



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB4441

Introduced 1/16/2024, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1022.5 new	
60 ILCS 1/85-47 new	
65 ILCS 5/8-1-7.5 new	
70 ILCS 805/8	from Ch. 96 1/2, par. 6315
70 ILCS 1205/8-1	from Ch. 105, par. 8-1
75 ILCS 5/4-19 new	
75 ILCS 16/30-55.43 new	
105 ILCS 5/10-20.21	
105 ILCS 5/34-21.3	from Ch. 122, par. 34-21.3
110 ILCS 805/3-48.5 new	

Amends the Counties Code, the Township Code, the Illinois Municipal Code, the Downstate Forest Preserve District Act, the Park District Code, the Illinois Local Library Act, the Public Library District Act of 1991, the School Code, and the Public Community College Act. Provides that the board of trustees and corporate authorities of the various local governmental entities referenced in the named Acts and Codes may establish aspirational goals for the awarding of contracts to minority-owned businesses, women-owned businesses, and businesses owned by persons with disabilities. Defines "minority-owned business", "women-owned business", and "business owned by a person with a disability".

LRB103 35366 AWJ 65431 b

1 AN ACT concerning government.

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

4 Section 5. The Counties Code is amended by adding Section  
5 5-1022.5 as follows:

6 (55 ILCS 5/5-1022.5 new)

7 Sec. 5-1022.5. Aspirational contract goals. A county board  
8 may establish aspirational goals for the awarding of contracts  
9 to minority-owned businesses, women-owned businesses, and  
10 businesses owned by persons with disabilities. As used in this  
11 Section, "minority-owned business", "women-owned business",  
12 and "business owned by a person with a disability" have the  
13 meanings provided in Section 2 of the Business Enterprise for  
14 Minorities, Women, and Persons with Disabilities Act.

15 Section 10. The Township Code is amended by adding Section  
16 85-47 as follows:

17 (60 ILCS 1/85-47 new)

18 Sec. 85-47. Aspirational contract goals. A township board  
19 may establish aspirational goals for the awarding of contracts  
20 to minority-owned businesses, women-owned businesses, and  
21 businesses owned by persons with disabilities. As used in this

1 Section, "minority-owned business", "women-owned business",  
2 and "business owned by a person with a disability" have the  
3 meanings provided in Section 2 of the Business Enterprise for  
4 Minorities, Women, and Persons with Disabilities Act.

5 Section 15. The Illinois Municipal Code is amended by  
6 adding Section 8-1-7.5 as follows:

7 (65 ILCS 5/8-1-7.5 new)

8 Sec. 8-1-7.5. Aspirational contractual goals. The  
9 corporate authorities of a municipality may establish  
10 aspirational goals for the awarding of contracts to  
11 minority-owned businesses, women-owned businesses, and  
12 businesses owned by persons with disabilities. As used in this  
13 Section, "minority-owned business", "women-owned business",  
14 and "business owned by a person with a disability" have the  
15 meanings provided in Section 2 of the Business Enterprise for  
16 Minorities, Women, and Persons with Disabilities Act.

17 Section 20. The Downstate Forest Preserve District Act is  
18 amended by changing Section 8 as follows:

19 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

20 Sec. 8. Powers and duties of corporate authority and  
21 officers; contracts; salaries.

22 (a) The board shall be the corporate authority of such

1 forest preserve district and shall have power to pass and  
2 enforce all necessary ordinances, rules and regulations for  
3 the management of the property and conduct of the business of  
4 such district. The president of such board shall have power to  
5 appoint such employees as may be necessary. In counties with  
6 population of less than 3,000,000, within 60 days after their  
7 selection the commissioners appointed under the provisions of  
8 Section 3a of this Act shall organize by selecting from their  
9 members a president, vice president, secretary, treasurer and  
10 such other officers as are deemed necessary who shall hold  
11 office for the fiscal year in which elected and until their  
12 successors are selected and qualify. In the one district in  
13 existence on July 1, 1977, that is managed by an appointed  
14 board of commissioners, the incumbent president and the other  
15 officers appointed in the manner as originally prescribed in  
16 this Act shall hold such offices until the completion of their  
17 respective terms or in the case of the officers other than  
18 president until their successors are appointed by said  
19 president, but in all cases not to extend beyond January 1,  
20 1980 and until their successors are selected and qualify.  
21 Thereafter, the officers shall be selected in the manner as  
22 prescribed in this Section except that their first term of  
23 office shall not expire until June 30, 1981 and until their  
24 successors are selected and qualify.

25 (a-5) An officer selected pursuant to subsection (a) may  
26 be removed, with or without cause, upon a motion adopted by an

1 affirmative vote of four-fifths of the board of the forest  
2 preserve district. Upon adoption of a motion to remove an  
3 officer: (i) the office becomes vacant and the former  
4 officer's compensation shall be prorated to the date the  
5 motion was approved; (ii) if the officer removed is the  
6 president then the vice president immediately assumes the  
7 duties of the president without president compensation and, if  
8 the officer removed is the vice president, treasurer, or  
9 secretary, then the president shall select an interim  
10 appointee who shall serve until the next regularly scheduled  
11 forest preserve district board meeting; and (iii) a new  
12 officer shall be selected at the next regularly scheduled  
13 forest preserve district board meeting. An officer removed  
14 under this Section maintains his or her status as a member of  
15 the forest preserve district board.

16 (b) In any county, city, village, incorporated town or  
17 sanitary district where the corporate authorities act as the  
18 governing body of a forest preserve district, the person  
19 exercising the powers of the president of the board shall have  
20 power to appoint a secretary and an assistant secretary and  
21 treasurer and an assistant treasurer and such other officers  
22 and such employees as may be necessary. The assistant  
23 secretary and assistant treasurer shall perform the duties of  
24 the secretary and treasurer, respectively in case of death of  
25 such officers or when such officers are unable to perform the  
26 duties of their respective offices. All contracts for

1 supplies, material or work involving an expenditure in excess  
2 of \$30,000, or a lower amount if required by board policy,  
3 shall be let to the lowest responsible bidder, after  
4 advertising at least once in one or more newspapers of general  
5 circulation within the district, excepting work requiring  
6 personal confidence or necessary supplies under the control of  
7 monopolies, where competitive bidding is impossible, or as  
8 otherwise provided in the Forest Preserve District and  
9 Conservation District Design-Build Authorization Act.  
10 Contracts for supplies, material or work involving an  
11 expenditure of \$30,000, or a lower amount if required by board  
12 policy, or less may be let without advertising for bids, but  
13 whenever practicable, at least 3 competitive bids shall be  
14 obtained before letting such contract. All contracts for  
15 supplies, material or work shall be signed by the president of  
16 the board of commissioners or by any such other officer as the  
17 board in its discretion may designate.

18 (c) The president of any board of commissioners appointed  
19 under the provisions of Section 3a of this Act shall receive a  
20 salary not to exceed the sum of \$2500 per annum and the salary  
21 of other members of the board so appointed shall not exceed  
22 \$1500 per annum. Salaries of the commissioners, officers and  
23 employees shall be fixed by ordinance.

24 (d) Whenever a forest preserve district owns any personal  
25 property that, in the opinion of three-fifths of the members  
26 of the board of commissioners, is no longer necessary, useful

1 to, or for the best interests of the forest preserve district,  
2 then three-fifths of the members of the board, at any regular  
3 meeting or any special meeting called for that purpose by an  
4 ordinance or resolution that includes a general description of  
5 the personal property, may authorize the conveyance or sale of  
6 that personal property in any manner that they may designate,  
7 with or without advertising the sale.

8 (e) A board may establish aspirational goals for the  
9 awarding of contracts to minority-owned businesses,  
10 women-owned businesses, and businesses owned by persons with  
11 disabilities. As used in this subsection, "minority-owned  
12 business", "women-owned business", and "business owned by a  
13 person with a disability" have the meanings provided in  
14 Section 2 of the Business Enterprise for Minorities, Women,  
15 and Persons with Disabilities Act.

16 (Source: P.A. 101-544, eff. 8-23-19; 102-460, eff. 6-1-22.)

17 Section 25. The Park District Code is amended by changing  
18 Section 8-1 as follows:

19 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

20 Sec. 8-1. General corporate powers. Every park district  
21 shall, from the time of its organization, be a body corporate  
22 and politic by the name set forth in the petition for its  
23 organization, the specific name set forth in this Code, or the  
24 name it may adopt under Section 8-9 and shall have and exercise

1 the following powers:

2 (a) To adopt a corporate seal and alter the same at  
3 pleasure; to sue and be sued; and to contract in  
4 furtherance of any of its corporate purposes.

5 (b) (1) To acquire by gift, legacy, grant or purchase,  
6 or by condemnation in the manner provided for the exercise  
7 of the power of eminent domain under the Eminent Domain  
8 Act, any and all real estate, or rights therein necessary  
9 for building, laying out, extending, adorning and  
10 maintaining any such parks, boulevards and driveways, or  
11 for effecting any of the powers or purposes granted under  
12 this Code as its board may deem proper, whether such lands  
13 be located within or without such district; but no park  
14 district, except as provided in paragraph (2) of this  
15 subsection, shall have any power of condemnation in the  
16 manner provided for the exercise of the power of eminent  
17 domain under the Eminent Domain Act or otherwise as to any  
18 real estate, lands, riparian rights or estate, or other  
19 property situated outside of such district, but shall only  
20 have power to acquire the same by gift, legacy, grant or  
21 purchase, and such district shall have the same control of  
22 and power over lands so acquired without the district as  
23 over parks, boulevards and driveways within such district.

24 (2) In addition to the powers granted in paragraph (1)  
25 of subsection (b), a park district located in more than  
26 one county, the majority of its territory located in a



1 county over 450,000 in population and none of its  
2 territory located in a county over 1,000,000 in  
3 population, shall have condemnation power in the manner  
4 provided for the exercise of the power of eminent domain  
5 under the Eminent Domain Act or as otherwise granted by  
6 law as to any and all real estate situated up to one mile  
7 outside of such district which is not within the  
8 boundaries of another park district.

9 (c) To acquire by gift, legacy or purchase any  
10 personal property necessary for its corporate purposes  
11 provided that all contracts for supplies, materials or  
12 work involving an expenditure in excess of \$30,000, or a  
13 lower amount if required by board policy, shall be let to  
14 the lowest responsible bidder after due advertisement. No  
15 district shall be required to accept a bid that does not  
16 meet the district's established specifications, terms of  
17 delivery, quality, and serviceability requirements.  
18 Contracts which, by their nature, are not adapted to award  
19 by competitive bidding, such as contracts for the services  
20 of individuals possessing a high degree of professional  
21 skill where the ability or fitness of the individual plays  
22 an important part, contracts for the printing of finance  
23 committee reports and departmental reports, contracts for  
24 the printing or engraving of bonds, tax warrants and other  
25 evidences of indebtedness, contracts for utility services  
26 such as water, light, heat, telephone or telegraph,

1 contracts for fuel (such as diesel, gasoline, oil,  
2 aviation, or propane), lubricants, or other petroleum  
3 products, contracts for the use, purchase, delivery,  
4 movement, or installation of data processing equipment,  
5 software, or services and telecommunications and  
6 interconnect equipment, software, or services, contracts  
7 for duplicating machines and supplies, contracts for goods  
8 or services procured from another governmental agency,  
9 purchases of equipment previously owned by some entity  
10 other than the district itself, and contracts for the  
11 purchase of magazines, books, periodicals, pamphlets and  
12 reports are not subject to competitive bidding. Contracts  
13 for emergency expenditures are also exempt from  
14 competitive bidding when the emergency expenditure is  
15 approved by 3/4 of the members of the board.

16 All competitive bids for contracts involving an  
17 expenditure in excess of \$30,000, or a lower amount if  
18 required by board policy, must be sealed by the bidder and  
19 must be opened by a member or employee of the park board at  
20 a public bid opening at which the contents of the bids must  
21 be announced. Each bidder must receive at least 3 days  
22 notice of the time and place of the bid opening.

23 For purposes of this subsection, "due advertisement"  
24 includes, but is not limited to, at least one public  
25 notice at least 10 days before the bid date in a newspaper  
26 published in the district or, if no newspaper is published

1 in the district, in a newspaper of general circulation in  
2 the area of the district.

3 (d) To pass all necessary ordinances, rules and  
4 regulations for the proper management and conduct of the  
5 business of the board and district and to establish by  
6 ordinance all needful rules and regulations for the  
7 government and protection of parks, boulevards and  
8 driveways and other property under its jurisdiction, and  
9 to effect the objects for which such districts are formed.

10 (e) To prescribe such fines and penalties for the  
11 violation of ordinances as it shall deem proper not  
12 exceeding \$1,000 for any one offense, which fines and  
13 penalties may be recovered by an action in the name of such  
14 district in the circuit court for the county in which such  
15 violation occurred. The park district may also seek in the  
16 action, in addition to or instead of fines and penalties,  
17 an order that the offender be required to make restitution  
18 for damage resulting from violations, and the court shall  
19 grant such relief where appropriate. The procedure in such  
20 actions shall be the same as that provided by law for like  
21 actions for the violation of ordinances in cities  
22 organized under the general laws of this State, and  
23 offenders may be imprisoned for non-payment of fines and  
24 costs in the same manner as in such cities. All fines when  
25 collected shall be paid into the treasury of such  
26 district.

1           (f) To manage and control all officers and property of  
2           such districts and to provide for joint ownership with one  
3           or more cities, villages or incorporated towns of real and  
4           personal property used for park purposes by one or more  
5           park districts. In case of joint ownership, the terms of  
6           the agreement shall be fair, just and equitable to all  
7           parties and shall be set forth in a written agreement  
8           entered into by the corporate authorities of each  
9           participating district, city, village or incorporated  
10          town.

11          (g) To secure grants and loans, or either, from the  
12          United States Government, or any agency or agencies  
13          thereof, for financing the acquisition or purchase of any  
14          and all real estate, or rights therein, or for effecting  
15          any of the powers or purposes granted under this Code as  
16          its Board may deem proper.

17          (h) To establish fees for the use of facilities and  
18          recreational programs of the districts and to derive  
19          revenue from non-resident fees from their operations. Fees  
20          charged non-residents of such district need not be the  
21          same as fees charged to residents of the district.  
22          Charging fees or deriving revenue from the facilities and  
23          recreational programs shall not affect the right to assert  
24          or utilize any defense or immunity, common law or  
25          statutory, available to the districts or their employees.

26          (i) To make contracts for a term exceeding one year,

1 but not to exceed 3 years, notwithstanding any provision  
2 of this Code to the contrary, relating to: (1) the  
3 employment of a park director, superintendent,  
4 administrator, engineer, health officer, land planner,  
5 finance director, attorney, police chief, or other officer  
6 who requires technical training or knowledge; (2) the  
7 employment of outside professional consultants such as  
8 engineers, doctors, land planners, auditors, attorneys, or  
9 other professional consultants who require technical  
10 training or knowledge; (3) the provision of data  
11 processing equipment and services; and (4) the purchase of  
12 energy from a utility or an alternative retail electric  
13 supplier. With respect to any contract made under this  
14 subsection (i), the corporate authorities shall include in  
15 the annual appropriation ordinance for each fiscal year an  
16 appropriation of a sum of money sufficient to pay the  
17 amount which, by the terms of the contract, is to become  
18 due and payable during that fiscal year.

19 (j) To enter into licensing or management agreements  
20 with not-for-profit corporations organized under the laws  
21 of this State to operate park district facilities if the  
22 corporation covenants to use the facilities to provide  
23 public park or recreational programs for youth.

24 (k) To establish aspirational goals for the awarding  
25 of contracts to minority-owned businesses, women-owned  
26 businesses, and businesses owned by persons with

1        disabilities. As used in this subsection, "minority-owned  
2        business", "women-owned business", and "business owned by  
3        a person with a disability" have the meanings provided in  
4        Section 2 of the Business Enterprise for Minorities,  
5        Women, and Persons with Disabilities Act.

6        (Source: P.A. 101-304, eff. 8-9-19; 102-999, eff. 5-27-22.)

7        Section 30. The Illinois Local Library Act is amended by  
8        adding Section 4-19 as follows:

9            (75 ILCS 5/4-19 new)

10        Sec. 4-19. Aspirational contractual goals. A board may  
11        establish aspirational goals for the awarding of contracts to  
12        minority-owned businesses, women-owned businesses, and  
13        businesses owned by persons with disabilities. As used in this  
14        Section, "minority-owned business", "women-owned business",  
15        and "business owned by a person with a disability" have the  
16        meanings provided in Section 2 of the Business Enterprise for  
17        Minorities, Women, and Persons with Disabilities Act.

18        Section 35. The Public Library District Act of 1991 is  
19        amended by adding Section 30-55.43 as follows:

20            (75 ILCS 16/30-55.43 new)

21        Sec. 30-55.43. Aspirational contractual goals. A board may  
22        establish aspirational goals for the awarding of contracts to

1 minority-owned businesses, women-owned businesses, and  
2 businesses owned by persons with disabilities. As used in this  
3 Section, the terms "minority-owned business", "women-owned  
4 business", and "business owned by a person with a disability"  
5 have the meanings provided in Section 2 of the Business  
6 Enterprise for Minorities, Women, and Persons with  
7 Disabilities Act.

8 Section 40. The School Code is amended by changing  
9 Sections 10-20.21 and 34-21.3 as follows:

10 (105 ILCS 5/10-20.21)

11 (Text of Section before amendment by P.A. 103-8)

12 Sec. 10-20.21. Contracts.

13 (a) To award all contracts for purchase of supplies and  
14 materials or work involving an expenditure in excess of  
15 \$25,000 or a lower amount as required by board policy to the  
16 lowest responsible bidder, considering conformity with  
17 specifications, terms of delivery, quality and serviceability,  
18 after due advertisement, except the following:

19 (i) contracts for the services of individuals  
20 possessing a high degree of professional skill where the  
21 ability or fitness of the individual plays an important  
22 part;

23 (ii) contracts for the printing of finance committee  
24 reports and departmental reports;

1 (iii) contracts for the printing or engraving of  
2 bonds, tax warrants and other evidences of indebtedness;

3 (iv) contracts for the purchase of perishable foods  
4 and perishable beverages;

5 (v) contracts for materials and work which have been  
6 awarded to the lowest responsible bidder after due  
7 advertisement, but due to unforeseen revisions, not the  
8 fault of the contractor for materials and work, must be  
9 revised causing expenditures not in excess of 10% of the  
10 contract price;

11 (vi) contracts for the maintenance or servicing of, or  
12 provision of repair parts for, equipment which are made  
13 with the manufacturer or authorized service agent of that  
14 equipment where the provision of parts, maintenance, or  
15 servicing can best be performed by the manufacturer or  
16 authorized service agent;

17 (vii) purchases and contracts for the use, purchase,  
18 delivery, movement, or installation of data processing  
19 equipment, software, or services and telecommunications  
20 and interconnect equipment, software, and services;

21 (viii) contracts for duplicating machines and  
22 supplies;

23 (ix) contracts for the purchase of fuel, including  
24 diesel, gasoline, oil, aviation, natural gas, or propane,  
25 lubricants, or other petroleum products;

26 (x) purchases of equipment previously owned by some



1 entity other than the district itself;

2 (xi) contracts for repair, maintenance, remodeling,  
3 renovation, or construction, or a single project involving  
4 an expenditure not to exceed \$50,000 and not involving a  
5 change or increase in the size, type, or extent of an  
6 existing facility;

7 (xii) contracts for goods or services procured from  
8 another governmental agency;

9 (xiii) contracts for goods or services which are  
10 economically procurable from only one source, such as for  
11 the purchase of magazines, books, periodicals, pamphlets  
12 and reports, and for utility services such as water,  
13 light, heat, telephone or telegraph;

14 (xiv) where funds are expended in an emergency and  
15 such emergency expenditure is approved by 3/4 of the  
16 members of the board;

17 (xv) State master contracts authorized under Article  
18 28A of this Code;

19 (xvi) contracts providing for the transportation of  
20 pupils, which contracts must be advertised in the same  
21 manner as competitive bids and awarded by first  
22 considering the bidder or bidders most able to provide  
23 safety and comfort for the pupils, stability of service,  
24 and any other factors set forth in the request for  
25 proposal regarding quality of service, and then price; and

26 (xvii) contracts for goods, services, or management in

1 the operation of a school's food service, including a  
2 school that participates in any of the United States  
3 Department of Agriculture's child nutrition programs if a  
4 good faith effort is made on behalf of the school district  
5 to give preference to:

6 (1) contracts that procure food that promotes the  
7 health and well-being of students, in compliance with  
8 United States Department of Agriculture nutrition  
9 standards for school meals. Contracts should also  
10 promote the production of scratch made, minimally  
11 processed foods;

12 (2) contracts that give a preference to State or  
13 regional suppliers that source local food products;

14 (3) contracts that give a preference to food  
15 suppliers that utilize producers that adopt hormone  
16 and pest management practices recommended by the  
17 United States Department of Agriculture;

18 (4) contracts that give a preference to food  
19 suppliers that value animal welfare; and

20 (5) contracts that increase opportunities for  
21 businesses owned and operated by minorities, women, or  
22 persons with disabilities.

23 Food supplier data shall be submitted to the school  
24 district at the time of the bid, to the best of the  
25 bidder's ability, and updated annually thereafter during  
26 the term of the contract. The contractor shall submit the

1 updated food supplier data. The data required under this  
2 item (xvii) shall include the name and address of each  
3 supplier, distributor, processor, and producer involved in  
4 the provision of the products that the bidder is to  
5 supply.

6 However, at no time shall a cause of action lie against a  
7 school board for awarding a pupil transportation contract per  
8 the standards set forth in this subsection (a) unless the  
9 cause of action is based on fraudulent conduct.

10 All competitive bids for contracts involving an  
11 expenditure in excess of \$25,000 or a lower amount as required  
12 by board policy must be sealed by the bidder and must be opened  
13 by a member or employee of the school board at a public bid  
14 opening at which the contents of the bids must be announced.  
15 Each bidder must receive at least 3 days' notice of the time  
16 and place of the bid opening. For purposes of this Section due  
17 advertisement includes, but is not limited to, at least one  
18 public notice at least 10 days before the bid date in a  
19 newspaper published in the district, or if no newspaper is  
20 published in the district, in a newspaper of general  
21 circulation in the area of the district. State master  
22 contracts and certified education purchasing contracts, as  
23 defined in Article 28A of this Code, are not subject to the  
24 requirements of this paragraph.

25 Under this Section, the acceptance of bids sealed by a  
26 bidder and the opening of these bids at a public bid opening

1 may be permitted by an electronic process for communicating,  
2 accepting, and opening competitive bids. An electronic bidding  
3 process must provide for, but is not limited to, the following  
4 safeguards:

5 (1) On the date and time certain of a bid opening, the  
6 primary person conducting the competitive, sealed,  
7 electronic bid process shall log onto a specified database  
8 using a unique username and password previously assigned  
9 to the bidder to allow access to the bidder's specific bid  
10 project number.

11 (2) The specified electronic database must be on a  
12 network that (i) is in a secure environment behind a  
13 firewall; (ii) has specific encryption tools; (iii)  
14 maintains specific intrusion detection systems; (iv) has  
15 redundant systems architecture with data storage back-up,  
16 whether by compact disc or tape; and (v) maintains a  
17 disaster recovery plan.

18 It is the legislative intent of Public Act 96-841 to maintain  
19 the integrity of the sealed bidding process provided for in  
20 this Section, to further limit any possibility of bid-rigging,  
21 to reduce administrative costs to school districts, and to  
22 effect efficiencies in communications with bidders.

23 (b) To require, as a condition of any contract for goods  
24 and services, that persons bidding for and awarded a contract  
25 and all affiliates of the person collect and remit Illinois  
26 Use Tax on all sales of tangible personal property into the

1 State of Illinois in accordance with the provisions of the  
2 Illinois Use Tax Act regardless of whether the person or  
3 affiliate is a "retailer maintaining a place of business  
4 within this State" as defined in Section 2 of the Use Tax Act.  
5 For purposes of this Section, the term "affiliate" means any  
6 entity that (1) directly, indirectly, or constructively  
7 controls another entity, (2) is directly, indirectly, or  
8 constructively controlled by another entity, or (3) is subject  
9 to the control of a common entity. For purposes of this  
10 subsection (b), an entity controls another entity if it owns,  
11 directly or individually, more than 10% of the voting  
12 securities of that entity. As used in this subsection (b), the  
13 term "voting security" means a security that (1) confers upon  
14 the holder the right to vote for the election of members of the  
15 board of directors or similar governing body of the business  
16 or (2) is convertible into, or entitles the holder to receive  
17 upon its exercise, a security that confers such a right to  
18 vote. A general partnership interest is a voting security.

19 To require that bids and contracts include a certification  
20 by the bidder or contractor that the bidder or contractor is  
21 not barred from bidding for or entering into a contract under  
22 this Section and that the bidder or contractor acknowledges  
23 that the school board may declare the contract void if the  
24 certification completed pursuant to this subsection (b) is  
25 false.

26 (b-5) To require all contracts and agreements that pertain

1 to goods and services and that are intended to generate  
2 additional revenue and other remunerations for the school  
3 district in excess of \$1,000, including without limitation  
4 vending machine contracts, sports and other attire, class  
5 rings, and photographic services, to be approved by the school  
6 board. The school board shall file as an attachment to its  
7 annual budget a report, in a form as determined by the State  
8 Board of Education, indicating for the prior year the name of  
9 the vendor, the product or service provided, and the actual  
10 net revenue and non-monetary remuneration from each of the  
11 contracts or agreements. In addition, the report shall  
12 indicate for what purpose the revenue was used and how and to  
13 whom the non-monetary remuneration was distributed.

14 (b-10) To prohibit any contract to purchase food with a  
15 bidder or offeror if the bidder's or offeror's contract terms  
16 prohibit the school from donating food to food banks,  
17 including, but not limited to, homeless shelters, food  
18 pantries, and soup kitchens.

19 (c) If the State education purchasing entity creates a  
20 master contract as defined in Article 28A of this Code, then  
21 the State education purchasing entity shall notify school  
22 districts of the existence of the master contract.

23 (d) In purchasing supplies, materials, equipment, or  
24 services that are not subject to subsection (c) of this  
25 Section, before a school district solicits bids or awards a  
26 contract, the district may review and consider as a bid under

1 subsection (a) of this Section certified education purchasing  
2 contracts that are already available through the State  
3 education purchasing entity.

4 (Source: P.A. 101-570, eff. 8-23-19; 101-632, eff. 6-5-20;  
5 102-1101, eff. 6-29-22.)

6 (Text of Section after amendment by P.A. 103-8)  
7 Sec. 10-20.21. Contracts.

8 (a) To award all contracts for purchase of supplies and  
9 materials or work involving an expenditure in excess of  
10 \$35,000 or a lower amount as required by board policy to the  
11 lowest responsible bidder, considering conformity with  
12 specifications, terms of delivery, quality and serviceability,  
13 after due advertisement, except the following:

14 (i) contracts for the services of individuals  
15 possessing a high degree of professional skill where the  
16 ability or fitness of the individual plays an important  
17 part;

18 (ii) contracts for the printing of finance committee  
19 reports and departmental reports;

20 (iii) contracts for the printing or engraving of  
21 bonds, tax warrants and other evidences of indebtedness;

22 (iv) contracts for the purchase of perishable foods  
23 and perishable beverages;

24 (v) contracts for materials and work which have been  
25 awarded to the lowest responsible bidder after due

1 advertisement, but due to unforeseen revisions, not the  
2 fault of the contractor for materials and work, must be  
3 revised causing expenditures not in excess of 10% of the  
4 contract price;

5 (vi) contracts for the maintenance or servicing of, or  
6 provision of repair parts for, equipment which are made  
7 with the manufacturer or authorized service agent of that  
8 equipment where the provision of parts, maintenance, or  
9 servicing can best be performed by the manufacturer or  
10 authorized service agent;

11 (vii) purchases and contracts for the use, purchase,  
12 delivery, movement, or installation of data processing  
13 equipment, software, or services and telecommunications  
14 and interconnect equipment, software, and services;

15 (viii) contracts for duplicating machines and  
16 supplies;

17 (ix) contracts for the purchase of fuel, including  
18 diesel, gasoline, oil, aviation, natural gas, or propane,  
19 lubricants, or other petroleum products;

20 (x) purchases of equipment previously owned by some  
21 entity other than the district itself;

22 (xi) contracts for repair, maintenance, remodeling,  
23 renovation, or construction, or a single project involving  
24 an expenditure not to exceed \$50,000 and not involving a  
25 change or increase in the size, type, or extent of an  
26 existing facility;



1 (xii) contracts for goods or services procured from  
2 another governmental agency;

3 (xiii) contracts for goods or services which are  
4 economically procurable from only one source, such as for  
5 the purchase of magazines, books, periodicals, pamphlets  
6 and reports, and for utility services such as water,  
7 light, heat, telephone or telegraph;

8 (xiv) where funds are expended in an emergency and  
9 such emergency expenditure is approved by 3/4 of the  
10 members of the board;

11 (xv) State master contracts authorized under Article  
12 28A of this Code;

13 (xvi) contracts providing for the transportation of  
14 pupils, which contracts must be advertised in the same  
15 manner as competitive bids and awarded by first  
16 considering the bidder or bidders most able to provide  
17 safety and comfort for the pupils, stability of service,  
18 and any other factors set forth in the request for  
19 proposal regarding quality of service, and then price; and

20 (xvii) contracts for goods, services, or management in  
21 the operation of a school's food service, including a  
22 school that participates in any of the United States  
23 Department of Agriculture's child nutrition programs if a  
24 good faith effort is made on behalf of the school district  
25 to give preference to:

26 (1) contracts that procure food that promotes the

1 health and well-being of students, in compliance with  
2 United States Department of Agriculture nutrition  
3 standards for school meals. Contracts should also  
4 promote the production of scratch made, minimally  
5 processed foods;

6 (2) contracts that give a preference to State or  
7 regional suppliers that source local food products;

8 (3) contracts that give a preference to food  
9 suppliers that utilize producers that adopt hormone  
10 and pest management practices recommended by the  
11 United States Department of Agriculture;

12 (4) contracts that give a preference to food  
13 suppliers that value animal welfare; and

14 (5) contracts that increase opportunities for  
15 businesses owned and operated by minorities, women, or  
16 persons with disabilities.

17 Food supplier data shall be submitted to the school  
18 district at the time of the bid, to the best of the  
19 bidder's ability, and updated annually thereafter during  
20 the term of the contract. The contractor shall submit the  
21 updated food supplier data. The data required under this  
22 item (xvii) shall include the name and address of each  
23 supplier, distributor, processor, and producer involved in  
24 the provision of the products that the bidder is to  
25 supply.

26 However, at no time shall a cause of action lie against a

1 school board for awarding a pupil transportation contract per  
2 the standards set forth in this subsection (a) unless the  
3 cause of action is based on fraudulent conduct.

4 All competitive bids for contracts involving an  
5 expenditure in excess of \$35,000 or a lower amount as required  
6 by board policy must be sealed by the bidder and must be opened  
7 by a member or employee of the school board at a public bid  
8 opening at which the contents of the bids must be announced.  
9 Each bidder must receive at least 3 days' notice of the time  
10 and place of the bid opening. For purposes of this Section due  
11 advertisement includes, but is not limited to, at least one  
12 public notice at least 10 days before the bid date in a  
13 newspaper published in the district, or if no newspaper is  
14 published in the district, in a newspaper of general  
15 circulation in the area of the district. State master  
16 contracts and certified education purchasing contracts, as  
17 defined in Article 28A of this Code, are not subject to the  
18 requirements of this paragraph.

19 Under this Section, the acceptance of bids sealed by a  
20 bidder and the opening of these bids at a public bid opening  
21 may be permitted by an electronic process for communicating,  
22 accepting, and opening competitive bids. An electronic bidding  
23 process must provide for, but is not limited to, the following  
24 safeguards:

25 (1) On the date and time certain of a bid opening, the  
26 primary person conducting the competitive, sealed,

1 electronic bid process shall log onto a specified database  
2 using a unique username and password previously assigned  
3 to the bidder to allow access to the bidder's specific bid  
4 project number.

5 (2) The specified electronic database must be on a  
6 network that (i) is in a secure environment behind a  
7 firewall; (ii) has specific encryption tools; (iii)  
8 maintains specific intrusion detection systems; (iv) has  
9 redundant systems architecture with data storage back-up,  
10 whether by compact disc or tape; and (v) maintains a  
11 disaster recovery plan.

12 It is the legislative intent of Public Act 96-841 to maintain  
13 the integrity of the sealed bidding process provided for in  
14 this Section, to further limit any possibility of bid-rigging,  
15 to reduce administrative costs to school districts, and to  
16 effect efficiencies in communications with bidders.

17 (b) To require, as a condition of any contract for goods  
18 and services, that persons bidding for and awarded a contract  
19 and all affiliates of the person collect and remit Illinois  
20 Use Tax on all sales of tangible personal property into the  
21 State of Illinois in accordance with the provisions of the  
22 Illinois Use Tax Act regardless of whether the person or  
23 affiliate is a "retailer maintaining a place of business  
24 within this State" as defined in Section 2 of the Use Tax Act.  
25 For purposes of this Section, the term "affiliate" means any  
26 entity that (1) directly, indirectly, or constructively

1 controls another entity, (2) is directly, indirectly, or  
2 constructively controlled by another entity, or (3) is subject  
3 to the control of a common entity. For purposes of this  
4 subsection (b), an entity controls another entity if it owns,  
5 directly or individually, more than 10% of the voting  
6 securities of that entity. As used in this subsection (b), the  
7 term "voting security" means a security that (1) confers upon  
8 the holder the right to vote for the election of members of the  
9 board of directors or similar governing body of the business  
10 or (2) is convertible into, or entitles the holder to receive  
11 upon its exercise, a security that confers such a right to  
12 vote. A general partnership interest is a voting security.

13 To require that bids and contracts include a certification  
14 by the bidder or contractor that the bidder or contractor is  
15 not barred from bidding for or entering into a contract under  
16 this Section and that the bidder or contractor acknowledges  
17 that the school board may declare the contract void if the  
18 certification completed pursuant to this subsection (b) is  
19 false.

20 (b-5) To require all contracts and agreements that pertain  
21 to goods and services and that are intended to generate  
22 additional revenue and other remunerations for the school  
23 district in excess of \$1,000, including without limitation  
24 vending machine contracts, sports and other attire, class  
25 rings, and photographic services, to be approved by the school  
26 board. The school board shall file as an attachment to its

1 annual budget a report, in a form as determined by the State  
2 Board of Education, indicating for the prior year the name of  
3 the vendor, the product or service provided, and the actual  
4 net revenue and non-monetary remuneration from each of the  
5 contracts or agreements. In addition, the report shall  
6 indicate for what purpose the revenue was used and how and to  
7 whom the non-monetary remuneration was distributed.

8 (b-10) To prohibit any contract to purchase food with a  
9 bidder or offeror if the bidder's or offeror's contract terms  
10 prohibit the school from donating food to food banks,  
11 including, but not limited to, homeless shelters, food  
12 pantries, and soup kitchens.

13 (c) If the State education purchasing entity creates a  
14 master contract as defined in Article 28A of this Code, then  
15 the State education purchasing entity shall notify school  
16 districts of the existence of the master contract.

17 (d) In purchasing supplies, materials, equipment, or  
18 services that are not subject to subsection (c) of this  
19 Section, before a school district solicits bids or awards a  
20 contract, the district may review and consider as a bid under  
21 subsection (a) of this Section certified education purchasing  
22 contracts that are already available through the State  
23 education purchasing entity.

24 (e) To establish aspirational goals for the awarding of  
25 contracts to minority-owned businesses, women-owned  
26 businesses, and businesses owned by persons with disabilities.

1 As used in this subsection, "minority-owned business",  
2 "women-owned business", and "business owned by a person with a  
3 disability" have the meanings provided in Section 2 of the  
4 Business Enterprise for Minorities, Women, and Persons with  
5 Disabilities Act.

6 (Source: P.A. 102-1101, eff. 6-29-22; 103-8, eff. 1-1-24.)

7 (105 ILCS 5/34-21.3) (from Ch. 122, par. 34-21.3)

8 (Text of Section before amendment by P.A. 103-8)

9 Sec. 34-21.3. Contracts. The board shall by record vote  
10 let all contracts (other than those excepted by Section  
11 10-20.21 of The School Code) for supplies, materials, work,  
12 and contracts with private carriers for transportation of  
13 pupils, involving an expenditure in excess of \$25,000 or a  
14 lower amount as required by board policy by competitive  
15 bidding as provided in Section 10-20.21 of The School Code.

16 The board may delegate to the general superintendent of  
17 schools, by resolution, the authority to approve contracts in  
18 amounts of \$25,000 or less.

19 For a period of one year from and after the expiration or  
20 other termination of his or her term of office as a member of  
21 the board: (i) the former board member shall not be eligible  
22 for employment nor be employed by the board, a local school  
23 council, an attendance center, or any other subdivision or  
24 agent of the board or the school district governed by the  
25 board, and (ii) neither the board nor the chief purchasing

1 officer shall let or delegate authority to let any contract  
2 for services, employment, or other work to the former board  
3 member or to any corporation, partnership, association, sole  
4 proprietorship, or other entity other than publicly traded  
5 companies from which the former board member receives an  
6 annual income, dividends, or other compensation in excess of  
7 \$1,500. Any contract that is entered into by or under a  
8 delegation of authority from the board or the chief purchasing  
9 officer shall contain a provision stating that the contract is  
10 not legally binding on the board if entered into in violation  
11 of the provisions of this paragraph.

12 In addition, the State Board of Education, in consultation  
13 with the board, shall (i) review existing conflict of interest  
14 and disclosure laws or regulations that are applicable to the  
15 executive officers and governing boards of school districts  
16 organized under this Article and school districts generally,  
17 (ii) determine what additional disclosure and conflict of  
18 interest provisions would enhance the reputation and fiscal  
19 integrity of the board and the procedure under which contracts  
20 for goods and services are let, and (iii) develop appropriate  
21 reporting forms and procedures applicable to the executive  
22 officers, governing board, and other officials of the school  
23 district.

24 (Source: P.A. 95-990, eff. 10-3-08.)

25 (Text of Section after amendment by P.A. 103-8)



1           Sec. 34-21.3. Contracts. The board shall by record vote  
2 let all contracts (other than those excepted by Section  
3 10-20.21 of this Code) for supplies, materials, or work and  
4 contracts with private carriers for transportation of pupils  
5 involving an expenditure in excess of \$35,000 or a lower  
6 amount as required by board policy by competitive bidding as  
7 provided in Section 10-20.21 of this Code.

8           The board may delegate to the general superintendent of  
9 schools, by resolution, the authority to approve contracts in  
10 amounts of \$35,000 or less.

11           For a period of one year from and after the expiration or  
12 other termination of his or her term of office as a member of  
13 the board: (i) the former board member shall not be eligible  
14 for employment nor be employed by the board, a local school  
15 council, an attendance center, or any other subdivision or  
16 agent of the board or the school district governed by the  
17 board, and (ii) neither the board nor the chief purchasing  
18 officer shall let or delegate authority to let any contract  
19 for services, employment, or other work to the former board  
20 member or to any corporation, partnership, association, sole  
21 proprietorship, or other entity other than publicly traded  
22 companies from which the former board member receives an  
23 annual income, dividends, or other compensation in excess of  
24 \$1,500. Any contract that is entered into by or under a  
25 delegation of authority from the board or the chief purchasing  
26 officer shall contain a provision stating that the contract is

1 not legally binding on the board if entered into in violation  
2 of the provisions of this paragraph.

3 In addition, the State Board of Education, in consultation  
4 with the board, shall (i) review existing conflict of interest  
5 and disclosure laws or regulations that are applicable to the  
6 executive officers and governing boards of school districts  
7 organized under this Article and school districts generally,  
8 (ii) determine what additional disclosure and conflict of  
9 interest provisions would enhance the reputation and fiscal  
10 integrity of the board and the procedure under which contracts  
11 for goods and services are let, and (iii) develop appropriate  
12 reporting forms and procedures applicable to the executive  
13 officers, governing board, and other officials of the school  
14 district.

15 The board may establish aspirational goals for the  
16 awarding of contracts to minority-owned businesses,  
17 women-owned businesses, and businesses owned by persons with  
18 disabilities. As used in this paragraph, "minority-owned  
19 business", "women-owned business", and "business owned by a  
20 person with a disability" have the meanings provided in  
21 Section 2 of the Business Enterprise for Minorities, Women,  
22 and Persons with Disabilities Act.

23 (Source: P.A. 103-8, eff. 1-1-24.)

24 Section 45. The Public Community College Act is amended by  
25 adding Section 3-48.5 as follows:

1 (110 ILCS 805/3-48.5 new)

2 Sec. 3-48.5. Aspirational contract goals. A board may  
3 establish aspirational goals for the awarding of contracts to  
4 minority-owned businesses, women-owned businesses, and  
5 businesses owned by persons with disabilities. As used in this  
6 Section, "minority-owned business", "women-owned business",  
7 and "business owned by a person with a disability" have the  
8 meanings provided in Section 2 of the Business Enterprise for  
9 Minorities, Women, and Persons with Disabilities Act.

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