



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3884

Introduced 1/21/2022, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-13.5 new
30 ILCS 500/1-15.13
30 ILCS 500/1-15.15
30 ILCS 500/1-15.63 new
30 ILCS 500/1-15.100
30 ILCS 500/1-15.105
30 ILCS 500/10-20
30 ILCS 500/10-35 new
30 ILCS 500/1-13 rep.

Amends the Illinois Procurement Code. Adds provisions concerning the applicability of the Code to public institutions of higher education. Provides for a Chief Procurement Officer for Higher Education to be appointed by a committee composed of the Illinois Public University Presidents (rather than appointed by the Executive Ethics Commission). Provides that the Chief Procurement Officer for Higher Education shall serve for a term of 5 years. Provides qualification and salary requirements for the Chief Procurement Officer for Higher Education. Defines terms. Makes conforming changes.

LRB102 23337 RJF 32503 b

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-15.13, 1-15.15, 1-15.100, 1-15.105, and
6 10-20 and by adding Sections 1-13.5, 1-15.63, and 10-35 as
7 follows:

8 (30 ILCS 500/1-13.5 new)

9 Sec. 1-13.5. Applicability to public institutions of
10 higher education.

11 (a) Public institutions of higher education shall procure
12 their needs in a manner substantially in accordance with the
13 requirements of this Code and a Chief Procurement Officer
14 appointed by a committee composed of the Illinois Public
15 University Presidents or their designee, with advice and
16 consent of the Senate, shall adopt rules to meet their needs.
17 The Chief Procurement Officer shall adopt such rules in
18 accordance with Section 5-25.

19 (b) The Chief Procurement Officer shall have
20 qualifications meeting those outlined in subsection (c) of
21 Section 10-35 at minimum, but shall have past experience in
22 Higher Education or exhibit an above average understanding of
23 Higher Education.

1 (c) Public institutions of higher education shall observe
2 Article 5 of this code and be responsible to the authority of
3 the Procurement Policy Board and the Commission on Equity and
4 Inclusion.

5 (30 ILCS 500/1-15.13)

6 Sec. 1-15.13. Chief Procurement Office. "Chief Procurement
7 Office" means the offices to which the chief procurement
8 officers are appointed pursuant to Section 10-20 and the
9 Office of the Chief Procurement Officer for Higher Education
10 as appointed under Section 10-35.

11 (Source: P.A. 98-1076, eff. 1-1-15.)

12 (30 ILCS 500/1-15.15)

13 Sec. 1-15.15. Chief Procurement Officer.

14 "Chief Procurement Officer" means any of the 3 ~~4~~ persons
15 appointed or approved by a majority of the members of the
16 Executive Ethics Commission:

17 (1) for procurements for construction and
18 construction-related services committed by law to the
19 jurisdiction or responsibility of the Capital Development
20 Board, the independent chief procurement officer appointed
21 by a majority of the members of the Executive Ethics
22 Commission.

23 (2) for procurements for all construction,
24 construction-related services, operation of any facility,

1 and the provision of any construction or
2 construction-related service or activity committed by law
3 to the jurisdiction or responsibility of the Illinois
4 Department of Transportation, including the direct or
5 reimbursable expenditure of all federal funds for which
6 the Department of Transportation is responsible or
7 accountable for the use thereof in accordance with federal
8 law, regulation, or procedure, the independent chief
9 procurement officer appointed by the Secretary of
10 Transportation with the consent of the majority of the
11 members of the Executive Ethics Commission.

12 (3) (Blank). ~~for all procurements made by a public~~
13 ~~institution of higher education, the independent chief~~
14 ~~procurement officer appointed by a majority of the members~~
15 ~~of the Executive Ethics Commission.~~

16 (4) (Blank).

17 (5) for all other procurements, the independent chief
18 procurement officer appointed by a majority of the members
19 of the Executive Ethics Commission.

20 "Chief Procurement Officer" also includes the Chief
21 Procurement Officer for Higher Education as appointed under
22 Section 10-35.

23 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see
24 Section 5 of P.A. 96-793 for the effective date of changes made
25 by P.A. 96-795); 96-920, eff. 7-1-10.)

1 (30 ILCS 500/1-15.63 new)

2 Sec. 1-15.63. Public institution of higher education.

3 "Public institution of higher education" means the governing
4 boards of the University of Illinois, Southern Illinois
5 University, Illinois State University, Eastern Illinois
6 University, Northern Illinois University, Western Illinois
7 University, Chicago State University, Governors State
8 University, and Northeastern Illinois University.

9 (30 ILCS 500/1-15.100)

10 Sec. 1-15.100. State agency. "State agency" means and
11 includes all boards, commissions, agencies, institutions,
12 authorities, and bodies politic and corporate of the State,
13 created by or in accordance with the constitution or statute,
14 of the executive branch of State government ~~and does include~~
15 ~~colleges, universities, and institutions under the~~
16 ~~jurisdiction of the governing boards of the University of~~
17 ~~Illinois, Southern Illinois University, Illinois State~~
18 ~~University, Eastern Illinois University, Northern Illinois~~
19 ~~University, Western Illinois University, Chicago State~~
20 ~~University, Governors State University, Northeastern Illinois~~
21 ~~University, and the Board of Higher Education. However, this~~
22 ~~term does not apply to public employee retirement systems or~~
23 ~~investment boards that are subject to fiduciary duties imposed~~
24 ~~by the Illinois Pension Code or to the University of Illinois~~
25 ~~Foundation.~~ "State agency" does not include units of local

1 government, school districts, community colleges under the
2 Public Community College Act, colleges, universities, and
3 institutions under the jurisdiction of the governing boards of
4 the University of Illinois, Southern Illinois University,
5 Illinois State University, Eastern Illinois University,
6 Northern Illinois University, Western Illinois University,
7 Chicago State University, Governors State University,
8 Northeastern Illinois University, and the Board of Higher
9 Education. "State agency" also does not apply to public
10 employee retirement systems or investment boards that are
11 subject to fiduciary duties imposed by the Illinois Pension
12 Code or to the University of Illinois Foundation and the
13 Illinois Comprehensive Health Insurance Board.

14 (Source: P.A. 101-81, eff. 7-12-19.)

15 (30 ILCS 500/1-15.105)

16 Sec. 1-15.105. State purchasing officer. "State purchasing
17 officer" means, except as otherwise provided in this Section,
18 a person appointed by any of the chief procurement officers to
19 exercise the procurement authority created by this Code or by
20 rule. For public institutions of higher education, the State
21 purchasing officer for each institution shall be the Director
22 of Purchasing, or his or her designee, as appointed by the
23 President for each public institution of higher education.

24 (Source: P.A. 90-572, eff. 2-6-98.)

1 (30 ILCS 500/10-20)

2 Sec. 10-20. Independent chief procurement officers.

3 (a) Appointment. Within 60 calendar days after the
4 effective date of this amendatory Act of the 96th General
5 Assembly, the Executive Ethics Commission, with the advice and
6 consent of the Senate shall appoint or approve 3 ~~4~~ chief
7 procurement officers, one for each of the following
8 categories:

9 (1) for procurements for construction and
10 construction-related services committed by law to the
11 jurisdiction or responsibility of the Capital Development
12 Board;

13 (2) for procurements for all construction,
14 construction-related services, operation of any facility,
15 and the provision of any service or activity committed by
16 law to the jurisdiction or responsibility of the Illinois
17 Department of Transportation, including the direct or
18 reimbursable expenditure of all federal funds for which
19 the Department of Transportation is responsible or
20 accountable for the use thereof in accordance with federal
21 law, regulation, or procedure, the chief procurement
22 officer recommended for approval under this item appointed
23 by the Secretary of Transportation after consent by the
24 Executive Ethics Commission;

25 (3) (blank); and ~~for all procurements made by a public~~
26 ~~institution of higher education; and~~

1 (4) for all other procurement needs of State agencies.

2 ~~A chief procurement officer shall be responsible to the~~
3 ~~Executive Ethics Commission but must be located within the~~
4 ~~agency that the officer provides with procurement services.~~
5 ~~The chief procurement officer for higher education shall have~~
6 ~~an office located within the Board of Higher Education, unless~~
7 ~~otherwise designated by the Executive Ethics Commission.~~ The
8 chief procurement officer for all other procurement needs of
9 the State shall have an office located within the Department
10 of Central Management Services, unless otherwise designated by
11 the Executive Ethics Commission.

12 (b) Terms and independence. Each chief procurement officer
13 appointed under this Section shall serve for a term of 5 years
14 beginning on the date of the officer's appointment. The chief
15 procurement officer may be removed for cause after a hearing
16 by the Executive Ethics Commission. The Governor or the
17 director of a State agency directly responsible to the
18 Governor may institute a complaint against the officer by
19 filing such complaint with the Commission. The Commission
20 shall have a hearing based on the complaint. The officer and
21 the complainant shall receive reasonable notice of the hearing
22 and shall be permitted to present their respective arguments
23 on the complaint. After the hearing, the Commission shall make
24 a finding on the complaint and may take disciplinary action,
25 including but not limited to removal of the officer.

26 The salary of a chief procurement officer shall be

1 established by the Executive Ethics Commission and may not be
2 diminished during the officer's term. The salary may not
3 exceed the salary of the director of a State agency for which
4 the officer serves as chief procurement officer.

5 (c) Qualifications. In addition to any other requirement
6 or qualification required by State law, each chief procurement
7 officer must within 12 months of employment be a Certified
8 Professional Public Buyer or a Certified Public Purchasing
9 Officer, pursuant to certification by the Universal Public
10 Purchasing Certification Council, and must reside in Illinois.

11 (d) Fiduciary duty. Each chief procurement officer owes a
12 fiduciary duty to the State.

13 (e) Vacancy. In case of a vacancy in one or more of the
14 offices of a chief procurement officer under this Section
15 during the recess of the Senate, the Executive Ethics
16 Commission shall make a temporary appointment until the next
17 meeting of the Senate, when the Executive Ethics Commission
18 shall nominate some person to fill the office, and any person
19 so nominated who is confirmed by the Senate shall hold office
20 during the remainder of the term and until his or her successor
21 is appointed and qualified. If the Senate is not in session at
22 the time this amendatory Act of the 96th General Assembly
23 takes effect, the Executive Ethics Commission shall make a
24 temporary appointment as in the case of a vacancy.

25 (f) (Blank).

26 (g) (Blank).

1 (Source: P.A. 98-1076, eff. 1-1-15.)

2 (30 ILCS 500/10-35 new)

3 Sec. 10-35. Chief Procurement Officer for Higher
4 Education.

5 (a) The Chief Procurement Officer for Higher Education
6 shall be appointed by a committee of the Illinois Public
7 University Presidents or their designee, with advice and
8 consent of the Senate, and shall be responsible to the
9 Illinois Public Higher Education Cooperative Board and reside
10 in one of the 13 public institutions of higher education
11 determined by the Illinois Public Higher Education Cooperative
12 Board of Trustees.

13 (b) The Chief Procurement Officer for Higher Education
14 shall serve for a term of 5 years beginning on the date of the
15 Officer's appointment.

16 (c) In addition to any other requirement or qualification
17 required by State law, the Chief Procurement Officer for
18 Higher Education must within 12 months after commencement of
19 his or her employment be a Certified Professional Public Buyer
20 or a Certified Public Purchasing Officer, or like
21 certification, pursuant to certification by the Universal
22 Public Purchasing Certification Council, and must reside in
23 Illinois.

24 (d) The salary of Chief Procurement Officer for Higher
25 Education shall be established by the Illinois Public Higher

1 Education Cooperative Board of Trustees and may not be
2 diminished during the Officer's term. The salary will be
3 commensurate with the qualification of the appointed
4 candidate. The Illinois Public Higher Education Cooperative
5 Board shall establish the salary and discretionary budget for
6 the Chief Procurement Officer for Higher Education and any
7 such funds will be transferred from the Illinois Public Higher
8 Education Cooperative office to the public institution of
9 higher education housing the Chief Procurement Officer for
10 Higher Education.

11 (30 ILCS 500/1-13 rep.)

12 Section 10. The Illinois Procurement Code is amended by
13 repealing Section 1-13.