



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2787

Introduced 2/16/2023, by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

20 ILCS 3855/1-92
20 ILCS 3855/1-125
30 ILCS 500/1-10

Amends the Illinois Power Agency Act. In provisions concerning aggregation of electrical load by municipalities, townships, and counties, provides that the report to assess how the aggregation of electrical load by municipalities, townships, and counties can be used to help meet the renewable energy goals outlined in the Act shall contain, at a minimum, an assessment of other states' utilization of load aggregation in meeting renewable energy goals, any known or expected barriers to (rather than in) utilizing load aggregation for meeting renewable energy goals, and recommendations for possible changes in State law necessary for electrical load aggregation to be a driver of new renewable energy project development. Provides that the annual report by the Illinois Power Agency shall include the number (rather than amount) of megawatt hours produced by renewable energy generation capacity physically located in Illinois for the preceding delivery year. Makes another change in the Illinois Procurement Code.

LRB103 29917 AMQ 56330 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Power Agency Act is amended by
5 changing Sections 1-92 and 1-125 as follows:

6 (20 ILCS 3855/1-92)

7 Sec. 1-92. Aggregation of electrical load by
8 municipalities, townships, and counties.

9 (a) The corporate authorities of a municipality, township
10 board, or county board of a county may adopt an ordinance under
11 which it may aggregate in accordance with this Section
12 residential and small commercial retail electrical loads
13 located, respectively, within the municipality, the township,
14 or the unincorporated areas of the county and, for that
15 purpose, may solicit bids and enter into service agreements to
16 facilitate for those loads the sale and purchase of
17 electricity and related services and equipment.

18 The corporate authorities, township board, or county board
19 may also exercise such authority jointly with any other
20 municipality, township, or county. Two or more municipalities,
21 townships, or counties, or a combination of both, may initiate
22 a process jointly to authorize aggregation by a majority vote
23 of each particular municipality, township, or county as

1 required by this Section.

2 If the corporate authorities, township board, or the
3 county board seek to operate the aggregation program as an
4 opt-out program for residential and small commercial retail
5 customers, then prior to the adoption of an ordinance with
6 respect to aggregation of residential and small commercial
7 retail electric loads, the corporate authorities of a
8 municipality, the township board, or the county board of a
9 county shall submit a referendum to its residents to determine
10 whether or not the aggregation program shall operate as an
11 opt-out program for residential and small commercial retail
12 customers. Any county board that seeks to submit such a
13 referendum to its residents shall do so only in unincorporated
14 areas of the county where no electric aggregation ordinance
15 has been adopted.

16 In addition to the notice and conduct requirements of the
17 general election law, notice of the referendum shall state
18 briefly the purpose of the referendum. The question of whether
19 the corporate authorities, the township board, or the county
20 board shall adopt an opt-out aggregation program for
21 residential and small commercial retail customers shall be
22 submitted to the electors of the municipality, township board,
23 or county board at a regular election and approved by a
24 majority of the electors voting on the question. The corporate
25 authorities, township board, or county board must certify to
26 the proper election authority, which must submit the question

1 at an election in accordance with the Election Code.

2 The election authority must submit the question in
3 substantially the following form:

4 Shall the (municipality, township, or county in which
5 the question is being voted upon) have the authority to
6 arrange for the supply of electricity for its residential
7 and small commercial retail customers who have not opted
8 out of such program?

9 The election authority must record the votes as "Yes" or "No".

10 If a majority of the electors voting on the question vote
11 in the affirmative, then the corporate authorities, township
12 board, or county board may implement an opt-out aggregation
13 program for residential and small commercial retail customers.

14 A referendum must pass in each particular municipality,
15 township, or county that is engaged in the aggregation
16 program. If the referendum fails, then the corporate
17 authorities, township board, or county board shall operate the
18 aggregation program as an opt-in program for residential and
19 small commercial retail customers.

20 An ordinance under this Section shall specify whether the
21 aggregation will occur only with the prior consent of each
22 person owning, occupying, controlling, or using an electric
23 load center proposed to be aggregated. Nothing in this
24 Section, however, authorizes the aggregation of electric loads
25 that are served or authorized to be served by an electric
26 cooperative as defined by and pursuant to the Electric

1 Supplier Act or loads served by a municipality that owns and
2 operates its own electric distribution system. No aggregation
3 shall take effect unless approved by a majority of the members
4 of the corporate authority, township board, or county board
5 voting upon the ordinance.

6 A governmental aggregator under this Section is not a
7 public utility or an alternative retail electric supplier.

8 For purposes of this Section, "township" means the portion
9 of a township that is an unincorporated portion of a county
10 that is not otherwise a part of a municipality. In addition to
11 such other limitations as are included in this Section, a
12 township board shall only have authority to aggregate
13 residential and small commercial customer loads in accordance
14 with this Section if the county board of the county in which
15 the township is located (i) is not also submitting a
16 referendum to its residents at the same general election that
17 the township board proposes to submit a referendum under this
18 subsection (a), (ii) has not received authorization through
19 passage of a referendum to operate an opt-out aggregation
20 program for residential and small commercial retail customers
21 under this subsection (a), and (iii) has not otherwise enacted
22 an ordinance under this subsection (a) authorizing the
23 operation of an opt-in aggregation program for residential and
24 small commercial retail customers as described in this
25 Section.

26 (b) Upon the applicable requisite authority under this

1 Section, the corporate authorities, the township board, or the
2 county board, with assistance from the Illinois Power Agency,
3 shall develop a plan of operation and governance for the
4 aggregation program so authorized. Before adopting a plan
5 under this Section, the corporate authorities, township board,
6 or county board shall hold at least 2 public hearings on the
7 plan. Before the first hearing, the corporate authorities,
8 township board, or county board shall publish notice of the
9 hearings once a week for 2 consecutive weeks in a newspaper of
10 general circulation in the jurisdiction. The notice shall
11 summarize the plan and state the date, time, and location of
12 each hearing. Any load aggregation plan established pursuant
13 to this Section shall:

14 (1) provide for universal access to all applicable
15 residential customers and equitable treatment of
16 applicable residential customers;

17 (2) describe demand management and energy efficiency
18 services to be provided to each class of customers; and

19 (3) meet any requirements established by law
20 concerning aggregated service offered pursuant to this
21 Section.

22 (c) The process for soliciting bids for electricity and
23 other related services and awarding proposed agreements for
24 the purchase of electricity and other related services shall
25 be conducted in the following order:

26 (1) The corporate authorities, township board, or

1 county board may solicit bids for electricity and other
2 related services. The bid specifications may include a
3 provision requiring the bidder to disclose the fuel type
4 of electricity to be procured or generated on behalf of
5 the aggregation program customers. The corporate
6 authorities, township board, or county board may consider
7 the proposed source of electricity to be procured or
8 generated to be put into the grid on behalf of aggregation
9 program customers in the competitive bidding process. The
10 Agency and Commission may collaborate to issue joint
11 guidance on voluntary uniform standards for bidder
12 disclosures of the source of electricity to be procured or
13 generated to be put into the grid on behalf of aggregation
14 program customers.

15 (1.5) A township board shall request from the electric
16 utility those residential and small commercial customers
17 within their aggregate area either by zip code or zip
18 codes or other means as determined by the electric
19 utility. The electric utility shall then provide to the
20 township board the residential and small commercial
21 customers, including the names and addresses of
22 residential and small commercial customers,
23 electronically. The township board shall be responsible
24 for authenticating the residential and small commercial
25 customers contained in this listing and providing edits of
26 the data to affirm, add, or delete the residential and

1 small commercial customers located within its
2 jurisdiction. The township board shall provide the edited
3 list to the electric utility in an electronic format or
4 other means selected by the electric utility and certify
5 that the information is accurate.

6 (2) Notwithstanding Section 16-122 of the Public
7 Utilities Act and Section 2HH of the Consumer Fraud and
8 Deceptive Business Practices Act, an electric utility that
9 provides residential and small commercial retail electric
10 service in the aggregate area must, upon request of the
11 corporate authorities, township board, or the county board
12 in the aggregate area, submit to the requesting party, in
13 an electronic format, those account numbers, names, and
14 addresses of residential and small commercial retail
15 customers in the aggregate area that are reflected in the
16 electric utility's records at the time of the request;
17 provided, however, that any township board has first
18 provided an accurate customer list to the electric utility
19 as provided for herein.

20 Any corporate authority, township board, or county board
21 receiving customer information from an electric utility shall
22 be subject to the limitations on the disclosure of the
23 information described in Section 16-122 of the Public
24 Utilities Act and Section 2HH of the Consumer Fraud and
25 Deceptive Business Practices Act, and an electric utility
26 shall not be held liable for any claims arising out of the

1 provision of information pursuant to this item (2).

2 (d) If the corporate authorities, township board, or
3 county board operate under an opt-in program for residential
4 and small commercial retail customers, then the corporate
5 authorities, township board, or county board shall comply with
6 all of the following:

7 (1) Within 60 days after receiving the bids, the
8 corporate authorities, township board, or county board
9 shall allow residential and small commercial retail
10 customers to commit to the terms and conditions of a bid
11 that has been selected by the corporate authorities,
12 township board, or county board.

13 (2) If (A) the corporate authorities, township board,
14 or county board award proposed agreements for the purchase
15 of electricity and other related services and (B) an
16 agreement is reached between the corporate authorities,
17 township board, or county board for those services, then
18 customers committed to the terms and conditions according
19 to item (1) of this subsection (d) shall be committed to
20 the agreement.

21 (e) If the corporate authorities, township board, or
22 county board operate as an opt-out program for residential and
23 small commercial retail customers, then it shall be the duty
24 of the aggregated entity to fully inform residential and small
25 commercial retail customers in advance that they have the
26 right to opt out of the aggregation program. The disclosure

1 shall prominently state all charges to be made and shall
2 include full disclosure of the cost to obtain service pursuant
3 to Section 16-103 of the Public Utilities Act, how to access
4 it, and the fact that it is available to them without penalty,
5 if they are currently receiving service under that Section.
6 The Illinois Power Agency shall furnish, without charge, to
7 any citizen a list of all supply options available to them in a
8 format that allows comparison of prices and products.

9 (f) Any person or entity retained by a municipality or
10 county, or jointly by more than one such unit of local
11 government, to provide input, guidance, or advice in the
12 selection of an electricity supplier for an aggregation
13 program shall disclose in writing to the involved units of
14 local government the nature of any relationship through which
15 the person or entity may receive, either directly or
16 indirectly, commissions or other remuneration as a result of
17 the selection of any particular electricity supplier. The
18 written disclosure must be made prior to formal approval by
19 the involved units of local government of any professional
20 services agreement with the person or entity, or no later than
21 October 1, 2012 with respect to any such professional services
22 agreement entered into prior to the effective date of this
23 amendatory Act of the 97th General Assembly. The disclosure
24 shall cover all direct and indirect relationships through
25 which commissions or remuneration may result, including the
26 pooling of commissions or remuneration among multiple persons

1 or entities, and shall identify all involved electricity
2 suppliers. The disclosure requirements in this subsection (f)
3 are to be liberally construed to ensure that the nature of
4 financial interests are fully revealed, and these disclosure
5 requirements shall apply regardless of whether the involved
6 person or entity is licensed under Section 16-115C of the
7 Public Utilities Act. Any person or entity that fails to make
8 the disclosure required under this subsection (f) is liable to
9 the involved units of local government in an amount equal to
10 all compensation paid to such person or entity by the units of
11 local government for the input, guidance, or advice in the
12 selection of an electricity supplier, plus reasonable
13 attorneys fees and court costs incurred by the units of local
14 government in connection with obtaining such amount.

15 (g) The Illinois Power Agency shall provide assistance to
16 municipalities, townships, counties, or associations working
17 with municipalities to help complete the plan and bidding
18 process.

19 (h) This Section does not prohibit municipalities or
20 counties from entering into an intergovernmental agreement to
21 aggregate residential and small commercial retail electric
22 loads.

23 (i) No later than June 1, 2023, the Illinois Power Agency
24 shall produce a report assessing how the aggregation of
25 electrical load by municipalities, townships, and counties can
26 be used to help meet the renewable energy goals outlined in

1 this Act. This report shall contain, at a minimum, an
2 assessment of other states' utilization of load aggregation in
3 meeting renewable energy goals, any known or expected barriers
4 to ~~in~~ utilizing load aggregation for meeting renewable energy
5 goals, and recommendations for possible changes in State law
6 necessary for electrical load aggregation to be a driver of
7 new renewable energy project development. This report shall be
8 published on the Agency's website and delivered to the
9 Governor and General Assembly. To assist with developing this
10 report, the Agency may retain the services of its expert
11 consulting firm used to develop its procurement plans as
12 provided in paragraph (1) of subsection (a) of Section 1-75.

13 (Source: P.A. 102-662, eff. 9-15-21.)

14 (20 ILCS 3855/1-125)

15 Sec. 1-125. Agency annual reports.

16 (a) By February 15 of each year, the Agency shall report
17 annually to the Governor and the General Assembly on the
18 operations and transactions of the Agency. The annual report
19 shall include, but not be limited to, each of the following:

20 (1) The average quantity, price, and term of all
21 contracts for electricity procured under the procurement
22 plans for electric utilities.

23 (2) (Blank).

24 (3) The quantity, price, and rate impact of all energy
25 efficiency and demand response measures purchased for

1 electric utilities, and any measures included in the
2 procurement plan pursuant to Section 16-111.5B of the
3 Public Utilities Act.

4 (4) The amount of power and energy produced by each
5 Agency facility.

6 (5) The quantity of electricity supplied by each
7 Agency facility to municipal electric systems,
8 governmental aggregators, or rural electric cooperatives
9 in Illinois.

10 (6) The revenues as allocated by the Agency to each
11 facility.

12 (7) The costs as allocated by the Agency to each
13 facility.

14 (8) The accumulated depreciation for each facility.

15 (9) The status of any projects under development.

16 (10) Basic financial and operating information
17 specifically detailed for the reporting year and
18 including, but not limited to, income and expense
19 statements, balance sheets, and changes in financial
20 position, all in accordance with generally accepted
21 accounting principles, debt structure, and a summary of
22 funds on a cash basis.

23 (11) The average quantity, price, contract type and
24 term, and rate impact of all renewable resources procured
25 under the long-term renewable resources procurement plans
26 for electric utilities.

1 (12) A comparison of the costs associated with the
2 Agency's procurement of renewable energy resources to (A)
3 the Agency's costs associated with electricity generated
4 by other types of generation facilities and (B) the
5 benefits associated with the Agency's procurement of
6 renewable energy resources.

7 (13) An analysis of the rate impacts associated with
8 the Illinois Power Agency's procurement of renewable
9 resources, including, but not limited to, any long-term
10 contracts, on the eligible retail customers of electric
11 utilities. The analysis shall include the Agency's
12 estimate of the total dollar impact that the Agency's
13 procurement of renewable resources has had on the annual
14 electricity bills of the customer classes that comprise
15 each eligible retail customer class taking service from an
16 electric utility.

17 (14) (Blank).

18 (b) In addition to reporting on the transactions and
19 operations of the Agency, the Agency shall also endeavor to
20 report on the following items through its annual report,
21 recognizing that full and accurate information may not be
22 available for certain items:

23 (1) The overall nameplate capacity amount of installed
24 and scheduled renewable energy generation capacity
25 physically located in Illinois.

26 (2) The percentage of installed and scheduled

1 renewable energy generation capacity as a share of overall
2 electricity generation capacity physically located in
3 Illinois.

4 (3) The number ~~amount~~ of megawatt hours produced by
5 renewable energy generation capacity physically located in
6 Illinois for the preceding delivery year.

7 (4) The percentage of megawatt hours produced by
8 renewable energy generation capacity physically located in
9 Illinois as a share of overall electricity generation from
10 facilities physically located in Illinois for the
11 preceding delivery year.

12 (5) The renewable portfolio standard expenditures made
13 pursuant to paragraph (1) of subsection (c) of Section
14 1-75 and the total scheduled and installed renewable
15 generation capacity expected to result from these
16 investments. This information shall include the total cost
17 of REC delivery contracts of the renewable portfolio
18 standard by project category, including, but not limited
19 to, renewable energy credits delivery contracts entered
20 into pursuant to subparagraphs (C), (G), (K), and (R) of
21 paragraph (1) of subsection (c) Section 1-75. The Agency
22 shall also report on the total amount of customer load
23 featuring renewable portfolio standard compliance
24 obligations scheduled to be met by self-direct customers
25 pursuant to subparagraph (R) of paragraph (1) of
26 subsection (c) of Section 1-75, as well as the minimum

1 annual quantities of renewable energy credits scheduled to
2 be retired by those customers and amount of installed
3 renewable energy generating capacity used to meet the
4 requirements of subparagraph (R) of paragraph (1) of
5 subsection (c) of Section 1-75.

6 The Agency may seek assistance from the Illinois Commerce
7 Commission in developing its annual report and may also retain
8 the services of its expert consulting firm used to develop its
9 procurement plans as outlined in paragraph (1) of subsection
10 (a) of Section 1-75. Confidential or commercially sensitive
11 business information provided by retail customers, alternative
12 retail electric suppliers, or other parties shall be kept
13 confidential by the Agency consistent with Section 1-120, but
14 may be publicly reported in aggregate form.

15 (Source: P.A. 102-662, eff. 9-15-21.)

16 Section 10. The Illinois Procurement Code is amended by
17 changing Section 1-10 as follows:

18 (30 ILCS 500/1-10)

19 Sec. 1-10. Application.

20 (a) This Code applies only to procurements for which
21 bidders, offerors, potential contractors, or contractors were
22 first solicited on or after July 1, 1998. This Code shall not
23 be construed to affect or impair any contract, or any
24 provision of a contract, entered into based on a solicitation

1 prior to the implementation date of this Code as described in
2 Article 99, including, but not limited to, any covenant
3 entered into with respect to any revenue bonds or similar
4 instruments. All procurements for which contracts are
5 solicited between the effective date of Articles 50 and 99 and
6 July 1, 1998 shall be substantially in accordance with this
7 Code and its intent.

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

11 (1) Contracts between the State and its political
12 subdivisions or other governments, or between State
13 governmental bodies, except as specifically provided in
14 this Code.

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

17 (3) Purchase of care, except as provided in Section
18 5-30.6 of the Illinois Public Aid Code and this Section.

19 (4) Hiring of an individual as an employee and not as
20 an independent contractor, whether pursuant to an
21 employment code or policy or by contract directly with
22 that individual.

23 (5) Collective bargaining contracts.

24 (6) Purchase of real estate, except that notice of
25 this type of contract with a value of more than \$25,000
26 must be published in the Procurement Bulletin within 10

1 calendar days after the deed is recorded in the county of
2 jurisdiction. The notice shall identify the real estate
3 purchased, the names of all parties to the contract, the
4 value of the contract, and the effective date of the
5 contract.

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

15 (8) (Blank).

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

18 (10) (Blank).

19 (11) Public-private agreements entered into according
20 to the procurement requirements of Section 20 of the
21 Public-Private Partnerships for Transportation Act and
22 design-build agreements entered into according to the
23 procurement requirements of Section 25 of the
24 Public-Private Partnerships for Transportation Act.

25 (12) (A) Contracts for legal, financial, and other
26 professional and artistic services entered into by the

1 Illinois Finance Authority in which the State of Illinois
2 is not obligated. Such contracts shall be awarded through
3 a competitive process authorized by the members of the
4 Illinois Finance Authority and are subject to Sections
5 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
6 as well as the final approval by the members of the
7 Illinois Finance Authority of the terms of the contract.

8 (B) Contracts for legal and financial services entered
9 into by the Illinois Housing Development Authority in
10 connection with the issuance of bonds in which the State
11 of Illinois is not obligated. Such contracts shall be
12 awarded through a competitive process authorized by the
13 members of the Illinois Housing Development Authority and
14 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
15 and 50-37 of this Code, as well as the final approval by
16 the members of the Illinois Housing Development Authority
17 of the terms of the contract.

18 (13) Contracts for services, commodities, and
19 equipment to support the delivery of timely forensic
20 science services in consultation with and subject to the
21 approval of the Chief Procurement Officer as provided in
22 subsection (d) of Section 5-4-3a of the Unified Code of
23 Corrections, except for the requirements of Sections
24 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
25 Code; however, the Chief Procurement Officer may, in
26 writing with justification, waive any certification

1 required under Article 50 of this Code. For any contracts
2 for services which are currently provided by members of a
3 collective bargaining agreement, the applicable terms of
4 the collective bargaining agreement concerning
5 subcontracting shall be followed.

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

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

11 (15) Contracts with a railroad or utility that
12 requires the State to reimburse the railroad or utilities
13 for the relocation of utilities for construction or other
14 public purpose. Contracts included within this paragraph
15 (15) shall include, but not be limited to, those
16 associated with: relocations, crossings, installations,
17 and maintenance. For the purposes of this paragraph (15),
18 "railroad" means any form of non-highway ground
19 transportation that runs on rails or electromagnetic
20 guideways and "utility" means: (1) public utilities as
21 defined in Section 3-105 of the Public Utilities Act, (2)
22 telecommunications carriers as defined in Section 13-202
23 of the Public Utilities Act, (3) electric cooperatives as
24 defined in Section 3.4 of the Electric Supplier Act, (4)
25 telephone or telecommunications cooperatives as defined in
26 Section 13-212 of the Public Utilities Act, (5) rural

1 water or waste water systems with 10,000 connections or
2 less, (6) a holder as defined in Section 21-201 of the
3 Public Utilities Act, and (7) municipalities owning or
4 operating utility systems consisting of public utilities
5 as that term is defined in Section 11-117-2 of the
6 Illinois Municipal Code.

7 (16) Procurement expenditures necessary for the
8 Department of Public Health to provide the delivery of
9 timely newborn screening services in accordance with the
10 Newborn Metabolic Screening Act.

11 (17) Procurement expenditures necessary for the
12 Department of Agriculture, the Department of Financial and
13 Professional Regulation, the Department of Human Services,
14 and the Department of Public Health to implement the
15 Compassionate Use of Medical Cannabis Program and Opioid
16 Alternative Pilot Program requirements and ensure access
17 to medical cannabis for patients with debilitating medical
18 conditions in accordance with the Compassionate Use of
19 Medical Cannabis Program Act.

20 (18) This Code does not apply to any procurements
21 necessary for the Department of Agriculture, the
22 Department of Financial and Professional Regulation, the
23 Department of Human Services, the Department of Commerce
24 and Economic Opportunity, and the Department of Public
25 Health to implement the Cannabis Regulation and Tax Act if
26 the applicable agency has made a good faith determination

1 that it is necessary and appropriate for the expenditure
2 to fall within this exemption and if the process is
3 conducted in a manner substantially in accordance with the
4 requirements of Sections 20-160, 25-60, 30-22, 50-5,
5 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
6 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
7 Section 50-35, compliance applies only to contracts or
8 subcontracts over \$100,000. Notice of each contract
9 entered into under this paragraph (18) that is related to
10 the procurement of goods and services identified in
11 paragraphs ~~paragraph~~ (1) through (9) of this subsection
12 shall be published in the Procurement Bulletin within 14
13 calendar days after contract execution. The Chief
14 Procurement Officer shall prescribe the form and content
15 of the notice. Each 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
18 report of contracts that are related to the procurement of
19 goods and services identified in this subsection. At a
20 minimum, this report shall include the name of the
21 contractor, a description of the supply or service
22 provided, the total amount of the contract, the term of
23 the contract, and the exception to this Code utilized. A
24 copy of any or all of these contracts shall be made
25 available to the Chief Procurement Officer immediately
26 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 includes, at a minimum, an
3 annual summary of the monthly information reported to the
4 Chief Procurement Officer. This exemption becomes
5 inoperative 5 years after June 25, 2019 (the effective
6 date of Public Act 101-27).

7 (19) Acquisition of modifications or adjustments,
8 limited to assistive technology devices and assistive
9 technology services, adaptive equipment, repairs, and
10 replacement parts to provide reasonable accommodations (i)
11 that enable a qualified applicant with a disability to
12 complete the job application process and be considered for
13 the position such qualified applicant desires, (ii) that
14 modify or adjust the work environment to enable a
15 qualified current employee with a disability to perform
16 the essential functions of the position held by that
17 employee, (iii) to enable a qualified current employee
18 with a disability to enjoy equal benefits and privileges
19 of employment as are enjoyed by other similarly situated
20 employees without disabilities, and (iv) that allow a
21 customer, client, claimant, or member of the public
22 seeking State services full use and enjoyment of and
23 access to its programs, services, or benefits.

24 For purposes of this paragraph (19):

25 "Assistive technology devices" means any item, piece
26 of equipment, or product system, whether acquired

1 commercially off the shelf, modified, or customized, that
2 is used to increase, maintain, or improve functional
3 capabilities of individuals with disabilities.

4 "Assistive technology services" means any service that
5 directly assists an individual with a disability in
6 selection, acquisition, or use of an assistive technology
7 device.

8 "Qualified" has the same meaning and use as provided
9 under the federal Americans with Disabilities Act when
10 describing an individual with a disability.

11 (20) Procurement expenditures necessary for the
12 Illinois Commerce Commission to hire third-party
13 facilitators pursuant to Sections 16-105.17 and 16-108.18
14 of the Public Utilities Act or an ombudsman pursuant to
15 Section 16-107.5 of the Public Utilities Act, a
16 facilitator pursuant to Section 16-105.17 of the Public
17 Utilities Act, or a grid auditor pursuant to Section
18 16-105.10 of the Public Utilities Act.

19 (21) Procurement expenditures for the purchase,
20 renewal, and expansion of software, software licenses, or
21 software maintenance agreements that support the efforts
22 of the Illinois State Police to enforce, regulate, and
23 administer the Firearm Owners Identification Card Act, the
24 Firearm Concealed Carry Act, the Firearms Restraining
25 Order Act, the Firearm Dealer License Certification Act,
26 the Law Enforcement Agencies Data System (LEADS), the

1 Uniform Crime Reporting Act, the Criminal Identification
2 Act, the Uniform Conviction Information Act, and the Gun
3 Trafficking Information Act, or establish or maintain
4 record management systems necessary to conduct human
5 trafficking investigations or gun trafficking or other
6 stolen firearm investigations. This paragraph (21) applies
7 to contracts entered into on or after the effective date
8 of this amendatory Act of the 102nd General Assembly and
9 the renewal of contracts that are in effect on the
10 effective date of this amendatory Act of the 102nd General
11 Assembly.

12 Notwithstanding any other provision of law, for contracts
13 with an annual value of more than \$100,000 entered into on or
14 after October 1, 2017 under an exemption provided in any
15 paragraph of this subsection (b), except paragraph (1), (2),
16 or (5), each State agency shall post to the appropriate
17 procurement bulletin the name of the contractor, a description
18 of the supply or service provided, the total amount of the
19 contract, the term of the contract, and the exception to the
20 Code utilized. The chief procurement officer shall submit a
21 report to the Governor and General Assembly no later than
22 November 1 of each year that shall include, at a minimum, an
23 annual summary of the monthly information reported to the
24 chief procurement officer.

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

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

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

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

19 (f) (Blank).

20 (g) (Blank).

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

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

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

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

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

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

17 (m) This Code shall apply regardless of the source of
18 funds with which contracts are paid, including federal
19 assistance moneys. Except as specifically provided in this
20 Code, this Code shall not apply to procurement expenditures
21 necessary for the Department of Public Health to conduct the
22 Healthy Illinois Survey in accordance with Section 2310-431 of
23 the Department of Public Health Powers and Duties Law of the
24 Civil Administrative Code of Illinois.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
26 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff

1 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
2 eff. 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
3 102-1116, eff. 1-10-23.)