall be published in the Procurement Bulletin
11 within 14 calendar days after contract execution. The Chief
12 Procurement Officer shall prescribe the form and content of
13 the notice. Each public institution of higher education shall
14 provide the Chief Procurement Officer, on a monthly basis, in
15 the form and content prescribed by the Chief Procurement
16 Officer, a report of contracts that are related to the
17 procurement of goods and services identified in this
18 subsection. At a minimum, this report shall include the name
19 of the contractor, a description of the supply or service
20 provided, the total amount of the contract, the term of the
21 contract, and the exception to the Code utilized. A copy of any
22 or all of these contracts shall be made available to the Chief
23 Procurement Officer immediately upon request. The Chief
24 Procurement Officer shall submit a report to the Governor and
25 General Assembly no later than November 1 of each year that
26 shall include, at a minimum, an annual summary of the monthly

1 information reported to the Chief Procurement Officer.

2 (b-5) Except as provided in this subsection, the
3 provisions of this Code shall not apply to contracts for
4 medical supplies or ~~and~~ to contracts for medical services
5 necessary for the delivery of care and treatment at medical,
6 dental, or veterinary teaching facilities used ~~utilized~~ by
7 Southern Illinois University or the University of Illinois or
8 ~~and~~ at any university-operated health care center or
9 dispensary that provides care, treatment, and medications for
10 students, faculty, and staff. Furthermore, the provisions of
11 this Code do not apply to the procurement by such a facility of
12 any additional supplies or services that the operator of the
13 facility deems necessary for the effective use and functioning
14 of the medical supplies or services that are otherwise exempt
15 from this Code under this subsection (b-5). However, other
16 ~~Other~~ supplies and services needed for these teaching
17 facilities shall be subject to the jurisdiction of the Chief
18 Procurement Officer for Public Institutions of Higher
19 Education who may establish expedited procurement procedures
20 and may waive or modify certification, contract, hearing,
21 process and registration requirements required by the Code.
22 All procurements made under this subsection shall be
23 documented and may require publication in the Illinois
24 Procurement Bulletin.

25 (b-10) Procurements made by or on behalf of the University
26 of Illinois for investment services ~~scheduled to expire June~~

1 ~~2022~~ may be entered into or renewed ~~extended through June 2024~~
2 without being subject to the requirements of this Code. Notice
3 of intent to renew a contract shall be published in the
4 Illinois Public Higher Education Procurement Bulletin at least
5 14 days prior to the execution of a renewal, and the University
6 of Illinois shall hold a public hearing for interested parties
7 to provide public comment. Any contract extended, renewed, or
8 entered pursuant to this exception shall be published in ~~on~~
9 the Illinois Public Higher Education Procurement Bulletin
10 ~~Executive Ethics Commission's website~~ within 5 days of
11 contract execution. ~~This subsection is inoperative on and~~
12 ~~after July 1, 2024.~~

13 (c) Procurements made by or on behalf of public
14 institutions of higher education for the fulfillment of a
15 grant shall be made in accordance with the requirements of
16 this Code to the extent practical.

17 Upon the written request of a public institution of higher
18 education, the Chief Procurement Officer may waive contract,
19 registration, certification, and hearing requirements of this
20 Code if, based on the item to be procured or the terms of a
21 grant, compliance is impractical. The public institution of
22 higher education shall provide the Chief Procurement Officer
23 with specific reasons for the waiver, including the necessity
24 of contracting with a particular potential contractor, and
25 shall certify that an effort was made in good faith to comply
26 with the provisions of this Code. The Chief Procurement

1 Officer shall provide written justification for any waivers.
2 By November 1 of each year, the Chief Procurement Officer
3 shall file a report with the General Assembly identifying each
4 contract approved with waivers and providing the justification
5 given for any waivers for each of those contracts. Notice of
6 each waiver made under this subsection shall be published in
7 the Procurement Bulletin within 14 calendar days after
8 contract execution. The Chief Procurement Officer shall
9 prescribe the form and content of the notice.

10 (d) Notwithstanding this Section, a waiver of the
11 registration requirements of Section 20-160 does not permit a
12 business entity and any affiliated entities or affiliated
13 persons to make campaign contributions if otherwise prohibited
14 by Section 50-37. The total amount of contracts awarded in
15 accordance with this Section shall be included in determining
16 the aggregate amount of contracts or pending bids of a
17 business entity and any affiliated entities or affiliated
18 persons.

19 (e) Notwithstanding subsection (e) of Section 50-10.5 of
20 this Code, the Chief Procurement Officer, with the approval of
21 the Executive Ethics Commission, may permit a public
22 institution of higher education to accept a bid or enter into a
23 contract with a business that assisted the public institution
24 of higher education in determining whether there is a need for
25 a contract or assisted in reviewing, drafting, or preparing
26 documents related to a bid or contract, provided that the bid

1 or contract is essential to research administered by the
2 public institution of higher education and it is in the best
3 interest of the public institution of higher education to
4 accept the bid or contract. For purposes of this subsection,
5 "business" includes all individuals with whom a business is
6 affiliated, including, but not limited to, any officer, agent,
7 employee, consultant, independent contractor, director,
8 partner, manager, or shareholder of a business. The Executive
9 Ethics Commission may promulgate rules and regulations for the
10 implementation and administration of the provisions of this
11 subsection (e).

12 (f) As used in this Section:

13 "Grant" means non-appropriated funding provided by a
14 federal or private entity to support a project or program
15 administered by a public institution of higher education and
16 any non-appropriated funding provided to a sub-recipient of
17 the grant.

18 "Public institution of higher education" means Chicago
19 State University, Eastern Illinois University, Governors State
20 University, Illinois State University, Northeastern Illinois
21 University, Northern Illinois University, Southern Illinois
22 University, University of Illinois, Western Illinois
23 University, and, for purposes of this Code only, the Illinois
24 Mathematics and Science Academy.

25 (g) (Blank).

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

1 (1) Public Act 98-1076, which took effect on January
2 1, 2015, changed the repeal date set for this Section from
3 December 31, 2014 to December 31, 2016.

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

10 (3) This amendatory Act of the 100th General Assembly
11 manifests the intention of the General Assembly to remove
12 the repeal of this Section.

13 (4) This Section was originally enacted to protect,
14 promote, and preserve the general welfare. Any
15 construction of this Section that results in the repeal of
16 this Section on December 31, 2014 would be inconsistent
17 with the manifest intent of the General Assembly and
18 repugnant to the context of this Code.

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

22 This Section shall be deemed to have been in continuous
23 effect since December 20, 2011 (the effective date of Public
24 Act 97-643), and it shall continue to be in effect
25 henceforward until it is otherwise lawfully repealed. All
26 previously enacted amendments to this Section taking effect on

1 or after December 31, 2014, are hereby validated.

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

5 In order to ensure the continuing effectiveness of this
6 Section, it is set forth in full and re-enacted by this
7 amendatory Act of the 100th General Assembly. This
8 re-enactment is intended as a continuation of this Section. It
9 is not intended to supersede any amendment to this Section
10 that is enacted by the 100th General Assembly.

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

15 This Section applies to all procurements made on or before
16 the effective date of this amendatory Act of the 100th General
17 Assembly.

18 (Source: P.A. 101-640, eff. 6-12-20; 102-16, eff. 6-17-21;
19 102-721, eff. 5-6-22.)

20 (30 ILCS 500/1-15.93)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 1-15.93. Single prime. "Single prime" means the
23 design-bid-build procurement delivery method for a building
24 construction project in which the Capital Development Board or
25 a public institution of higher education, as defined in

1 Section 1-13 of this Code, is the construction agency
2 procuring 2 or more subdivisions of work enumerated in
3 paragraphs (1) through (5) of subsection (a) of Section 30-30
4 of this Code under a single contract. This Section is repealed
5 on January 1, 2026 ~~2024~~.

6 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;
7 102-671, eff. 11-30-21.)

8 (30 ILCS 500/15-25)

9 Sec. 15-25. Bulletin content.

10 (a) Invitations for bids. Notice of each and every
11 contract that is offered, including renegotiated contracts and
12 change orders, shall be published in the Bulletin. The
13 applicable chief procurement officer may provide by rule an
14 organized format for the publication of this information, but
15 in any case it must include at least the date first offered,
16 the date submission of offers is due, the location that offers
17 are to be submitted to, the purchasing State agency, the
18 responsible State purchasing officer, a brief purchase
19 description, the method of source selection, information of
20 how to obtain a comprehensive purchase description and any
21 disclosure and contract forms, and encouragement to potential
22 contractors to hire qualified veterans, as defined by Section
23 45-67 of this Code, and qualified Illinois minorities, women,
24 persons with disabilities, and residents discharged from any
25 Illinois adult correctional center.

1 (a-5) All businesses listed on the Illinois Unified
2 Certification Program Disadvantaged Business Enterprise
3 Directory, the Business Enterprise Program of the Department
4 of Central Management Services, and any small business
5 database created pursuant to Section 45-45 of this Code shall
6 be furnished written instructions and information on how to
7 register for the Illinois Procurement Bulletin. This
8 information shall be provided to each business within 30
9 calendar days after the business's notice of certification or
10 qualification.

11 (b) Contracts let. Notice of each and every contract that
12 is let, including renegotiated contracts and change orders,
13 shall be issued electronically to those bidders submitting
14 responses to the solicitations, inclusive of the unsuccessful
15 bidders, immediately upon contract let. Failure of any chief
16 procurement officer to give such notice shall result in
17 tolling the time for filing a bid protest up to 7 calendar
18 days.

19 For purposes of this subsection (b), "contracts let" means
20 a construction agency's act of advertising an invitation for
21 bids for one or more construction projects.

22 (b-5) Contracts awarded. Notice of each and every contract
23 that is awarded, including renegotiated contracts and change
24 orders, shall be issued electronically to the successful
25 responsible bidder, offeror, or contractor and published in
26 the Bulletin. The applicable chief procurement officer may

1 provide by rule an organized format for the publication of
2 this information, but in any case it must include at least all
3 of the information specified in subsection (a) as well as the
4 name of the successful responsible bidder, offeror, the
5 contract price, the number of unsuccessful bidders or offerors
6 and any other disclosure specified in any Section of this
7 Code. This notice must be posted in the online electronic
8 Bulletin prior to execution of the contract.

9 For purposes of this subsection (b-5), "contract award"
10 means the determination that a particular bidder or offeror
11 has been selected from among other bidders or offerors to
12 receive a contract, subject to the successful completion of
13 final negotiations. "Contract award" is evidenced by the
14 posting of a Notice of Award or a Notice of Intent to Award to
15 the respective volume of the Illinois Procurement Bulletin.

16 (c) Emergency purchase disclosure. Any chief procurement
17 officer or State purchasing officer exercising emergency
18 purchase authority under this Code shall publish a written
19 description and reasons and the total cost, if known, or an
20 estimate if unknown and the name of the responsible chief
21 procurement officer and State purchasing officer, and the
22 business or person contracted with for all emergency purchases
23 in the Bulletin. The notice for an emergency procurement other
24 than the extension of an emergency contract ~~This notice~~ must
25 be posted in the online electronic Bulletin no later than 5
26 calendar days after the contract is awarded, and notice for

1 the extension of an emergency contract must be posted in the
2 online electronic Bulletin no later than 7 calendar days after
3 the extension is executed. ~~Notice of a hearing to extend an~~
4 ~~emergency contract must be posted in the online electronic~~
5 ~~Procurement Bulletin no later than 14 calendar days prior to~~
6 ~~the hearing.~~

7 (c-5) Business Enterprise Program report. Each purchasing
8 agency shall, with the assistance of the applicable chief
9 procurement officer, post in the online electronic Bulletin a
10 copy of its annual report of utilization of businesses owned
11 by minorities, women, and persons with disabilities as
12 submitted to the Business Enterprise Council for Minorities,
13 Women, and Persons with Disabilities pursuant to Section 6(c)
14 of the Business Enterprise for Minorities, Women, and Persons
15 with Disabilities Act within 10 calendar days after its
16 submission of its report to the Council.

17 (c-10) Renewals. Notice of each contract renewal shall be
18 posted in the Bulletin within 14 calendar days of the
19 determination to execute a renewal of the contract. The notice
20 shall include at least all of the information required in
21 subsection (a) or (b), as applicable.

22 (c-15) Sole source procurements. Before entering into a
23 sole source contract, a chief procurement officer exercising
24 sole source procurement authority under this Code shall
25 publish a written description of intent to enter into a sole
26 source contract along with a description of the item to be

1 procured and the intended sole source contractor. This notice
2 must be posted in the online electronic Procurement Bulletin
3 before a sole source contract is awarded and at least 14
4 calendar days before the hearing required by Section 20-25.

5 (d) Other required disclosure. The applicable chief
6 procurement officer shall provide by rule for the organized
7 publication of all other disclosure required in other Sections
8 of this Code in a timely manner.

9 (e) The changes to subsections (b), (c), (c-5), (c-10),
10 and (c-15) of this Section made by Public Act 96-795 apply to
11 reports submitted, offers made, and notices on contracts
12 executed on or after July 1, 2010 (the effective date of Public
13 Act 96-795). The changes made to subsection (c) by this
14 amendatory Act of the 102nd General Assembly apply only to
15 emergency contract extensions executed on or after the
16 effective date of this amendatory Act of the 102nd General
17 Assembly.

18 (f) Each chief procurement officer shall, in consultation
19 with the agencies under his or her jurisdiction, provide the
20 Procurement Policy Board with the information and resources
21 necessary, and in a manner, to effectuate the purpose of
22 Public Act 96-1444.

23 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
24 100-863, eff. 8-14-18.)

1 (Text of Section before amendment by P.A. 102-721)

2 Sec. 20-20. Small purchases.

3 (a) Amount. Any individual procurement of supplies or
4 services not exceeding \$100,000 and any procurement of
5 construction not exceeding \$100,000, or any individual
6 procurement of professional or artistic services not exceeding
7 \$100,000 may be made without competitive source selection.
8 Procurements shall not be artificially divided so as to
9 constitute a small purchase under this Section. Any
10 procurement of construction not exceeding \$100,000 may be made
11 by an alternative competitive source selection. The
12 construction agency shall establish rules for an alternative
13 competitive source selection process. This Section does not
14 apply to construction-related professional services contracts
15 awarded in accordance with the provisions of the
16 Architectural, Engineering, and Land Surveying Qualifications
17 Based Selection Act.

18 (b) Adjustment. Each July 1, the small purchase maximum
19 established in subsection (a) shall be adjusted for inflation
20 as determined by the Consumer Price Index for All Urban
21 Consumers as determined by the United States Department of
22 Labor and rounded to the nearest \$100.

23 (c) Based upon rules proposed by the Board and rules
24 promulgated by the chief procurement officers, the small
25 purchase maximum established in subsection (a) may be
26 modified.

1 (Source: P.A. 100-43, eff. 8-9-17.)

2 (Text of Section after amendment by P.A. 102-721)

3 Sec. 20-20. Small purchases.

4 (a) Amount. Any individual procurement of supplies or
5 services not exceeding \$100,000 and any procurement of
6 construction not exceeding \$250,000 ~~\$100,000~~, or any
7 individual procurement of professional or artistic services
8 not exceeding \$100,000 may be made without competitive source
9 selection. Procurements shall not be artificially divided so
10 as to constitute a small purchase under this Section. Any
11 procurement of construction not exceeding \$250,000 ~~\$100,000~~
12 may be made by an alternative competitive source selection.
13 The construction agency shall establish rules for an
14 alternative competitive source selection process. This Section
15 does not apply to construction-related professional services
16 contracts awarded in accordance with the provisions of the
17 Architectural, Engineering, and Land Surveying Qualifications
18 Based Selection Act.

19 (b) Adjustment. Each July 1, the small purchase maximum
20 established in subsection (a) shall be adjusted for inflation
21 as determined by the Consumer Price Index for All Urban
22 Consumers as determined by the United States Department of
23 Labor and rounded to the nearest \$100.

24 (c) Based upon rules proposed by the Board and rules
25 promulgated by the chief procurement officers, the small

1 purchase maximum established in subsection (a) may be
2 modified.

3 (d) Certification. All small purchases with an annual
4 value that exceeds \$50,000 shall be accompanied by Standard
5 Illinois Certifications in a form prescribed by each Chief
6 Procurement Officer.

7 (Source: P.A. 102-721, eff. 1-1-23.)

8 (30 ILCS 500/20-30)

9 Sec. 20-30. Emergency purchases.

10 (a) Conditions for use. In accordance with standards set
11 by rule, a purchasing agency may make emergency procurements
12 without competitive sealed bidding or prior notice when there
13 exists a threat to public health or public safety, or when
14 immediate expenditure is necessary for repairs to State
15 property in order to protect against further loss of or damage
16 to State property, to prevent or minimize serious disruption
17 in critical State services that affect health, safety, or
18 collection of substantial State revenues, or to ensure the
19 integrity of State records; provided, however, that the term
20 of the emergency purchase shall be limited to the time
21 reasonably needed for a competitive procurement, not to exceed
22 90 calendar days. A contract may be extended beyond 90
23 calendar days with the approval of ~~if~~ the chief procurement
24 officer ~~determines additional time is necessary and that the~~
25 ~~contract scope and duration are limited to the emergency.~~

1 Prior to execution of the extension, the chief procurement
2 officer shall receive ~~must hold a public hearing and provide~~
3 written justification for the extension ~~all emergency~~
4 ~~contracts~~. The duration of the extension shall be limited to
5 the scope of the emergency. ~~Members of the public may present~~
6 ~~testimony~~. Emergency procurements shall be made with as much
7 competition as is practicable under the circumstances, and
8 agencies shall use ~~utilize~~ best efforts to include contractors
9 certified under the Business Enterprise Program in the
10 agencies' ~~its~~ emergency procurement process. A written
11 description of the basis for the emergency and reasons for the
12 selection of the particular contractor shall be included in
13 the contract file.

14 (b) Notice. Notice of all emergency procurements shall be
15 provided to the Procurement Policy Board and the Commission on
16 Equity and Inclusion and published in the online electronic
17 Bulletin no later than 5 calendar days after the contract is
18 awarded. Notice of the extension of ~~intent to extend~~ an
19 emergency contract shall be provided to the Procurement Policy
20 Board and the Commission on Equity and Inclusion and published
21 in the online electronic Bulletin no later than 7 calendar
22 days after the extension is executed ~~at least 14 calendar days~~
23 ~~before the public hearing~~. Notice shall include at least a
24 description of the need for the emergency purchase and ~~7~~ the
25 contractor, ~~and if applicable, the date, time, and location of~~
26 ~~the public hearing~~. A copy of this notice ~~and all documents~~

1 ~~provided at the hearing~~ shall be included in the subsequent
2 Procurement Bulletin. Before the next appropriate volume of
3 the Illinois Procurement Bulletin, the purchasing agency shall
4 publish in the Illinois Procurement Bulletin a copy of each
5 written description and reasons and the total cost of each
6 emergency procurement made during the previous month. When
7 only an estimate of the total cost is known at the time of
8 publication, the estimate shall be identified as an estimate
9 and published. When the actual total cost is determined, it
10 shall also be published in like manner before the 10th day of
11 the next succeeding month.

12 (c) Statements. A chief procurement officer making a
13 procurement under this Section shall file statements with the
14 Procurement Policy Board, the Commission on Equity and
15 Inclusion, and the Auditor General within 10 calendar days
16 after the procurement setting forth the amount expended, the
17 name of the contractor involved, and the conditions and
18 circumstances requiring the emergency procurement. When only
19 an estimate of the cost is available within 10 calendar days
20 after the procurement, the actual cost shall be reported
21 immediately after it is determined. At the end of each fiscal
22 quarter, the Auditor General shall file with the Legislative
23 Audit Commission and the Governor a complete listing of all
24 emergency procurements reported during that fiscal quarter.
25 The Legislative Audit Commission shall review the emergency
26 procurements so reported and, in its annual reports, advise

1 the General Assembly of procurements that appear to constitute
2 an abuse of this Section.

3 (d) Quick purchases. The chief procurement officer may
4 promulgate rules extending the circumstances by which a
5 purchasing agency may make purchases under this Section,
6 including but not limited to the procurement of items
7 available at a discount for a limited period of time.

8 (d-5) The chief procurement officer shall adopt rules
9 regarding the use of contractors certified in the Business
10 Enterprise Program in emergency and quick purchase
11 procurements.

12 (e) The changes to this Section made by this amendatory
13 Act of the 102nd ~~96th~~ General Assembly apply to procurements
14 executed on or after its effective date.

15 (Source: P.A. 101-657, eff. 1-1-22; 102-29, eff. 6-25-21.)

16 (30 ILCS 500/25-90)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

19 Sec. 25-90. Prohibited and authorized cybersecurity
20 ~~Cybersecurity—prohibited~~ products. State agencies are
21 prohibited from purchasing any products that, due to
22 cybersecurity risks, are prohibited for purchase by federal
23 agencies pursuant to a United States Department of Homeland
24 Security Binding Operational Directive. However, a State
25 agency or public institution of higher education may purchase

1 those offerings that are included in the Authorized Product
2 List maintained by StateRAMP and that have been verified by
3 StateRAMP as having an authorized security status.

4 (Source: P.A. 102-753, eff. 1-1-23.)

5 (30 ILCS 500/30-30)

6 Sec. 30-30. Design-bid-build construction.

7 (a) The provisions of this subsection are operative
8 through December 31, 2025 ~~2023~~.

9 Except as provided in subsection (a-5), for ~~For~~ building
10 construction contracts in excess of \$250,000, separate
11 specifications may be prepared for all equipment, labor, and
12 materials in connection with the following 5 subdivisions of
13 the work to be performed:

14 (1) plumbing;

15 (2) heating, piping, refrigeration, and automatic
16 temperature control systems, including the testing and
17 balancing of those systems;

18 (3) ventilating and distribution systems for
19 conditioned air, including the testing and balancing of
20 those systems;

21 (4) electric wiring; and

22 (5) general contract work.

23 Except as provided in subsection (a-5), the ~~The~~
24 specifications may be so drawn as to permit separate and
25 independent bidding upon each of the 5 subdivisions of work.

1 All contracts awarded for any part thereof may award the 5
2 subdivisions of work separately to responsible and reliable
3 persons, firms, or corporations engaged in these classes of
4 work. The contracts, at the discretion of the construction
5 agency, may be assigned to the successful bidder on the
6 general contract work or to the successful bidder on the
7 subdivision of work designated by the construction agency
8 before the bidding as the prime subdivision of work, provided
9 that all payments will be made directly to the contractors for
10 the 5 subdivisions of work upon compliance with the conditions
11 of the contract.

12 Beginning on the effective date of this amendatory Act of
13 the 101st General Assembly and through December 31, 2025 ~~2023~~,
14 for single prime projects: (i) the bid of the successful low
15 bidder shall identify the name of the subcontractor, if any,
16 and the bid proposal costs for each of the 5 subdivisions of
17 work set forth in this Section; (ii) the contract entered into
18 with the successful bidder shall provide that no identified
19 subcontractor may be terminated without the written consent of
20 the Capital Development Board; (iii) the contract shall comply
21 with the disadvantaged business practices of the Business
22 Enterprise for Minorities, Women, and Persons with
23 Disabilities Act and the equal employment practices of Section
24 2-105 of the Illinois Human Rights Act; and (iv) the Capital
25 Development Board shall submit an annual report to the General
26 Assembly and Governor on the bidding, award, and performance

1 of all single prime projects.

2 For building construction projects with a total
3 construction cost valued at \$5,000,000 or less, the Capital
4 Development Board shall not use the single prime procurement
5 delivery method for more than 50% of the total number of
6 projects bid for each fiscal year. Any project with a total
7 construction cost valued greater than \$5,000,000 may be bid
8 using single prime at the discretion of the Executive Director
9 of the Capital Development Board.

10 (a-5) Beginning on the effective date of this amendatory
11 Act of the 102nd General Assembly and through December 31,
12 2025, for single prime projects in which a public institution
13 of higher education is a construction agency awarding building
14 construction contracts in excess of \$250,000, separate
15 specifications may be prepared for all equipment, labor, and
16 materials in connection with the 5 subdivisions of work
17 enumerated in subsection (a). Any public institution of higher
18 education contract awarded for any part thereof may award 2 or
19 more of the 5 subdivisions of work together or separately to
20 responsible and reliable persons, firms, or corporations
21 engaged in these classes of work if: (i) the public
22 institution of higher education has submitted to the
23 Procurement Policy Board and the Commission on Equity and
24 Inclusion a written notice that includes the reasons for using
25 the single prime method and an explanation of why the use of
26 that method is in the best interest of the State and arranges

1 to have the notice posted on the institution's online
2 procurement webpage and its online procurement bulletin at
3 least 3 business days following submission to the Procurement
4 Policy Board and the Commission on Equity and Inclusion; (ii)
5 the successful low bidder has prequalified with the public
6 institution of higher education; (iii) the bid of the
7 successful low bidder identifies the name of the
8 subcontractor, if any, and the bid proposal costs for each of
9 the 5 subdivisions of work set forth in subsection (a); (iv)
10 the contract entered into with the successful bidder provides
11 that no identified subcontractor may be terminated without the
12 written consent of the public institution of higher education;
13 and (v) the successful low bidder has prequalified with the
14 University of Illinois or with the Capital Development Board.

15 For building construction projects with a total
16 construction cost valued at \$20,000,000 or less, public
17 institutions of higher education shall not use the single
18 prime delivery method for more than 50% of the total number of
19 projects bid for each fiscal year. Projects with a total
20 construction cost valued at \$20,000,000 or more may be bid
21 using the single prime delivery method at the discretion of
22 the public institution of higher education. With respect to
23 any construction project described in this subsection (a-5),
24 the public institution of higher education shall: (i) specify
25 in writing as a public record that the project shall comply
26 with the Business Enterprise for Minorities, Women, and

1 Persons with Disabilities Act and the equal employment
2 practices of Section 2-105 of the Illinois Human Rights Act;
3 and (ii) report annually to the Governor, General Assembly,
4 Procurement Policy Board, and Auditor General on the bidding,
5 award, and performance of all single prime projects. On and
6 after the effective date of this amendatory Act of the 102nd
7 General Assembly, the public institution of higher education
8 may award in each fiscal year single prime contracts with an
9 aggregate total value of no more than \$100,000,000. The Board
10 of Trustees of the University of Illinois may award in each
11 fiscal year single prime contracts with an aggregate total
12 value of not more than \$300,000,000.

13 (b) The provisions of this subsection are operative on and
14 after January 1, 2026 ~~2024~~. For building construction
15 contracts in excess of \$250,000, separate specifications shall
16 be prepared for all equipment, labor, and materials in
17 connection with the following 5 subdivisions of the work to be
18 performed:

19 (1) plumbing;

20 (2) heating, piping, refrigeration, and automatic
21 temperature control systems, including the testing and
22 balancing of those systems;

23 (3) ventilating and distribution systems for
24 conditioned air, including the testing and balancing of
25 those systems;

26 (4) electric wiring; and

1 (5) general contract work.

2 The specifications must be so drawn as to permit separate
3 and independent bidding upon each of the 5 subdivisions of
4 work. All contracts awarded for any part thereof shall award
5 the 5 subdivisions of work separately to responsible and
6 reliable persons, firms, or corporations engaged in these
7 classes of work. The contracts, at the discretion of the
8 construction agency, may be assigned to the successful bidder
9 on the general contract work or to the successful bidder on the
10 subdivision of work designated by the construction agency
11 before the bidding as the prime subdivision of work, provided
12 that all payments will be made directly to the contractors for
13 the 5 subdivisions of work upon compliance with the conditions
14 of the contract.

15 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;
16 102-671, eff. 11-30-21.)

17 (30 ILCS 500/33-5)

18 Sec. 33-5. Definitions. In this Article:

19 "Construction management services" includes:

20 (1) services provided in the planning and
21 pre-construction phases of a construction project
22 including, but not limited to, consulting with, advising,
23 assisting, and making recommendations to the ~~Capital~~
24 ~~Development~~ Board and architect, engineer, or licensed
25 land surveyor on all aspects of planning for project

1 construction; reviewing all plans and specifications as
2 they are being developed and making recommendations with
3 respect to construction feasibility, availability of
4 material and labor, time requirements for procurement and
5 construction, and projected costs; making, reviewing, and
6 refining budget estimates based on the Board's program and
7 other available information; making recommendations to the
8 Board and the architect or engineer regarding the division
9 of work in the plans and specifications to facilitate the
10 bidding and awarding of contracts; soliciting the interest
11 of capable contractors and taking bids on the project;
12 analyzing the bids received; and preparing and maintaining
13 a progress schedule during the design phase of the project
14 and preparation of a proposed construction schedule; and

15 (2) services provided in the construction phase of the
16 project including, but not limited to, maintaining
17 competent supervisory staff to coordinate and provide
18 general direction of the work and progress of the
19 contractors on the project; directing the work as it is
20 being performed for general conformance with working
21 drawings and specifications; establishing procedures for
22 coordinating among the Board, architect or engineer,
23 contractors, and construction manager with respect to all
24 aspects of the project and implementing those procedures;
25 maintaining job site records and making appropriate
26 progress reports; implementing labor policy in conformance

1 with the requirements of the public owner; reviewing the
2 safety and equal opportunity programs of each contractor
3 for conformance with the public owner's policy and making
4 recommendations; reviewing and processing all applications
5 for payment by involved contractors and material suppliers
6 in accordance with the terms of the contract; making
7 recommendations and processing requests for changes in the
8 work and maintaining records of change orders; scheduling
9 and conducting job meetings to ensure orderly progress of
10 the work; developing and monitoring a project progress
11 schedule, coordinating and expediting the work of all
12 contractors and providing periodic status reports to the
13 owner and the architect or engineer; and establishing and
14 maintaining a cost control system and conducting meetings
15 to review costs.

16 "Construction manager" means any individual, sole
17 proprietorship, firm, partnership, corporation, or other legal
18 entity providing construction management services for the
19 Board and prequalified by the State in accordance with 30 ILCS
20 500/33-10.

21 "Board" means the Capital Development Board or, to the
22 extent that the services are to be procured for a public
23 institution of higher education, the public institution of
24 higher education.

25 (Source: P.A. 94-532, eff. 8-10-05.)

1 (30 ILCS 500/33-50)

2 Sec. 33-50. Duties of construction manager; additional
3 requirements for persons performing construction work.

4 (a) Upon the award of a construction management services
5 contract, a construction manager must contract with the Board
6 to furnish his or her skill and judgment in cooperation with,
7 and reliance upon, the services of the project architect or
8 engineer. The construction manager must furnish business
9 administration, management of the construction process, and
10 other specified services to the Board and must perform his or
11 her obligations in an expeditious and economical manner
12 consistent with the interest of the Board. If it is in the
13 State's best interest, the construction manager may provide or
14 perform basic services for which reimbursement is provided in
15 the general conditions to the construction management services
16 contract.

17 (b) The actual construction work on the project must be
18 awarded to contractors under this Code. The ~~Capital~~
19 ~~Development~~ Board may further separate additional divisions of
20 work under this Article. This subsection is subject to the
21 applicable provisions of the following Acts:

22 (1) the Prevailing Wage Act;

23 (2) the Public Construction Bond Act;

24 (3) the Public Works Employment Discrimination Act;

25 (4) the Public Works Preference Act (repealed on June

26 16, 2010 by Public Act 96-929);

1 (5) the Employment of Illinois Workers on Public Works
2 Act;

3 (6) the Public Contract Fraud Act;

4 (7) (blank); and

5 (8) the Illinois Architecture Practice Act of 1989,
6 the Professional Engineering Practice Act of 1989, the
7 Illinois Professional Land Surveyor Act of 1989, and the
8 Structural Engineering Practice Act of 1989.

9 (Source: P.A. 101-149, eff. 7-26-19.)

10 (30 ILCS 500/50-35)

11 (Text of Section before amendment by P.A. 102-721)

12 Sec. 50-35. Financial disclosure and potential conflicts
13 of interest.

14 (a) All bids and offers from responsive bidders, offerors,
15 vendors, or contractors with an annual value of more than
16 \$50,000, and all submissions to a vendor portal, shall be
17 accompanied by disclosure of the financial interests of the
18 bidder, offeror, potential contractor, or contractor and each
19 subcontractor to be used. In addition, all subcontracts
20 identified as provided by Section 20-120 of this Code with an
21 annual value of more than \$50,000 shall be accompanied by
22 disclosure of the financial interests of each subcontractor.
23 The financial disclosure of each successful bidder, offeror,
24 potential contractor, or contractor and its subcontractors
25 shall be incorporated as a material term of the contract and

1 shall become part of the publicly available contract or
2 procurement file maintained by the appropriate chief
3 procurement officer. Each disclosure under this Section shall
4 be signed and made under penalty of perjury by an authorized
5 officer or employee on behalf of the bidder, offeror,
6 potential contractor, contractor, or subcontractor, and must
7 be filed with the Procurement Policy Board and the Commission
8 on Equity and Inclusion.

9 (b) Disclosure shall include any ownership or distributive
10 income share that is in excess of 5%, or an amount greater than
11 60% of the annual salary of the Governor, of the disclosing
12 entity or its parent entity, whichever is less, unless the
13 bidder, offeror, potential contractor, contractor, or
14 subcontractor (i) is a publicly traded entity subject to
15 Federal 10K reporting, in which case it may submit its 10K
16 disclosure in place of the prescribed disclosure, or (ii) is a
17 privately held entity that is exempt from Federal 10k
18 reporting but has more than 100 shareholders, in which case it
19 may submit the information that Federal 10k reporting
20 companies are required to report under 17 CFR 229.401 and list
21 the names of any person or entity holding any ownership share
22 that is in excess of 5% in place of the prescribed disclosure.
23 The form of disclosure shall be prescribed by the applicable
24 chief procurement officer and must include at least the names,
25 addresses, and dollar or proportionate share of ownership of
26 each person identified in this Section, their instrument of

1 ownership or beneficial relationship, and notice of any
2 potential conflict of interest resulting from the current
3 ownership or beneficial relationship of each individual
4 identified in this Section having in addition any of the
5 following relationships:

6 (1) State employment, currently or in the previous 3
7 years, including contractual employment of services.

8 (2) State employment of spouse, father, mother, son,
9 or daughter, including contractual employment for services
10 in the previous 2 years.

11 (3) Elective status; the holding of elective office of
12 the State of Illinois, the government of the United
13 States, any unit of local government authorized by the
14 Constitution of the State of Illinois or the statutes of
15 the State of Illinois currently or in the previous 3
16 years.

17 (4) Relationship to anyone holding elective office
18 currently or in the previous 2 years; spouse, father,
19 mother, son, or daughter.

20 (5) Appointive office; the holding of any appointive
21 government office of the State of Illinois, the United
22 States of America, or any unit of local government
23 authorized by the Constitution of the State of Illinois or
24 the statutes of the State of Illinois, which office
25 entitles the holder to compensation in excess of expenses
26 incurred in the discharge of that office currently or in

1 the previous 3 years.

2 (6) Relationship to anyone holding appointive office
3 currently or in the previous 2 years; spouse, father,
4 mother, son, or daughter.

5 (7) Employment, currently or in the previous 3 years,
6 as or by any registered lobbyist of the State government.

7 (8) Relationship to anyone who is or was a registered
8 lobbyist in the previous 2 years; spouse, father, mother,
9 son, or daughter.

10 (9) Compensated employment, currently or in the
11 previous 3 years, by any registered election or
12 re-election committee registered with the Secretary of
13 State or any county clerk in the State of Illinois, or any
14 political action committee registered with either the
15 Secretary of State or the Federal Board of Elections.

16 (10) Relationship to anyone; spouse, father, mother,
17 son, or daughter; who is or was a compensated employee in
18 the last 2 years of any registered election or re-election
19 committee registered with the Secretary of State or any
20 county clerk in the State of Illinois, or any political
21 action committee registered with either the Secretary of
22 State or the Federal Board of Elections.

23 (b-1) The disclosure required under this Section must also
24 include the name and address of each lobbyist required to
25 register under the Lobbyist Registration Act and other agent
26 of the bidder, offeror, potential contractor, contractor, or

1 subcontractor who is not identified under subsections (a) and
2 (b) and who has communicated, is communicating, or may
3 communicate with any State officer or employee concerning the
4 bid or offer. The disclosure under this subsection is a
5 continuing obligation and must be promptly supplemented for
6 accuracy throughout the process and throughout the term of the
7 contract if the bid or offer is successful.

8 (b-2) The disclosure required under this Section must also
9 include, for each of the persons identified in subsection (b)
10 or (b-1), each of the following that occurred within the
11 previous 10 years: suspension or debarment from contracting
12 with any governmental entity; professional licensure
13 discipline; bankruptcies; adverse civil judgments and
14 administrative findings; and criminal felony convictions. The
15 disclosure under this subsection is a continuing obligation
16 and must be promptly supplemented for accuracy throughout the
17 process and throughout the term of the contract if the bid or
18 offer is successful.

19 (c) The disclosure in subsection (b) is not intended to
20 prohibit or prevent any contract. The disclosure is meant to
21 fully and publicly disclose any potential conflict to the
22 chief procurement officers, State purchasing officers, their
23 designees, and executive officers so they may adequately
24 discharge their duty to protect the State.

25 (d) When a potential for a conflict of interest is
26 identified, discovered, or reasonably suspected, the chief

1 procurement officer or State procurement officer shall send
2 the contract to the Procurement Policy Board and the
3 Commission on Equity and Inclusion. In accordance with the
4 objectives of subsection (c), if the Procurement Policy Board
5 or the Commission on Equity and Inclusion finds evidence of a
6 potential conflict of interest not originally disclosed by the
7 bidder, offeror, potential contractor, contractor, or
8 subcontractor, the Board or the Commission on Equity and
9 Inclusion shall provide written notice to the bidder, offeror,
10 potential contractor, contractor, or subcontractor that is
11 identified, discovered, or reasonably suspected of having a
12 potential conflict of interest. The bidder, offeror, potential
13 contractor, contractor, or subcontractor shall have 15
14 calendar days to respond in writing to the Board or the
15 Commission on Equity and Inclusion, and a hearing before the
16 Board or the Commission on Equity and Inclusion will be
17 granted upon request by the bidder, offeror, potential
18 contractor, contractor, or subcontractor, at a date and time
19 to be determined by the Board or the Commission on Equity and
20 Inclusion, but which in no event shall occur later than 15
21 calendar days after the date of the request. Upon
22 consideration, the Board or the Commission on Equity and
23 Inclusion shall recommend, in writing, whether to allow or
24 void the contract, bid, offer, or subcontract weighing the
25 best interest of the State of Illinois. All recommendations
26 shall be submitted to the Executive Ethics Commission. The

1 Executive Ethics Commission must hold a public hearing within
2 30 calendar days after receiving the Board's or the Commission
3 on Equity and Inclusion's recommendation if the Procurement
4 Policy Board or the Commission on Equity and Inclusion makes a
5 recommendation to (i) void a contract or (ii) void a bid or
6 offer and the chief procurement officer selected or intends to
7 award the contract to the bidder, offeror, or potential
8 contractor. A chief procurement officer is prohibited from
9 awarding a contract before a hearing if the Board or the
10 Commission on Equity and Inclusion recommendation does not
11 support a bid or offer. The recommendation and proceedings of
12 any hearing, if applicable, shall be available to the public.

13 (e) These thresholds and disclosure do not relieve the
14 chief procurement officer, the State purchasing officer, or
15 their designees from reasonable care and diligence for any
16 contract, bid, offer, or submission to a vendor portal. The
17 chief procurement officer, the State purchasing officer, or
18 their designees shall be responsible for using any reasonably
19 known and publicly available information to discover any
20 undisclosed potential conflict of interest and act to protect
21 the best interest of the State of Illinois.

22 (f) Inadvertent or accidental failure to fully disclose
23 shall render the contract, bid, offer, proposal, subcontract,
24 or relationship voidable by the chief procurement officer if
25 he or she deems it in the best interest of the State of
26 Illinois and, at his or her discretion, may be cause for

1 barring from future contracts, bids, offers, proposals,
2 subcontracts, or relationships with the State for a period of
3 up to 2 years.

4 (g) Intentional, willful, or material failure to disclose
5 shall render the contract, bid, offer, proposal, subcontract,
6 or relationship voidable by the chief procurement officer if
7 he or she deems it in the best interest of the State of
8 Illinois and shall result in debarment from future contracts,
9 bids, offers, proposals, subcontracts, or relationships for a
10 period of not less than 2 years and not more than 10 years.
11 Reinstatement after 2 years and before 10 years must be
12 reviewed and commented on in writing by the Governor of the
13 State of Illinois, or by an executive ethics board or
14 commission he or she might designate. The comment shall be
15 returned to the responsible chief procurement officer who must
16 rule in writing whether and when to reinstate.

17 (h) In addition, all disclosures shall note any other
18 current or pending contracts, bids, offers, proposals,
19 subcontracts, leases, or other ongoing procurement
20 relationships the bidder, offeror, potential contractor,
21 contractor, or subcontractor has with any other unit of State
22 government and shall clearly identify the unit and the
23 contract, offer, proposal, lease, or other relationship.

24 (i) The bidder, offeror, potential contractor, or
25 contractor has a continuing obligation to supplement the
26 disclosure required by this Section throughout the bidding

1 process during the term of any contract, and during the vendor
2 portal registration process.

3 (Source: P.A. 101-657, eff. 1-1-22.)

4 (Text of Section after amendment by P.A. 102-721)

5 Sec. 50-35. Financial disclosure and potential conflicts
6 of interest.

7 (a) All bids and offers from responsive bidders, offerors,
8 vendors, or contractors with an annual value that exceeds the
9 small purchase threshold established under subsection (a) of
10 Section 20-20 of this Code, and all submissions to a vendor
11 portal, shall be accompanied by disclosure of the financial
12 interests of the bidder, offeror, potential contractor, or
13 contractor and each subcontractor to be used. In addition, all
14 subcontracts identified as provided by Section 20-120 of this
15 Code with an annual value that exceeds the small purchase
16 threshold established under subsection (a) of Section 20-20 of
17 this Code shall be accompanied by disclosure of the financial
18 interests of each subcontractor. The financial disclosure of
19 each successful bidder, offeror, potential contractor, or
20 contractor and its subcontractors shall be incorporated as a
21 material term of the contract and shall become part of the
22 publicly available contract or procurement file maintained by
23 the appropriate chief procurement officer. Each disclosure
24 under this Section shall be signed and made under penalty of
25 perjury by an authorized officer or employee on behalf of the

1 bidder, offeror, potential contractor, contractor, or
2 subcontractor, and must be filed with the Procurement Policy
3 Board and the Commission on Equity and Inclusion.

4 (b) Disclosure shall include any ownership or distributive
5 income share that is in excess of 5%, or an amount greater than
6 60% of the annual salary of the Governor, of the disclosing
7 entity or its parent entity, whichever is less, unless the
8 bidder, offeror, potential contractor, contractor, or
9 subcontractor (i) is a publicly traded entity subject to
10 Federal 10K reporting, in which case it may submit its 10K
11 disclosure in place of the prescribed disclosure, or (ii) is a
12 privately held entity that is exempt from Federal 10k
13 reporting but has more than 100 shareholders, in which case it
14 may submit the information that Federal 10k reporting
15 companies are required to report under 17 CFR 229.401 and list
16 the names of any person or entity holding any ownership share
17 that is in excess of 5% in place of the prescribed disclosure.
18 The form of disclosure shall be prescribed by the applicable
19 chief procurement officer and must include at least the names,
20 addresses, and dollar or proportionate share of ownership of
21 each person identified in this Section, their instrument of
22 ownership or beneficial relationship, and notice of any
23 potential conflict of interest resulting from the current
24 ownership or beneficial relationship of each individual
25 identified in this Section having in addition any of the
26 following relationships:

1 (1) State employment, currently or in the previous 3
2 years, including contractual employment of services.

3 (2) State employment of spouse, father, mother, son,
4 or daughter, including contractual employment for services
5 in the previous 2 years.

6 (3) Elective status; the holding of elective office of
7 the State of Illinois, the government of the United
8 States, any unit of local government authorized by the
9 Constitution of the State of Illinois or the statutes of
10 the State of Illinois currently or in the previous 3
11 years.

12 (4) Relationship to anyone holding elective office
13 currently or in the previous 2 years; spouse, father,
14 mother, son, or daughter.

15 (5) Appointive office; the holding of any appointive
16 government office of the State of Illinois, the United
17 States of America, or any unit of local government
18 authorized by the Constitution of the State of Illinois or
19 the statutes of the State of Illinois, which office
20 entitles the holder to compensation in excess of expenses
21 incurred in the discharge of that office currently or in
22 the previous 3 years.

23 (6) Relationship to anyone holding appointive office
24 currently or in the previous 2 years; spouse, father,
25 mother, son, or daughter.

26 (7) Employment, currently or in the previous 3 years,

1 as or by any registered lobbyist of the State government.

2 (8) Relationship to anyone who is or was a registered
3 lobbyist in the previous 2 years; spouse, father, mother,
4 son, or daughter.

5 (9) Compensated employment, currently or in the
6 previous 3 years, by any registered election or
7 re-election committee registered with the Secretary of
8 State or any county clerk in the State of Illinois, or any
9 political action committee registered with either the
10 Secretary of State or the Federal Board of Elections.

11 (10) Relationship to anyone; spouse, father, mother,
12 son, or daughter; who is or was a compensated employee in
13 the last 2 years of any registered election or re-election
14 committee registered with the Secretary of State or any
15 county clerk in the State of Illinois, or any political
16 action committee registered with either the Secretary of
17 State or the Federal Board of Elections.

18 (b-1) The disclosure required under this Section must also
19 include the name and address of each lobbyist required to
20 register under the Lobbyist Registration Act and other agent
21 of the bidder, offeror, potential contractor, contractor, or
22 subcontractor who is not identified under subsections (a) and
23 (b) and who has communicated, is communicating, or may
24 communicate with any State officer or employee concerning the
25 bid or offer. The disclosure under this subsection is a
26 continuing obligation and must be promptly supplemented for

1 accuracy throughout the process and throughout the term of the
2 contract if the bid or offer is successful.

3 (b-2) The disclosure required under this Section must also
4 include, for each of the persons identified in subsection (b)
5 or (b-1), each of the following that occurred within the
6 previous 10 years: suspension or debarment from contracting
7 with any governmental entity; professional licensure
8 discipline; bankruptcies; adverse civil judgments and
9 administrative findings; and criminal felony convictions. The
10 disclosure under this subsection is a continuing obligation
11 and must be promptly supplemented for accuracy throughout the
12 process and throughout the term of the contract if the bid or
13 offer is successful.

14 (c) The disclosure in subsection (b) is not intended to
15 prohibit or prevent any contract. The disclosure is meant to
16 fully and publicly disclose any potential conflict to the
17 chief procurement officers, State purchasing officers, their
18 designees, and executive officers so they may adequately
19 discharge their duty to protect the State.

20 (d) When a potential for a conflict of interest is
21 identified, discovered, or reasonably suspected, the chief
22 procurement officer or State procurement officer shall send
23 the contract to the Procurement Policy Board and the
24 Commission on Equity and Inclusion. In accordance with the
25 objectives of subsection (c), if the Procurement Policy Board
26 or the Commission on Equity and Inclusion finds evidence of a

1 potential conflict of interest not originally disclosed by the
2 bidder, offeror, potential contractor, contractor, or
3 subcontractor, the Board or the Commission on Equity and
4 Inclusion shall provide written notice to the bidder, offeror,
5 potential contractor, contractor, or subcontractor that is
6 identified, discovered, or reasonably suspected of having a
7 potential conflict of interest. The bidder, offeror, potential
8 contractor, contractor, or subcontractor shall have 15
9 calendar days to respond in writing to the Board or the
10 Commission on Equity and Inclusion, and a hearing before the
11 Board or the Commission on Equity and Inclusion will be
12 granted upon request by the bidder, offeror, potential
13 contractor, contractor, or subcontractor, at a date and time
14 to be determined by the Board or the Commission on Equity and
15 Inclusion, but which in no event shall occur later than 15
16 calendar days after the date of the request. Upon
17 consideration, the Board or the Commission on Equity and
18 Inclusion shall recommend, in writing, whether to allow or
19 void the contract, bid, offer, or subcontract weighing the
20 best interest of the State of Illinois. All recommendations
21 shall be submitted to the Executive Ethics Commission. Those
22 recommendations made concerning conflicts identified in the
23 course of a procurement for a public institution of higher
24 education are, for procurements having a cumulative value
25 under \$5,000, valid and enforceable, for one calendar year
26 after the initial recommendation was made, for all subsequent

1 conflicts for that vendor with regard to the same public
2 institution of higher education. The Executive Ethics
3 Commission must hold a public hearing within 30 calendar days
4 after receiving the Board's or the Commission on Equity and
5 Inclusion's recommendation if the Procurement Policy Board or
6 the Commission on Equity and Inclusion makes a recommendation
7 to (i) void a contract or (ii) void a bid or offer and the
8 chief procurement officer selected or intends to award the
9 contract to the bidder, offeror, or potential contractor. A
10 chief procurement officer is prohibited from awarding a
11 contract before a hearing if the Board or the Commission on
12 Equity and Inclusion recommendation does not support a bid or
13 offer. The recommendation and proceedings of any hearing, if
14 applicable, shall be available to the public.

15 (e) These thresholds and disclosure do not relieve the
16 chief procurement officer, the State purchasing officer, or
17 their designees from reasonable care and diligence for any
18 contract, bid, offer, or submission to a vendor portal. The
19 chief procurement officer, the State purchasing officer, or
20 their designees shall be responsible for using any reasonably
21 known and publicly available information to discover any
22 undisclosed potential conflict of interest and act to protect
23 the best interest of the State of Illinois.

24 (f) Inadvertent or accidental failure to fully disclose
25 shall render the contract, bid, offer, proposal, subcontract,
26 or relationship voidable by the chief procurement officer if

1 he or she deems it in the best interest of the State of
2 Illinois and, at his or her discretion, may be cause for
3 barring from future contracts, bids, offers, proposals,
4 subcontracts, or relationships with the State for a period of
5 up to 2 years.

6 (g) Intentional, willful, or material failure to disclose
7 shall render the contract, bid, offer, proposal, subcontract,
8 or relationship voidable by the chief procurement officer if
9 he or she deems it in the best interest of the State of
10 Illinois and shall result in debarment from future contracts,
11 bids, offers, proposals, subcontracts, or relationships for a
12 period of not less than 2 years and not more than 10 years.
13 Reinstatement after 2 years and before 10 years must be
14 reviewed and commented on in writing by the Governor of the
15 State of Illinois, or by an executive ethics board or
16 commission he or she might designate. The comment shall be
17 returned to the responsible chief procurement officer who must
18 rule in writing whether and when to reinstate.

19 (h) In addition, all disclosures shall note any other
20 current or pending contracts, bids, offers, proposals,
21 subcontracts, leases, or other ongoing procurement
22 relationships the bidder, offeror, potential contractor,
23 contractor, or subcontractor has with any other unit of State
24 government and shall clearly identify the unit and the
25 contract, offer, proposal, lease, or other relationship.

26 (i) The bidder, offeror, potential contractor, or

1 contractor has a continuing obligation to supplement the
2 disclosure required by this Section throughout the bidding
3 process during the term of any contract, and during the vendor
4 portal registration process.

5 (j) If a bid or offer is received from a responsive bidder,
6 offeror, vendor, contractor, or subcontractor with an annual
7 value of more than \$100,000 and the bidder, offeror, vendor,
8 contractor, or subcontractor has an active contract with that
9 same entity and already has submitted their financial
10 disclosures and potential conflicts of interest within the
11 last 12 months, the bidder, offeror, vendor, contractor, or
12 subcontractor may submit a signed affidavit attesting that the
13 original submission of its financial disclosures and potential
14 conflicts of interests has not been altered or changed. The
15 form and content of the affidavit shall be prescribed by the
16 applicable chief procurement officer.

17 (Source: P.A. 101-657, eff. 1-1-22; 102-721, eff. 1-1-23.)

18 (30 ILCS 500/55-25)

19 (Section scheduled to be repealed on January 1, 2025)

20 Sec. 55-25. State Procurement Task Force.

21 (a) There is hereby created the State Procurement Task
22 Force.

23 (b) The task force shall survey the State procurement
24 process and make recommendations to: (i) ensure that the
25 process is equitable and efficient; (ii) provide departments

1 with the flexibility needed to be successful; (iii) change the
2 current structure of the procurement process; (iv) update the
3 process to reflect modern procurement methods; (v) increase
4 women-owned and minority-owned business participation; (vi)
5 increase participation by Illinois vendors; and (vii) reduce
6 costs and increase efficiency of State procurements.

7 (c) The task force shall consist of the following members:

8 (1) 4 members of the House of Representatives,
9 appointed by the Speaker of the House of Representatives, one of whom shall serve as co-chair of the Task Force;
10

11 (2) 4 members of the Senate, appointed by the
12 President of the Senate, one of whom shall serve as
13 co-chair of the Task Force;

14 (3) 3 members of the House of Representatives,
15 appointed by the Minority Leader of the House of
16 Representatives;

17 (4) 3 members of the Senate, appointed by the Minority
18 Leader of the Senate;

19 (5) 1 member representing State institutions of higher
20 education, appointed by the President of the Senate;

21 (6) 1 member representing State institutions of higher
22 education, appointed by the Speaker of the House of
23 Representatives;

24 (7) 5 members representing vendors, with one each
25 appointed by the Governor, the Speaker of the House of
26 Representatives, the President of the Senate, the Minority

1 Leader of the House of Representatives, and the Minority
2 Leader of the Senate;

3 (8) 5 members of the public representing women-owned
4 and minority-owned businesses, with one each appointed by
5 the Governor, the Speaker of the House of Representatives,
6 the President of the Senate, the Minority Leader of the
7 House of Representatives, and the Minority Leader of the
8 Senate;

9 (9) 1 member from the Department of Central Management
10 Services, appointed by the Governor;

11 (10) 1 member from the Department of Transportation,
12 appointed by the Governor;

13 (11) 1 member from the Department of Information and
14 Technology, appointed by the Governor;

15 (12) 1 Chief Procurement Officer, appointed by the
16 Governor; and

17 (13) the Chairperson of the Commission on Equity and
18 Inclusion, ~~who shall serve as Chair of the Task Force.~~

19 (d) Members of the task force shall serve without
20 compensation for the duration of the task force.

21 (e) As soon as practicable after all members have been
22 appointed, the task force shall hold its first meeting. The
23 task force shall hold at least 7 meetings.

24 (f) The Procurement Policy Board ~~Department of Central~~
25 ~~Management Services~~ shall provide administrative and other
26 support to the task force.

1 (g) The task force shall from time to time submit reports
2 of its findings and recommendations on its survey of State
3 procurement processes to the Governor and the General
4 Assembly. By February 1, 2023 ~~November 1, 2022~~, the task force
5 shall submit a report to the Governor and General Assembly
6 reporting findings and recommendations specifically including
7 any proposed recommendations to: (i) alter the current
8 structure and number of Chief Procurement Officers; (ii) enact
9 or modify cure periods in the Procurement Code that allow a
10 potentially successful vendor to correct technical
11 deficiencies in the vendor's bid; (iii) enact measures that
12 increase efficiency, modernization, or reduce costs within the
13 procurement system; and (iv) increase women-owned and
14 minority-owned business participation. On or before January 1,
15 2024, the task force shall submit a report of its findings and
16 recommendations on its survey of State procurement processes
17 to the Governor and the General Assembly.

18 (h) This Section is repealed on January 1, 2025.

19 (Source: P.A. 102-721, eff. 5-6-22.)

20 Section 20. The Design-Build Procurement Act is amended by
21 changing Sections 5, 10, and 90 as follows:

22 (30 ILCS 537/5)

23 (Section scheduled to be repealed on July 1, 2027)

24 Sec. 5. Legislative policy. It is the intent of the

1 General Assembly that the State construction agency ~~Capital~~
2 ~~Development Board~~ be allowed to use the design-build delivery
3 method for public projects if it is shown to be in the State's
4 best interest for that particular project. It shall be the
5 policy of the State construction agency ~~Capital Development~~
6 ~~Board~~ in the procurement of design-build services to publicly
7 announce all requirements for design-build services and to
8 procure these services on the basis of demonstrated competence
9 and qualifications and with due regard for the principles of
10 competitive selection.

11 The State construction agency ~~Capital Development Board~~
12 shall, prior to issuing requests for proposals, promulgate and
13 publish procedures for the solicitation and award of contracts
14 pursuant to this Act.

15 The State construction agency ~~Capital Development Board~~
16 shall, for each public project or projects permitted under
17 this Act, make a written determination, including a
18 description as to the particular advantages of the
19 design-build procurement method, that it is in the best
20 interests of this State to enter into a design-build contract
21 for the project or projects. In making that determination, the
22 following factors shall be considered:

- 23 (1) The probability that the design-build procurement
24 method will be in the best interests of the State by
25 providing a material savings of time or cost over the
26 design-bid-build or other delivery system.

1 (2) The type and size of the project and its
2 suitability to the design-build procurement method.

3 (3) The ability of the State construction agency to
4 define and provide comprehensive scope and performance
5 criteria for the project.

6 No State construction agency may use a design-build
7 procurement method unless the agency determines in writing
8 that the project will comply with the disadvantaged business
9 and equal employment practices of the State as established in
10 the Business Enterprise for Minorities, Women, and Persons
11 with Disabilities Act and Section 2-105 of the Illinois Human
12 Rights Act.

13 The State construction agency ~~Capital Development Board~~
14 shall within 15 days after the initial determination provide
15 an advisory copy to the Procurement Policy Board and maintain
16 the full record of determination for 5 years.

17 (Source: P.A. 100-391, eff. 8-25-17.)

18 (30 ILCS 537/10)

19 (Section scheduled to be repealed on July 1, 2027)

20 Sec. 10. Definitions. As used in this Act:

21 "State construction agency" means the Capital Development
22 Board or, in the case of a design-build procurement for a
23 public institution of higher education, the public institution
24 of higher education.

25 "Delivery system" means the design and construction

1 approach used to develop and construct a project.

2 "Design-bid-build" means the traditional delivery system
3 used on public projects in this State that incorporates the
4 Architectural, Engineering, and Land Surveying Qualification
5 Based Selection Act (30 ILCS 535/) and the principles of
6 competitive selection in the Illinois Procurement Code (30
7 ILCS 500/).

8 "Design-build" means a delivery system that provides
9 responsibility within a single contract for the furnishing of
10 architecture, engineering, land surveying and related services
11 as required, and the labor, materials, equipment, and other
12 construction services for the project.

13 "Design-build contract" means a contract for a public
14 project under this Act between the State construction agency
15 and a design-build entity to furnish architecture,
16 engineering, land surveying, and related services as required,
17 and to furnish the labor, materials, equipment, and other
18 construction services for the project. The design-build
19 contract may be conditioned upon subsequent refinements in
20 scope and price and may allow the State construction agency to
21 make modifications in the project scope without invalidating
22 the design-build contract.

23 "Design-build entity" means any individual, sole
24 proprietorship, firm, partnership, joint venture, corporation,
25 professional corporation, or other entity that proposes to
26 design and construct any public project under this Act. A

1 design-build entity and associated design-build professionals
2 shall conduct themselves in accordance with the laws of this
3 State and the related provisions of the Illinois
4 Administrative Code, as referenced by the licensed design
5 professionals Acts of this State.

6 "Design professional" means any individual, sole
7 proprietorship, firm, partnership, joint venture, corporation,
8 professional corporation, or other entity that offers services
9 under the Illinois Architecture Practice Act of 1989 (225 ILCS
10 305/), the Professional Engineering Practice Act of 1989 (225
11 ILCS 325/), the Structural Engineering Licensing Act of 1989
12 (225 ILCS 340/), or the Illinois Professional Land Surveyor
13 Act of 1989 (225 ILCS 330/).

14 "Evaluation criteria" means the requirements for the
15 separate phases of the selection process as defined in this
16 Act and may include the specialized experience, technical
17 qualifications and competence, capacity to perform, past
18 performance, experience with similar projects, assignment of
19 personnel to the project, and other appropriate factors. Price
20 may not be used as a factor in the evaluation of Phase I
21 proposals.

22 "Proposal" means the offer to enter into a design-build
23 contract as submitted by a design-build entity in accordance
24 with this Act.

25 "Public institution of higher education" has the meaning
26 ascribed in subsection (f) of Section 1-13 of the Illinois

1 Procurement Code.

2 "Request for proposal" means the document used by the
3 State construction agency to solicit proposals for a
4 design-build contract.

5 "Scope and performance criteria" means the requirements
6 for the public project, including but not limited to, the
7 intended usage, capacity, size, scope, quality and performance
8 standards, life-cycle costs, and other programmatic criteria
9 that are expressed in performance-oriented and quantifiable
10 specifications and drawings that can be reasonably inferred
11 and are suited to allow a design-build entity to develop a
12 proposal.

13 (Source: P.A. 94-716, eff. 12-13-05.)

14 (30 ILCS 537/90)

15 (Section scheduled to be repealed on July 1, 2027)

16 Sec. 90. Repealer. This Act is repealed on January 1, 2026
17 ~~July 1, 2027~~.

18 (Source: P.A. 102-1016, eff. 5-27-22.)

19 Section 25. The Business Enterprise for Minorities, Women,
20 and Persons with Disabilities Act is amended by changing
21 Sections 2 and 4 as follows:

22 (30 ILCS 575/2)

23 (Section scheduled to be repealed on June 30, 2024)

1 Sec. 2. Definitions.

2 (A) For the purpose of this Act, the following terms shall
3 have the following definitions:

4 (1) "Minority person" shall mean a person who is a
5 citizen or lawful permanent resident of the United States
6 and who is any of the following:

7 (a) American Indian or Alaska Native (a person
8 having origins in any of the original peoples of North
9 and South America, including Central America, and who
10 maintains tribal affiliation or community attachment).

11 (b) Asian (a person having origins in any of the
12 original peoples of the Far East, Southeast Asia, or
13 the Indian subcontinent, including, but not limited
14 to, Cambodia, China, India, Japan, Korea, Malaysia,
15 Pakistan, the Philippine Islands, Thailand, and
16 Vietnam).

17 (c) Black or African American (a person having
18 origins in any of the black racial groups of Africa).

19 (d) Hispanic or Latino (a person of Cuban,
20 Mexican, Puerto Rican, South or Central American, or
21 other Spanish culture or origin, regardless of race).

22 (e) Native Hawaiian or Other Pacific Islander (a
23 person having origins in any of the original peoples
24 of Hawaii, Guam, Samoa, or other Pacific Islands).

25 (2) "Woman" shall mean a person who is a citizen or
26 lawful permanent resident of the United States and who is

1 of the female gender.

2 (2.05) "Person with a disability" means a person who
3 is a citizen or lawful resident of the United States and is
4 a person qualifying as a person with a disability under
5 subdivision (2.1) of this subsection (A).

6 (2.1) "Person with a disability" means a person with a
7 severe physical or mental disability that:

8 (a) results from:

9 amputation,

10 arthritis,

11 autism,

12 blindness,

13 burn injury,

14 cancer,

15 cerebral palsy,

16 Crohn's disease,

17 cystic fibrosis,

18 deafness,

19 head injury,

20 heart disease,

21 hemiplegia,

22 hemophilia,

23 respiratory or pulmonary dysfunction,

24 an intellectual disability,

25 mental illness,

26 multiple sclerosis,

1 muscular dystrophy,
2 musculoskeletal disorders,
3 neurological disorders, including stroke and
4 epilepsy,
5 paraplegia,
6 quadriplegia and other spinal cord conditions,
7 sickle cell anemia,
8 ulcerative colitis,
9 specific learning disabilities, or
10 end stage renal failure disease; and

11 (b) substantially limits one or more of the
12 person's major life activities.

13 Another disability or combination of disabilities may
14 also be considered as a severe disability for the purposes
15 of item (a) of this subdivision (2.1) if it is determined
16 by an evaluation of rehabilitation potential to cause a
17 comparable degree of substantial functional limitation
18 similar to the specific list of disabilities listed in
19 item (a) of this subdivision (2.1).

20 (3) "Minority-owned business" means a business which
21 is at least 51% owned by one or more minority persons, or
22 in the case of a corporation, at least 51% of the stock in
23 which is owned by one or more minority persons; and the
24 management and daily business operations of which are
25 controlled by one or more of the minority individuals who
26 own it.

1 (4) "Women-owned business" means a business which is
2 at least 51% owned by one or more women, or, in the case of
3 a corporation, at least 51% of the stock in which is owned
4 by one or more women; and the management and daily
5 business operations of which are controlled by one or more
6 of the women who own it.

7 (4.1) "Business owned by a person with a disability"
8 means a business that is at least 51% owned by one or more
9 persons with a disability and the management and daily
10 business operations of which are controlled by one or more
11 of the persons with disabilities who own it. A
12 not-for-profit agency for persons with disabilities that
13 is exempt from taxation under Section 501 of the Internal
14 Revenue Code of 1986 is also considered a "business owned
15 by a person with a disability".

16 (4.2) "Council" means the Business Enterprise Council
17 for Minorities, Women, and Persons with Disabilities
18 created under Section 5 of this Act.

19 (4.3) "Commission" means, unless the context clearly
20 indicates otherwise, the Commission on Equity and
21 Inclusion created under the Commission on Equity and
22 Inclusion Act.

23 (5) "State contracts" means all contracts entered into
24 by the State, any agency or department thereof, or any
25 public institution of higher education, including
26 community college districts, regardless of the source of

1 the funds with which the contracts are paid, which are not
2 subject to federal reimbursement. "State contracts" does
3 not include contracts awarded by a retirement system,
4 pension fund, or investment board subject to Section
5 1-109.1 of the Illinois Pension Code. This definition
6 shall control over any existing definition under this Act
7 or applicable administrative rule.

8 "State construction contracts" means all State
9 contracts entered into by a State agency or public
10 institution of higher education for the repair,
11 remodeling, renovation or construction of a building or
12 structure, or for the construction or maintenance of a
13 highway defined in Article 2 of the Illinois Highway Code.

14 (6) "State agencies" shall mean all departments,
15 officers, boards, commissions, institutions and bodies
16 politic and corporate of the State, but does not include
17 the Board of Trustees of the University of Illinois, the
18 Board of Trustees of Southern Illinois University, the
19 Board of Trustees of Chicago State University, the Board
20 of Trustees of Eastern Illinois University, the Board of
21 Trustees of Governors State University, the Board of
22 Trustees of Illinois State University, the Board of
23 Trustees of Northeastern Illinois University, the Board of
24 Trustees of Northern Illinois University, the Board of
25 Trustees of Western Illinois University, municipalities or
26 other local governmental units, or other State

1 constitutional officers.

2 (7) "Public institutions of higher education" means
3 the University of Illinois, Southern Illinois University,
4 Chicago State University, Eastern Illinois University,
5 Governors State University, Illinois State University,
6 Northeastern Illinois University, Northern Illinois
7 University, Western Illinois University, the public
8 community colleges of the State, and any other public
9 universities, colleges, and community colleges now or
10 hereafter established or authorized by the General
11 Assembly.

12 (8) "Certification" means a determination made by the
13 Council or by one delegated authority from the Council to
14 make certifications, or by a State agency with statutory
15 authority to make such a certification, that a business
16 entity is a business owned by a minority, woman, or person
17 with a disability for whatever purpose. A business owned
18 and controlled by women shall be certified as a
19 "woman-owned business". A business owned and controlled by
20 women who are also minorities shall be certified as both a
21 "women-owned business" and a "minority-owned business".

22 (9) "Control" means the exclusive or ultimate and sole
23 control of the business including, but not limited to,
24 capital investment and all other financial matters,
25 property, acquisitions, contract negotiations, legal
26 matters, officer-director-employee selection and

1 comprehensive hiring, operating responsibilities,
2 cost-control matters, income and dividend matters,
3 financial transactions and rights of other shareholders or
4 joint partners. Control shall be real, substantial and
5 continuing, not pro forma. Control shall include the power
6 to direct or cause the direction of the management and
7 policies of the business and to make the day-to-day as
8 well as major decisions in matters of policy, management
9 and operations. Control shall be exemplified by possessing
10 the requisite knowledge and expertise to run the
11 particular business and control shall not include simple
12 majority or absentee ownership.

13 (10) "Business" means a business that has annual gross
14 sales of less than \$150,000,000 ~~\$75,000,000~~ as evidenced
15 by the federal income tax return of the business. A firm
16 with gross sales in excess of this cap may apply to the
17 Council for certification for a particular contract if the
18 firm can demonstrate that the contract would have
19 significant impact on businesses owned by minorities,
20 women, or persons with disabilities as suppliers or
21 subcontractors or in employment of minorities, women, or
22 persons with disabilities. Firms with gross sales in
23 excess of this cap that are granted certification by the
24 Council shall be granted certification for the life of the
25 contract, including available renewals.

26 (11) "Utilization plan" means a form and additional

1 documentations included in all bids or proposals that
2 demonstrates a vendor's proposed utilization of vendors
3 certified by the Business Enterprise Program to meet the
4 targeted goal. The utilization plan shall demonstrate that
5 the Vendor has either: (1) met the entire contract goal or
6 (2) requested a full or partial waiver and made good faith
7 efforts towards meeting the goal.

8 (12) "Business Enterprise Program" means the Business
9 Enterprise Program of the Commission on Equity and
10 Inclusion.

11 (B) When a business is owned at least 51% by any
12 combination of minority persons, women, or persons with
13 disabilities, even though none of the 3 classes alone holds at
14 least a 51% interest, the ownership requirement for purposes
15 of this Act is considered to be met. The certification
16 category for the business is that of the class holding the
17 largest ownership interest in the business. If 2 or more
18 classes have equal ownership interests, the certification
19 category shall be determined by the business.

20 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
21 102-29, eff. 6-25-21.)

22 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

23 (Section scheduled to be repealed on June 30, 2024)

24 Sec. 4. Award of State contracts.

25 (a) Except as provided in subsection (b), not less than

1 30% of the total dollar amount of State contracts, as defined
2 by the Secretary of the Council and approved by the Council,
3 shall be established as an aspirational goal to be awarded to
4 businesses owned by minorities, women, and persons with
5 disabilities; provided, however, that of the total amount of
6 all State contracts awarded to businesses owned by minorities,
7 women, and persons with disabilities pursuant to this Section,
8 contracts representing at least 16% shall be awarded to
9 businesses owned by minorities, contracts representing at
10 least 10% shall be awarded to women-owned businesses, and
11 contracts representing at least 4% shall be awarded to
12 businesses owned by persons with disabilities.

13 (a-5) In addition to the aspirational goals in awarding
14 State contracts set under subsection (a), the Commission shall
15 by rule further establish targeted efforts to encourage the
16 participation of businesses owned by minorities, women, and
17 persons with disabilities on State contracts. Such efforts
18 shall include, but not be limited to, further concerted
19 outreach efforts to businesses owned by minorities, women, and
20 persons with disabilities.

21 The above percentage relates to the total dollar amount of
22 State contracts during each State fiscal year, calculated by
23 examining independently each type of contract for each agency
24 or public institutions of higher education which lets such
25 contracts. Only that percentage of arrangements which
26 represents the participation of businesses owned by

1 minorities, women, and persons with disabilities on such
2 contracts shall be included. State contracts subject to the
3 requirements of this Act shall include the requirement that
4 only expenditures to businesses owned by minorities, women,
5 and persons with disabilities that perform a commercially
6 useful function may be counted toward the goals set forth by
7 this Act. Contracts shall include a definition of
8 "commercially useful function" that is consistent with 49 CFR
9 26.55(c).

10 (b) Not less than 20% of the total dollar amount of State
11 construction contracts is established as an aspirational goal
12 to be awarded to businesses owned by minorities, women, and
13 persons with disabilities; provided that, contracts
14 representing at least 11% of the total dollar amount of State
15 construction contracts shall be awarded to businesses owned by
16 minorities; contracts representing at least 7% of the total
17 dollar amount of State construction contracts shall be awarded
18 to women-owned businesses; and contracts representing at least
19 2% of the total dollar amount of State construction contracts
20 shall be awarded to businesses owned by persons with
21 disabilities.

22 (c) (Blank).

23 (c-5) All goals established under this Section shall be
24 contingent upon the results of the most recent disparity study
25 conducted by the State.

26 (d) Within one year after April 28, 2009 (the effective

1 date of Public Act 96-8), the Department of Central Management
2 Services shall conduct a social scientific study that measures
3 the impact of discrimination on minority and women business
4 development in Illinois. Within 18 months after April 28, 2009
5 (the effective date of Public Act 96-8), the Department shall
6 issue a report of its findings and any recommendations on
7 whether to adjust the goals for minority and women
8 participation established in this Act. Copies of this report
9 and the social scientific study shall be filed with the
10 Governor and the General Assembly.

11 By December 1, 2020, the Department of Central Management
12 Services shall conduct a new social scientific study that
13 measures the impact of discrimination on minority and women
14 business development in Illinois. By June 1, 2022, the
15 Department shall issue a report of its findings and any
16 recommendations on whether to adjust the goals for minority
17 and women participation established in this Act. Copies of
18 this report and the social scientific study shall be filed
19 with the Governor and the General Assembly. By December 1,
20 2022, the Commission on Equity and Inclusion Business
21 Enterprise Program shall develop a model for social scientific
22 disparity study sourcing for local governmental units to adapt
23 and implement to address regional disparities in public
24 procurement.

25 (e) All State contract solicitations that include Business
26 Enterprise Program participation goals shall require bidders

1 or offerors to include utilization plans. Utilization plans
2 are due at the time of bid or offer submission. Failure to
3 complete and include a utilization plan, including
4 documentation demonstrating good faith efforts when requesting
5 a waiver, shall render the bid or offer non-responsive.

6 Except as permitted under this Act or as otherwise
7 mandated by federal regulation, a bidder or offeror whose bid
8 or offer is accepted and who included in that bid a completed
9 utilization plan but who fails to meet the goals set forth in
10 the plan shall be notified of the deficiency by the
11 contracting agency or public institution of higher education
12 and shall be given a period of 10 calendar days to cure the
13 deficiency by contracting with additional subcontractors who
14 are certified by the Business Enterprise Program or by
15 increasing the work to be performed by previously identified
16 vendors certified by the Business Enterprise Program.

17 Deficiencies that may be cured include: (i) scrivener's
18 errors, such as transposed numbers; (ii) information submitted
19 in an incorrect form or format; (iii) mistakes resulting from
20 failure to follow instructions or to identify and adequately
21 document good faith efforts taken to comply with the
22 utilization plan; or (iv) a proposal to use a firm whose
23 Business Enterprise Program certification has lapsed or is not
24 yet recognized. Cure is not authorized if the bidder or
25 offeror submits a blank utilization plan, a utilization plan
26 that shows lack of reasonable effort to complete the form on

1 time, or a utilization plan that states the contract will be
2 self-performed, by a non-certified vendor, without showing
3 good faith efforts or a request for a waiver. All cure activity
4 shall address the deficiencies identified by the purchasing
5 agency and shall require clear documentation, including that
6 of good faith efforts, to address those deficiencies. Any
7 increase in cost to a contract for the addition of a
8 subcontractor to cure a bid's deficiency shall not affect the
9 bid price and shall not be used in the request for an exemption
10 under this Act, and, in no case, shall an identified
11 subcontractor with a Business Enterprise Program certification
12 made under this Act be terminated from a contract without the
13 written consent of the State agency or public institution of
14 higher education entering into the contract. The purchasing
15 agency or public institution of higher education shall make
16 the determination whether the cure is adequate.

17 Vendors certified with the Business Enterprise Program at
18 the time and date submittals are due and who do not submit a
19 utilization plan or have utilization plan deficiencies shall
20 have 10 business days to submit a utilization plan or to
21 correct the utilization plan deficiencies. ~~Except as permitted~~
22 ~~under this Act or as otherwise mandated by federal law or~~
23 ~~regulation, in response those who submit bids or proposals for~~
24 ~~State contracts subject to the provisions of this Act, whose~~
25 ~~bids or proposals are successful but include a utilization~~
26 ~~plan that fails to demonstrate good faith efforts to meet the~~

1 ~~goals set forth in the solicitation of that deficiency and may~~
2 ~~allow the bidder or offeror a period not to exceed 10 calendar~~
3 ~~days from the date of notification to cure that deficiency in~~
4 ~~the bid or proposal. The deficiency in the bid or proposal may~~
5 ~~only be cured by contracting with additional subcontractors~~
6 ~~who are certified by the Business Enterprise Program at the~~
7 ~~time of bid submission. Any increase in cost to a contract for~~
8 ~~the addition of a subcontractor to cure a bid's deficiency or~~
9 ~~to ensure diversity participation on the contract shall not~~
10 ~~affect the bid price, shall not be used in the request for an~~
11 ~~exemption in this Act, and in no case shall an identified~~
12 ~~subcontractor with a certification made pursuant to this Act~~
13 ~~be terminated from the contract without the written consent of~~
14 ~~the State agency or public institution of higher education~~
15 ~~entering into the contract. Submission of a blank utilization~~
16 ~~plan renders a bid or offer non responsive and is not curable.~~
17 ~~The Commission on Equity and Inclusion shall be notified of~~
18 ~~all bids or offers that fail to include a utilization plan or~~
19 ~~that include a utilization plan with deficiencies.~~

20 (f) (Blank).

21 (g) (Blank).

22 (h) State agencies and public institutions of higher
23 education shall notify the Commission on Equity and Inclusion
24 of all non-responsive bids or proposals for State contracts.

25 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
26 101-657, Article 1, Section 1-5, eff. 1-1-22; 101-657, Article

1 40, Section 40-130, eff. 1-1-22; 102-29, eff. 6-25-21;
2 102-558, eff. 8-20-21.)

3 Section 30. The Local Food, Farms, and Jobs Act is amended
4 by changing Sections 10 and 30 as follows:

5 (30 ILCS 595/10)

6 Sec. 10. Procurement goals for local farm or food
7 products.

8 (a) In order to create, strengthen, and expand local farm
9 and food economies throughout Illinois, it shall be the goal
10 of this State that 20% of all food and food products purchased
11 by State agencies and State-owned facilities, including,
12 without limitation, facilities for persons with mental health
13 and developmental disabilities, correctional facilities, and
14 public universities, shall, by 2020, be local farm or food
15 products.

16 (b) The State ~~Local Food, Farms, and Jobs Council~~
17 ~~established under this Act~~ shall support and encourage that
18 10% of food and food products purchased by entities funded in
19 part or in whole by State dollars, which spend more than
20 \$25,000 per year on food or food products for its students,
21 residents, or clients, including, without limitation, public
22 schools, child care facilities, after-school programs, and
23 hospitals, shall, by 2020, be local farm or food products.

24 (c) To meet the goals set forth in this Section, when a

1 State contract for purchase of food or food products is to be
2 awarded to the lowest responsible bidder, an otherwise
3 qualified bidder who will fulfill the contract through the use
4 of local farm or food products may be given preference over
5 other bidders, provided that the cost included in the bid of
6 local farm or food products is not more than 10% greater than
7 the cost included in a bid that is not for local farm or food
8 products.

9 (d) All State agencies and State-owned facilities that
10 purchase food and food products shall, ~~with the assistance of~~
11 ~~the Local Food, Farms, and Jobs Council,~~ develop a system for
12 (i) identifying the percentage of local farm or food products
13 purchased for fiscal year 2021 ~~2011~~ as the baseline; and (ii)
14 tracking and reporting local farm or food products purchases
15 on an annual basis.

16 (e) On January 1, 2024 and each January 1 thereafter,
17 those State agencies and State-owned facilities that purchase
18 food or food products shall publish in their respective
19 procurement bulletins, in the form and format prescribed by
20 the chief procurement officer, notice of their purchases of
21 local farm or food products in the immediately preceding
22 fiscal year.

23 (Source: P.A. 96-579, eff. 8-18-09.)

24 (30 ILCS 595/30)

25 Sec. 30. Farm-school database. The Department of

1 Agriculture shall establish, and make available on its
2 website, a geo-coded electronic database to facilitate the
3 purchase of fresh produce and food products by schools. The
4 database shall ~~be developed jointly with the Local Food,~~
5 ~~Farms, and Jobs Council and,~~ at a minimum, contain the
6 information necessary for (i) schools to identify and contact
7 agricultural producers that are interested in supplying
8 schools in the State with fresh produce and food products and
9 (ii) agricultural producers of fresh produce and food products
10 to identify schools in the State that are interested in
11 purchasing those products. The Department of Agriculture shall
12 adopt rules necessary to implement this Section. The
13 Department of Agriculture shall also solicit federal and State
14 funding for the purpose of implementing this program. The
15 requirement of the Department to establish, and make available
16 on its website, this database shall become effective once the
17 Department has secured all of the additional federal or State
18 funding necessary to implement this program.

19 (Source: P.A. 96-1095, eff. 1-1-11.)

20 (30 ILCS 595/15 rep.)

21 (30 ILCS 595/20 rep.)

22 (30 ILCS 595/25 rep.)

23 Section 35. The Local Food, Farms, and Jobs Act is amended
24 by repealing Sections 15, 20, and 25.

1 Section 40. The State Property Control Act is amended by
2 changing Section 6.02 as follows:

3 (30 ILCS 605/6.02) (from Ch. 127, par. 133b9.2)

4 Sec. 6.02. Each responsible officer shall maintain a
5 permanent record of all items of property under his
6 jurisdiction and control, provided the administrator may
7 exempt tangible personal property of nominal value or in the
8 nature of consumable supplies, or both; and provided further
9 that "textbooks" as defined in Section 18-17 of The School
10 Code shall be exempted by the administrator after those
11 textbooks have been on loan pursuant to that Section for a
12 period of 5 years or more. The listing shall include all
13 property being acquired under agreements which are required by
14 the State Comptroller to be capitalized for inclusion in the
15 statewide financial statements. Each responsible officer shall
16 submit a listing of the permanent record at least annually to
17 the administrator in such format as the administrator shall
18 require. The record may be submitted in either hard copy or
19 computer readable form. The administrator may require more
20 frequent submissions when in the opinion of the administrator
21 the agency records are not sufficiently reliable to justify
22 annual submissions.

23 As used in this Section, "nominal value" means the value
24 of an item is \$2,500 ~~\$1,000~~ or less. For the purposes of this
25 definition, the value of the item shall reflect its

1 depreciated value, as determined by the administrator. The
2 administrator may by rule set the threshold for "nominal
3 value" at a higher amount. Nothing in this definition shall be
4 construed as relieving responsible officers of the duty to
5 reasonably ensure that State property is not subject to theft.
6 (Source: P.A. 100-193, eff. 1-1-18.)

7 Section 45. The Criminal Code of 2012 is amended by
8 changing Section 33E-9 as follows:

9 (720 ILCS 5/33E-9) (from Ch. 38, par. 33E-9)

10 Sec. 33E-9. Change orders. Any change order authorized
11 under this Section shall be made in writing. Any person
12 employed by and authorized by any unit of State or local
13 government to approve a change order to any public contract
14 who knowingly grants that approval without first obtaining
15 from the unit of State or local government on whose behalf the
16 contract was signed, or from a designee authorized by that
17 unit of State or local government, a determination in writing
18 that (1) the circumstances said to necessitate the change in
19 performance were not reasonably foreseeable at the time the
20 contract was signed, or (2) the change is germane to the
21 original contract as signed, or (3) the change order is in the
22 best interest of the unit of State or local government and
23 authorized by law, commits a Class 4 felony. The written
24 determination and the written change order resulting from that

1 determination shall be preserved in the contract's file which
2 shall be open to the public for inspection. This Section shall
3 only apply to a change order or series of change orders which
4 authorize or necessitate an increase or decrease in either the
5 cost of a public contract by a total of \$25,000 ~~\$10,000~~ or more
6 or the time of completion by a total of 180 ~~30~~ days or more.
7 (Source: P.A. 86-150; 87-618.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.

15 Section 99. Effective date. This Act takes effect January
16 1, 2023."