



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 859

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 859 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 1-10, 1-12, and 1-13 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

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

1 solicited between the effective date of Articles 50 and 99 and  
2 July 1, 1998 shall be substantially in accordance with this  
3 Code and its intent.

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

7 (1) Contracts between the State and its political  
8 subdivisions or other governments, or between State  
9 governmental bodies, except as specifically provided in  
10 this Code.

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

13 (3) Purchase of care, except as provided in Section  
14 5-30.6 of the Illinois Public Aid Code and this Section.

15 (4) Hiring of an individual as employee and not as an  
16 independent contractor, whether pursuant to an employment  
17 code or policy or by contract directly with that  
18 individual.

19 (5) Collective bargaining contracts.

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

1 contract.

2 (7) Contracts necessary to prepare for anticipated  
3 litigation, enforcement actions, or investigations,  
4 provided that the chief legal counsel to the Governor  
5 shall give his or her prior approval when the procuring  
6 agency is one subject to the jurisdiction of the Governor,  
7 and provided that the chief legal counsel of any other  
8 procuring entity subject to this Code shall give his or  
9 her prior approval when the procuring entity is not one  
10 subject to the jurisdiction of the Governor.

11 (8) (Blank).

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

14 (10) (Blank).

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

21 (12) Contracts for legal, financial, and other  
22 professional and artistic services entered into on or  
23 before December 31, 2018 by the Illinois Finance Authority  
24 in which the State of Illinois is not obligated. Such  
25 contracts shall be awarded through a competitive process  
26 authorized by the Board of the Illinois Finance Authority

1 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
2 50-35, and 50-37 of this Code, as well as the final  
3 approval by the Board of the Illinois Finance Authority of  
4 the terms of the contract.

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

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

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

24 (15) Contracts with a railroad or utility that  
25 requires the State to reimburse the railroad or utilities  
26 for the relocation of utilities for construction or other

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

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

24 (17) Procurement expenditures necessary for the  
25 Department of Agriculture, the Department of Financial and  
26 Professional Regulation, the Department of Human Services,

1 and the Department of Public Health to implement the  
2 Compassionate Use of Medical Cannabis Program and Opioid  
3 Alternative Pilot Program requirements and ensure access  
4 to medical cannabis for patients with debilitating medical  
5 conditions in accordance with the Compassionate Use of  
6 Medical Cannabis Program Act.

7 (18) This Code does not apply to any procurements  
8 necessary for the Department of Agriculture, the  
9 Department of Financial and Professional Regulation, the  
10 Department of Human Services, the Department of Commerce  
11 and Economic Opportunity, and the Department of Public  
12 Health to implement the Cannabis Regulation and Tax Act if  
13 the applicable agency has made a good faith determination  
14 that it is necessary and appropriate for the expenditure  
15 to fall within this exemption and if the process is  
16 conducted in a manner substantially in accordance with the  
17 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
18 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
19 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
20 Section 50-35, compliance applies only to contracts or  
21 subcontracts over \$100,000. Notice of each contract  
22 entered into under this paragraph (18) that is related to  
23 the procurement of goods and services identified in  
24 paragraph (1) through (9) of this subsection shall be  
25 published in the Procurement Bulletin within 14 calendar  
26 days after contract execution. The Chief Procurement

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

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

1 contract, the term of the contract, and the exception to the  
2 Code utilized. The chief procurement officer shall submit a  
3 report to the Governor and General Assembly no later than  
4 November 1 of each year that shall include, at a minimum, an  
5 annual summary of the monthly information reported to the  
6 chief procurement officer.

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

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

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



1 (f) (Blank).

2 (g) (Blank).

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

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

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

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

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

25 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;  
26 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.

1 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised  
2 9-17-19.)

3 (30 ILCS 500/1-12)

4 Sec. 1-12. Applicability to artistic or musical services.

5 (a) This Code shall not apply to procurement expenditures  
6 necessary to provide artistic or musical services,  
7 performances, or theatrical productions held at a venue  
8 operated or leased by a State agency.

9 (b) Notice of each contract with an annual value of more  
10 than \$100,000 entered into by a State agency that is related to  
11 the procurement of goods and services identified in this  
12 Section shall be published in the Illinois Procurement  
13 Bulletin within 14 calendar days after contract execution. The  
14 chief procurement officer shall prescribe the form and content  
15 of the notice. Each State agency shall provide the chief  
16 procurement officer, on a monthly basis, in the form and  
17 content prescribed by the chief procurement officer, a report  
18 of contracts that are related to the procurement of supplies  
19 and services identified in this Section. At a minimum, this  
20 report shall include the name of the contractor, a description  
21 of the supply or service provided, the total amount of the  
22 contract, the term of the contract, and the exception to the  
23 Code utilized. A copy of any or all of these contracts shall be  
24 made available to the chief procurement officer immediately  
25 upon request. The chief procurement officer shall submit a

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

5 (c) (Blank).

6 (d) The General Assembly finds and declares that:

7 (1) This amendatory Act of the 100th General Assembly  
8 manifests the intention of the General Assembly to remove  
9 the repeal of this Section.

10 (2) This Section was originally enacted to protect,  
11 promote, and preserve the general welfare. Any  
12 construction of this Section that results in the repeal of  
13 this Section on December 31, 2016 would be inconsistent  
14 with the manifest intent of the General Assembly and  
15 repugnant to the context of this Code.

16 It is hereby declared to have been the intent of the  
17 General Assembly that this Section not be subject to repeal on  
18 December 31, 2016.

19 This Section shall be deemed to have been in continuous  
20 effect since August 3, 2012 (the effective date of Public Act  
21 97-895), and it shall continue to be in effect henceforward  
22 until it is otherwise lawfully repealed. All previously  
23 enacted amendments to this Section taking effect on or after  
24 December 31, 2016, are hereby validated.

25 All actions taken in reliance on or pursuant to this  
26 Section in the procurement of artistic or musical services are

1 hereby validated.

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

8 In this amendatory Act of the 100th General Assembly, the  
9 base text of this Section is set forth as amended by Public Act  
10 98-1076. Striking and underscoring is used only to show  
11 changes being made to the base text.

12 This Section applies to all procurements made on or before  
13 the effective date of this amendatory Act of the 100th General  
14 Assembly.

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

16 (30 ILCS 500/1-13)

17 Sec. 1-13. Applicability to public institutions of higher  
18 education.

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

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

25 (1) Memberships in professional, academic, research,

1 or athletic organizations on behalf of a public  
2 institution of higher education, an employee of a public  
3 institution of higher education, or a student at a public  
4 institution of higher education.

5 (2) Procurement expenditures for events or activities  
6 paid for exclusively by revenues generated by the event or  
7 activity, gifts or donations for the event or activity,  
8 private grants, or any combination thereof.

9 (3) Procurement expenditures for events or activities  
10 for which the use of specific potential contractors is  
11 mandated or identified by the sponsor of the event or  
12 activity, provided that the sponsor is providing a  
13 majority of the funding for the event or activity.

14 (4) Procurement expenditures necessary to provide  
15 athletic, artistic or musical services, performances,  
16 events, or productions by or for a public institution of  
17 higher education.

18 (5) Procurement expenditures for periodicals, books,  
19 subscriptions, database licenses, and other publications  
20 procured for use by a university library or academic  
21 department, except for expenditures related to procuring  
22 textbooks for student use or materials for resale or  
23 rental.

24 (6) Procurement expenditures for placement of students  
25 in externships, practicums, field experiences, and for  
26 medical residencies and rotations.

1           (7) Contracts for programming and broadcast license  
2           rights for university-operated radio and television  
3           stations.

4           (8) Procurement expenditures necessary to perform  
5           sponsored research and other sponsored activities under  
6           grants and contracts funded by the sponsor or by sources  
7           other than State appropriations.

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

12          Notice of each contract with an annual value of more than  
13          \$100,000 entered into by a public institution of higher  
14          education that is related to the procurement of goods and  
15          services identified in items (1) through (9) of this  
16          subsection shall be published in the Procurement Bulletin  
17          within 14 calendar days after contract execution. The Chief  
18          Procurement Officer shall prescribe the form and content of  
19          the notice. Each public institution of higher education shall  
20          provide the Chief Procurement Officer, on a monthly basis, in  
21          the form and content prescribed by the Chief Procurement  
22          Officer, a report of contracts that are related to the  
23          procurement of goods and services identified in this  
24          subsection. At a minimum, this report shall include the name  
25          of the contractor, a description of the supply or service  
26          provided, the total amount of the contract, the term of the

1 contract, and the exception to the Code utilized. A copy of any  
2 or all of these contracts shall be made available to the Chief  
3 Procurement Officer immediately upon request. The Chief  
4 Procurement Officer shall submit a report to the Governor and  
5 General Assembly no later than November 1 of each year that  
6 shall include, at a minimum, an annual summary of the monthly  
7 information reported to the Chief Procurement Officer.

8 (b-5) Except as provided in this subsection, the  
9 provisions of this Code shall not apply to contracts for  
10 medical supplies, and to contracts for medical services  
11 necessary for the delivery of care and treatment at medical,  
12 dental, or veterinary teaching facilities utilized by Southern  
13 Illinois University or the University of Illinois and at any  
14 university-operated health care center or dispensary that  
15 provides care, treatment, and medications for students,  
16 faculty and staff. Other supplies and services needed for  
17 these teaching facilities shall be subject to the jurisdiction  
18 of the Chief Procurement Officer for Public Institutions of  
19 Higher Education who may establish expedited procurement  
20 procedures and may waive or modify certification, contract,  
21 hearing, process and registration requirements required by the  
22 Code. 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 2020 may be extended through June 2021 without being subject  
2 to the requirements of this Code. Any contract extended,  
3 renewed, or entered pursuant to this exception shall be  
4 published on the Executive Ethics Commission's website within  
5 5 days of contract execution. This subsection is inoperative  
6 on and after July 1, 2021.

7 (c) Procurements made by or on behalf of public  
8 institutions of higher education for the fulfillment of a  
9 grant shall be made in accordance with the requirements of  
10 this Code to the extent practical.

11 Upon the written request of a public institution of higher  
12 education, the Chief Procurement Officer may waive contract,  
13 registration, certification, and hearing requirements of this  
14 Code if, based on the item to be procured or the terms of a  
15 grant, compliance is impractical. The public institution of  
16 higher education shall provide the Chief Procurement Officer  
17 with specific reasons for the waiver, including the necessity  
18 of contracting with a particular potential contractor, and  
19 shall certify that an effort was made in good faith to comply  
20 with the provisions of this Code. The Chief Procurement  
21 Officer shall provide written justification for any waivers.  
22 By November 1 of each year, the Chief Procurement Officer  
23 shall file a report with the General Assembly identifying each  
24 contract approved with waivers and providing the justification  
25 given for any waivers for each of those contracts. Notice of  
26 each waiver made under this subsection shall be published in



1 the Procurement Bulletin within 14 calendar days after  
2 contract execution. The Chief Procurement Officer shall  
3 prescribe the form and content of the notice.

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

13 (e) Notwithstanding subsection (e) of Section 50-10.5 of  
14 this Code, the Chief Procurement Officer, with the approval of  
15 the Executive Ethics Commission, may permit a public  
16 institution of higher education to accept a bid or enter into a  
17 contract with a business that assisted the public institution  
18 of higher education in determining whether there is a need for  
19 a contract or assisted in reviewing, drafting, or preparing  
20 documents related to a bid or contract, provided that the bid  
21 or contract is essential to research administered by the  
22 public institution of higher education and it is in the best  
23 interest of the public institution of higher education to  
24 accept the bid or contract. For purposes of this subsection,  
25 "business" includes all individuals with whom a business is  
26 affiliated, including, but not limited to, any officer, agent,

1 employee, consultant, independent contractor, director,  
2 partner, manager, or shareholder of a business. The Executive  
3 Ethics Commission may promulgate rules and regulations for the  
4 implementation and administration of the provisions of this  
5 subsection (e).

6 (f) As used in this Section:

7 "Grant" means non-appropriated funding provided by a  
8 federal or private entity to support a project or program  
9 administered by a public institution of higher education and  
10 any non-appropriated funding provided to a sub-recipient of  
11 the grant.

12 "Public institution of higher education" means Chicago  
13 State University, Eastern Illinois University, Governors State  
14 University, Illinois State University, Northeastern Illinois  
15 University, Northern Illinois University, Southern Illinois  
16 University, University of Illinois, Western Illinois  
17 University, and, for purposes of this Code only, the Illinois  
18 Mathematics and Science Academy.

19 (g) (Blank).

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

21 (1) Public Act 98-1076, which took effect on January  
22 1, 2015, changed the repeal date set for this Section from  
23 December 31, 2014 to December 31, 2016.

24 (2) The Statute on Statutes sets forth general rules  
25 on the repeal of statutes and the construction of multiple  
26 amendments, but Section 1 of that Act also states that

1           these rules will not be observed when the result would be  
2           "inconsistent with the manifest intent of the General  
3           Assembly or repugnant to the context of the statute".

4           (3) This amendatory Act of the 100th General Assembly  
5           manifests the intention of the General Assembly to remove  
6           the repeal of this Section.

7           (4) This Section was originally enacted to protect,  
8           promote, and preserve the general welfare. Any  
9           construction of this Section that results in the repeal of  
10          this Section on December 31, 2014 would be inconsistent  
11          with the manifest intent of the General Assembly and  
12          repugnant to the context of this Code.

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

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

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

25          In order to ensure the continuing effectiveness of this  
26          Section, it is set forth in full and re-enacted by this

1 amendatory Act of the 100th General Assembly. This  
2 re-enactment is intended as a continuation of this Section. It  
3 is not intended to supersede any amendment to this Section  
4 that is enacted by the 100th General Assembly.

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

9 This Section applies to all procurements made on or before  
10 the effective date of this amendatory Act of the 100th General  
11 Assembly.

12 (Source: P.A. 100-43, eff. 8-9-17; 101-640, eff. 6-12-20.)".