

1 AN ACT concerning finance.

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

4 ARTICLE 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Progressive Design-Build Pilot Program Act. References in this
7 Article to "this Act" mean this Article.

8 Section 1-5. Legislative policy. It is the intent of the
9 General Assembly that the State construction agency shall
10 establish a Progressive Design-Build Pilot Program to use the
11 progressive design-build delivery method for up to 3 public
12 projects commencing prior to January 1, 2027 if it is shown to
13 be in the State's best interest for that particular project.
14 It shall be the policy of the State construction agency in the
15 procurement of progressive design-build services to publicly
16 announce all requirements for progressive design-build
17 services and to procure these services on the basis of
18 demonstrated competence and qualifications and with due regard
19 for the principles of competitive selection.

20 The State construction agency shall, prior to issuing
21 requests for qualifications, publish procedures for the
22 solicitation and award of contracts pursuant to this Act.

1 The State construction agency shall, for each public
2 project or projects permitted under this Act, make a written
3 determination, including a description as to the particular
4 advantages of the progressive design-build procurement method,
5 that it is in the best interests of this State to enter into a
6 progressive design-build contract for the project or projects.
7 In making that determination, the following factors shall be
8 considered:

9 (1) The probability that the progressive design-build
10 procurement method will be in the best interests of the
11 State by providing a material savings of time or cost over
12 the design-bid-build or other delivery system.

13 (2) The type and size of the project and its
14 suitability to the progressive design-build procurement
15 method.

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

19 No State construction agency may use the progressive
20 design-build procurement method unless the agency determines
21 in writing that the project will comply with the disadvantaged
22 business and equal employment practices of the State as
23 established in the Business Enterprise for Minorities, Women,
24 and Persons with Disabilities Act and Section 2-105 of the
25 Illinois Human Rights Act.

26 The State construction agency shall within 15 days after

1 the initial determination provide an advisory copy to the
2 Procurement Policy Board and maintain the full record of
3 determination for 5 years.

4 Section 1-10. Definitions. As used in this Act:

5 "Chief procurement office" means the offices to which the
6 chief procurement officers are appointed pursuant to Section
7 10-20 of the Illinois Procurement Code.

8 "Delivery system" means the design and construction
9 approach used to develop and construct a project.

10 "Design-bid-build" means the traditional delivery system
11 used on public projects in this State that incorporates the
12 Architectural, Engineering, and Land Surveying Qualifications
13 Based Selection Act and the principles of competitive
14 selection in the Illinois Procurement Code.

15 "Design professional" means any individual, sole
16 proprietorship, firm, partnership, joint venture, corporation,
17 professional corporation, or other entity that offers services
18 under the Illinois Architecture Practice Act of 1989, the
19 Professional Engineering Practice Act of 1989, the Structural
20 Engineering Practice Act of 1989, or the Illinois Professional
21 Land Surveyor Act of 1989.

22 "Evaluation criteria" means the requirements for the
23 selection process as defined in this Act and may include the
24 specialized experience, technical qualifications and
25 competence, capacity to perform, past performance, experience

1 with similar projects, assignment of personnel to the project,
2 and other appropriate factors. Price may not be used as a
3 factor in the evaluation of progressive design-build.

4 "Progressive design-build" means a project delivery
5 process in which both the design and construction of a project
6 are procured from a single entity that is selected through a
7 qualifications-based selection at the earliest feasible stage
8 of the project.

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

20 "Progressive design-build entity" means any individual,
21 sole proprietorship, firm, partnership, joint venture,
22 corporation, professional corporation, or other entity that
23 proposes to design and construct any public project under this
24 Act. A progressive design-build entity and associated
25 progressive design-build professionals shall conduct
26 themselves in accordance with the laws of this State and the

1 related provisions of the Illinois Administrative Code, as
2 referenced by the licensed design professionals Acts of this
3 State.

4 "Qualification" means a statement of qualifications
5 submitted by a proposer in response to a request for
6 qualifications.

7 "Request for qualifications" means a document issued by
8 the State construction agency to solicit qualifications from
9 proposers in accordance with the progressive design-build
10 project delivery method.

11 "Scope and performance criteria" means the requirements
12 for the public project, including, but not limited to, the
13 intended usage, capacity, size, scope, quality and performance
14 standards, and other programmatic criteria that are expressed
15 in performance-oriented requirements that can be reasonably
16 inferred and are suited to allow a progressive design-build
17 entity to develop a proposal.

18 "State construction agency" means the Capital Development
19 Board.

20 Section 1-15. Requests for qualifications.

21 (a) When the State construction agency elects to use the
22 progressive design-build delivery method, it must issue a
23 notice of intent to receive requests for qualifications for
24 the project at least 14 days before issuing the request for
25 qualifications. The State construction agency must publish the

1 advance notice in the official procurement bulletin of the
2 State or the professional services bulletin of the State
3 construction agency, if any. The agency is encouraged to use
4 publication of the notice in related construction industry
5 service publications. A brief description of the proposed
6 procurement must be included in the notice. The State
7 construction agency must provide a copy of the request for
8 qualifications to any party requesting a copy.

9 (b) The request for qualifications shall be prepared for
10 each project and must contain, without limitation, the
11 following information:

12 (1) The name of the State construction agency.

13 (2) A preliminary schedule for the completion of the
14 contract.

15 (3) The proposed budget for the project, the source of
16 funds, and the currently available funds at the time the
17 request for qualifications is submitted.

18 (4) Prequalification criteria for progressive
19 design-build entities wishing to submit proposals. The
20 State construction agency shall include, at a minimum, its
21 normal prequalification, licensing, registration, and
22 other requirements, but nothing contained herein precludes
23 the use of additional prequalification criteria by the
24 State construction agency.

25 (5) Material requirements of the contract, including,
26 but not limited to, the proposed terms and conditions,

1 required performance and payment bonds, insurance, and the
2 entity's plan to comply with the utilization goals for
3 business enterprises established in the Business
4 Enterprise for Minorities, Women, and Persons with
5 Disabilities Act, and with Section 2-105 of the Illinois
6 Human Rights Act.

7 (6) The performance criteria.

8 (7) The evaluation criteria for the solicitation.

9 (c) The State construction agency may include any other
10 relevant information that it chooses to supply. The
11 progressive design-build entity shall be entitled to rely upon
12 the accuracy of this documentation in the development of its
13 qualifications.

14 (d) The date that qualifications are due must be at least
15 21 calendar days after the date of the issuance of the request
16 for qualifications. In the event the cost of the project is
17 estimated to exceed \$10,000,000, then the qualifications due
18 date must be at least 28 calendar days after the date of the
19 issuance of the request for qualifications.

20 Section 1-20. Development of scope and performance
21 criteria. The State construction agency shall develop a
22 request for qualifications, which shall include preliminary
23 scopes, descriptions of the areas of technical expertise
24 needed, and requirements for experience. The request must be
25 in sufficient detail and contain adequate information to

1 reasonably apprise the qualified progressive design-build
2 entities of the State construction agency's overall
3 programmatic needs and goals, including criteria, general
4 budget parameters, schedule, and delivery requirements.

5 Section 1-25. Selection committee.

6 (a) When the State construction agency elects to use the
7 progressive design-build delivery method, it shall establish a
8 committee to evaluate and select the progressive design-build
9 entity. The committee, under the discretion of the State
10 construction agency, shall consist of at least 5 but no more
11 than 7 members and shall include at least one licensed design
12 professional and 2 members of the public. Public members may
13 not be employed or associated with any firm holding a contract
14 with the State construction agency. Within 30 days of
15 receiving notice, one public member shall be nominated by
16 associations representing the general design or construction
17 industry and one member shall be nominated by associations
18 that represent minority or woman-owned design or construction
19 industry businesses. If either group fails to nominate a
20 suitable candidate within the 30-day period, the State
21 construction agency shall nominate an appropriate public
22 member.

23 (b) The members of the selection committee must certify
24 for each request for qualifications that no conflict of
25 interest exists between the members and the progressive

1 design-build entities submitting qualifications.

2 If a conflict is discovered before qualifications are
3 reviewed, the member must be replaced before any review of
4 qualifications. If a conflict is discovered after
5 qualifications are reviewed, the member with the conflict
6 shall be removed and the committee may continue with only one
7 public member.

8 If at least 5 members remain, the remaining committee
9 members may complete the selection process.

10 Section 1-30. Procedures for selection.

11 (a) The State construction agency must use a 2-phase
12 procedure for the selection of the successful progressive
13 design-build entity. Phase I of the procedure will evaluate
14 and shortlist for interviews the progressive design-build
15 entities based on qualifications, and Phase II will evaluate
16 shortlisted teams based on scoring of specific criteria
17 addressed in their presentations and interviews.

18 (b) The State construction agency shall include in the
19 request for qualifications the evaluating factors to be used
20 in Phase I. These factors are in addition to any
21 prequalification requirements of progressive design-build
22 entities that the agency has set forth. Each request for
23 qualifications shall establish the relative importance
24 assigned to each evaluation factor and subfactor, including
25 any weighting of criteria to be employed by the State

1 construction agency. The State construction agency must
2 maintain a record of the evaluation scoring to be disclosed in
3 event of a protest regarding the solicitation.

4 The State construction agency shall include the following
5 criteria in every Phase I evaluation of progressive
6 design-build entities: (1) experience of personnel; (2)
7 successful experience with similar project types; (3)
8 financial capability; (4) timeliness of past performance; (5)
9 experience with similarly sized projects; (6) successful
10 reference checks of the firm; (7) commitment to assign
11 personnel for the duration of the project and qualifications
12 of the entity's consultants; and (8) ability or past
13 performance in meeting or exhausting good faith efforts to
14 meet the utilization goals for business enterprises
15 established in the Business Enterprise for Minorities, Women,
16 and Persons with Disabilities Act and with Section 2-105 of
17 the Illinois Human Rights Act. The State construction agency
18 may include any additional relevant criteria in Phase I that
19 it deems necessary for a proper qualification review.

20 The State construction agency may not consider any
21 progressive design-build entity for evaluation or award if the
22 entity has any pecuniary interest in the project or has other
23 relationships or circumstances, including, but not limited to,
24 long-term leasehold, mutual performance, or development
25 contracts with the State construction agency, that may give
26 the progressive design-build entity a financial or tangible

1 advantage over other progressive design-build entities in the
2 preparation, evaluation, or performance of the progressive
3 design-build contract or that create the appearance of
4 impropriety. No proposal shall be considered that does not
5 include an entity's plan to comply with the requirements
6 established in the Business Enterprise for Minorities, Women,
7 and Persons with Disabilities Act, for both the design and
8 construction areas of performance, and with Section 2-105 of
9 the Illinois Human Rights Act.

10 Upon completion of the qualifications evaluation, the
11 State construction agency shall create a shortlist of the most
12 highly qualified progressive design-build entities. The State
13 construction agency, in its discretion, is not required to
14 shortlist the maximum number of entities as identified for
15 Phase II evaluation, provided however, no less than 2
16 progressive design-build entities nor more than 6 are selected
17 to present to the selection committee in an interview.

18 The State construction agency shall notify the entities
19 selected for the shortlist in writing. This notification shall
20 commence the period for the preparation for presentations and
21 interviews. The State construction agency must allow
22 sufficient time, no less than 28 calendar days, for the
23 shortlist entities to prepare their presentations.

24 (c) The State construction agency shall include in the
25 project advertisement the evaluating factors to be used in the
26 presentations and interviews. Each request for qualifications

1 shall establish the relative importance assigned to each
2 evaluation factor and subfactor, including any weighting of
3 criteria to be employed by the State construction agency. The
4 State construction agency must maintain a record of the
5 evaluation scoring to be disclosed in event of a protest
6 regarding the solicitation.

7 The State construction agency shall include the following
8 criteria in every Phase II evaluation of progressive
9 design-build entities: (1) experience with successful
10 completion of similar projects; (2) the design team's approach
11 to program analysis and schematic design; (3) record of budget
12 adherence on recently completed projects; (4) demonstration of
13 past innovation in meeting the scope and performance criteria
14 on past design-build projects; (5) completeness of the overall
15 project team; (6) collaborative experience of the team
16 members; and (7) their plan for achieving project goals for
17 participation. The State construction agency may include any
18 additional relevant technical evaluation factors it deems
19 necessary for proper selection.

20 Upon completion of the evaluation, the State construction
21 agency may award the progressive design-build contract to the
22 highest overall ranked entity. After qualifications have been
23 submitted, a progressive design-build entity shall not
24 replace, remove, or otherwise modify any firm identified as a
25 member of the proposer team unless authorized to do so by the
26 State construction agency.

1 Section 1-40. Submission of qualifications. Qualifications
2 must be properly identified and sealed. Qualifications may not
3 be reviewed until after the deadline for submission has passed
4 as set forth in the request for qualifications. All
5 progressive design-build entities submitting qualifications
6 shall be disclosed after the deadline for submission, and all
7 progressive design-build entities who are shortlisted for
8 interviews shall also be disclosed at the time of that
9 determination.

10 Qualifications shall include representative projects to
11 demonstrate past experience of the team members on similar
12 progressive design-build projects. Qualifications shall
13 include a list of all design professionals and other entities
14 as defined in Section 30-30 of the Illinois Procurement Code
15 to which any work may be subcontracted during the performance
16 of the contract. Any entity that will perform any of the 5
17 subdivisions of work defined in Section 30-30 of the Illinois
18 Procurement Code must meet prequalification standards of the
19 State construction agency.

20 Qualifications must meet all material requirements of the
21 request for qualifications, or they may be rejected as
22 nonresponsive. The State construction agency shall have the
23 right to reject any and all qualifications.

24 The State construction agency shall review the
25 qualifications for compliance with the performance criteria

1 and evaluation factors.

2 Qualifications may be withdrawn prior to evaluation for
3 any cause. After evaluation begins by the State construction
4 agency, clear and convincing evidence of error is required for
5 withdrawal.

6 Section 1-45. Award. The State construction agency may
7 award the contract to the highest overall ranked entity.
8 Notice of award shall be made in writing. Unsuccessful
9 entities shall also be notified in writing. The State
10 construction agency may not request a best and final offer
11 after the receipt of qualifications. The State construction
12 agency may negotiate with the selected progressive
13 design-build entity after award but prior to contract
14 execution for the purpose of securing better terms than
15 originally proposed, provided that the salient features of the
16 request for qualifications are not diminished.

17 Section 1-50. Labor.

18 (a) A contract or agreement under this Act shall require
19 the progressive design-build entity, or the construction
20 manager or general contractor of the progressive design-build
21 entity, and all subcontractors of the progressive design-build
22 entity to comply with Section 30-22 of the Illinois
23 Procurement Code as it applies to responsible bidders and to
24 present satisfactory evidence of that compliance to the State

1 construction agency.

2 (b) A contract or agreement under this Act shall require
3 the progressive design-build entity or the construction
4 manager or general contractor of the progressive design-build
5 entity to enter into a project labor agreement used by the
6 State construction agency.

7 (c) This Section does not apply to construction-related
8 professional services. As used in this Section, "professional
9 services" means those services within the scope of the
10 practice of architecture, professional engineering, structural
11 engineering, or registered land surveying, as defined by the
12 laws of this State.

13 Section 1-55. Transition to design-bid-build. At the
14 completion of design development, the progressive design-build
15 entity must provide a firm fixed price. The State construction
16 agency reserves the right to transition the project to the
17 design-bid-build method if the fixed price exceeds the project
18 budget, the progressive design-build entity's proposed
19 schedule is unreasonable, or if transitioning to the
20 design-bid-build method is in the best interests of the State.

21 Section 1-60. Reports and evaluation. At the end of every
22 6-month period following the contract award, and again prior
23 to final contract payout and closure, a selected progressive
24 design-build entity shall detail, in a written report

1 submitted to the State agency, its efforts and success in
2 implementing the entity's plan to comply with the utilization
3 goals for business enterprises established in the Business
4 Enterprise for Minorities, Women, and Persons with
5 Disabilities Act and the provisions of Section 2-105 of the
6 Illinois Human Rights Act. If the entity's performance in
7 implementing the plan falls short of the performance measures
8 and outcomes set forth in the plans submitted by the entity
9 during the qualifications process, the entity shall, in a
10 detailed written report, inform the General Assembly and the
11 Governor whether and to what degree each progressive
12 design-build contract authorized under this Act promoted the
13 utilization goals for business enterprises established in the
14 Business Enterprise for Minorities, Women, and Persons with
15 Disabilities Act and the provisions of Section 2-105 of the
16 Illinois Human Rights Act.

17 Section 1-65. Federal requirements. In the procurement of
18 progressive design-build contracts, the State construction
19 agency shall comply with federal law and regulations and take
20 all necessary steps to adapt their rules, policies, and
21 procedures to remain eligible for federal aid.

22 Section 1-70. Capital Development Board consultation. The
23 Capital Development Board shall consult with the applicable
24 chief procurement office to determine which procedures to

1 adopt and apply to the progressive design-build project
2 delivery method in order to ensure an open, transparent, and
3 efficient process that accomplishes the purposes of this Act.

4 Section 1-75. Repeal. This Act is repealed on January 1,
5 2027.

6 ARTICLE 2.

7 Section 2-5. The Illinois Procurement Code is amended by
8 changing Sections 1-13, 10-20, 20-20, and 20-60 and by adding
9 Sections 20-180, 30-17, and 50-57 as follows:

10 (30 ILCS 500/1-13)

11 Sec. 1-13. Applicability to public institutions of higher
12 education.

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

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

19 (1) Memberships in professional, academic, research,
20 or athletic organizations on behalf of a public
21 institution of higher education, an employee of a public
22 institution of higher education, or a student at a public

1 institution of higher education.

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

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

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

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

21 (6) Procurement expenditures for placement of students
22 in externships, practicums, field experiences, and for
23 medical residencies and rotations.

24 (7) Contracts for programming and broadcast license
25 rights for university-operated radio and television
26 stations.

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

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

9 (10) Procurement expenditures for any ongoing software
10 license or maintenance agreement or competitively
11 solicited software purchase, when the software, license,
12 or maintenance agreement is available through only the
13 software creator or its manufacturer and not a reseller.

14 (11) Procurement expenditures incurred outside of the
15 United States for the recruitment of international
16 students.

17 (12) Procurement expenditures for contracts entered
18 into under the Public University Energy Conservation Act.

19 (13) Procurement expenditures for advertising
20 purchased directly from a media station or the owner of
21 the station for distribution of advertising.

22 Notice of each contract with an annual value of more than
23 \$100,000 entered into by a public institution of higher
24 education that is related to the procurement of goods and
25 services identified in items (1) through (13) of this
26 subsection shall be published in the Procurement Bulletin

1 within 14 calendar days after contract execution. The Chief
2 Procurement Officer shall prescribe the form and content of
3 the notice. Each public institution of higher education shall
4 provide the Chief Procurement Officer, on a monthly basis, in
5 the form and content prescribed by the Chief Procurement
6 Officer, a report of contracts that are related to the
7 procurement of goods and services identified in this
8 subsection. At a minimum, this report shall include the name
9 of the contractor, a description of the supply or service
10 provided, the total amount of the contract, the term of the
11 contract, and the exception to the Code utilized. A copy of any
12 or all of these contracts shall be made available to the Chief
13 Procurement Officer immediately upon request. The Chief
14 Procurement Officer shall submit a report to the Governor and
15 General Assembly no later than November 1 of each year that
16 shall include, at a minimum, an annual summary of the monthly
17 information reported to the Chief Procurement Officer.

18 (b-5) Except as provided in this subsection, the
19 provisions of this Code shall not apply to contracts for
20 medical supplies or to contracts for medical services
21 necessary for the delivery of care and treatment at medical,
22 dental, pharmaceutical, or veterinary teaching facilities used
23 by Southern Illinois University or the University of Illinois
24 or at any university-operated health care center or dispensary
25 that provides care, treatment, and medications for students,
26 faculty, and staff. Furthermore, the provisions of this Code

1 do not apply to the procurement by such a facility of any
2 additional supplies or services that the operator of the
3 facility deems necessary for the effective use and functioning
4 of the medical supplies or services that are otherwise exempt
5 from this Code under this subsection (b-5), including, but not
6 limited to, procurements necessary for compliance and
7 management of federal programs. However, other supplies and
8 services needed for these teaching facilities shall be subject
9 to the jurisdiction of the Chief Procurement Officer for
10 Public Institutions of Higher Education who may establish
11 expedited procurement procedures and may waive or modify
12 certification, contract, hearing, process and registration
13 requirements required by this ~~the~~ Code. All procurements made
14 under this subsection shall be documented and may require
15 publication in the Illinois Procurement Bulletin.

16 (b-10) Procurements made by or on behalf of the University
17 of Illinois for investment services may be entered into or
18 renewed without being subject to the requirements of this
19 Code. Notice of intent to renew a contract shall be published
20 in the Illinois Public Higher Education Procurement Bulletin
21 at least 14 days prior to the execution of a renewal, and the
22 University of Illinois shall hold a public hearing for
23 interested parties to provide public comment. Any contract
24 extended, renewed, or entered pursuant to this exception shall
25 be published in the Illinois Public Higher Education
26 Procurement Bulletin within 5 days of contract execution.

1 (c) Procurements made by or on behalf of public
2 institutions of higher education for the fulfillment of a
3 grant shall be made in accordance with the requirements of
4 this Code to the extent practical.

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

24 (d) Notwithstanding this Section, a waiver of the
25 registration requirements of Section 20-160 does not permit a
26 business entity and any affiliated entities or affiliated

1 persons to make campaign contributions if otherwise prohibited
2 by Section 50-37. The total amount of contracts awarded in
3 accordance with this Section shall be included in determining
4 the aggregate amount of contracts or pending bids of a
5 business entity and any affiliated entities or affiliated
6 persons.

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

26 (f) As used in this Section:

1 "Grant" means non-appropriated funding provided by a
2 federal or private entity to support a project or program
3 administered by a public institution of higher education and
4 any non-appropriated funding provided to a sub-recipient of
5 the grant.

6 "Public institution of higher education" means Chicago
7 State University, Eastern Illinois University, Governors State
8 University, Illinois State University, Northeastern Illinois
9 University, Northern Illinois University, Southern Illinois
10 University, University of Illinois, Western Illinois
11 University, and, for purposes of this Code only, the Illinois
12 Mathematics and Science Academy.

13 (g) (Blank).

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

15 (1) Public Act 98-1076, which took effect on January
16 1, 2015, changed the repeal date set for this Section from
17 December 31, 2014 to December 31, 2016.

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

24 (3) This amendatory Act of the 100th General Assembly
25 manifests the intention of the General Assembly to remove
26 the repeal of this Section.

1 (4) This Section was originally enacted to protect,
2 promote, and preserve the general welfare. Any
3 construction of this Section that results in the repeal of
4 this Section on December 31, 2014 would be inconsistent
5 with the manifest intent of the General Assembly and
6 repugnant to the context of this Code.

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

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

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

19 In order to ensure the continuing effectiveness of this
20 Section, it is set forth in full and re-enacted by this
21 amendatory Act of the 100th General Assembly. This
22 re-enactment is intended as a continuation of this Section. It
23 is not intended to supersede any amendment to this Section
24 that is enacted by the 100th General Assembly.

25 In this amendatory Act of the 100th General Assembly, the
26 base text of the reenacted Section is set forth as amended by

1 Public Act 98-1076. Striking and underscoring is used only to
2 show changes being made to the base text.

3 This Section applies to all procurements made on or before
4 the effective date of this amendatory Act of the 100th General
5 Assembly.

6 (Source: P.A. 102-16, eff. 6-17-21; 102-721, eff. 5-6-22;
7 102-1119, eff. 1-23-23; 103-570, eff. 1-1-24.)

8 (30 ILCS 500/10-20)

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

10 (a) Appointment. Within 60 calendar days after July 1,
11 2010 (the effective date of Public Act 96-795) ~~this amendatory~~
12 ~~Act of the 96th General Assembly,~~ the Executive Ethics
13 Commission, with the advice and consent of the Senate shall
14 appoint or approve 4 chief procurement officers, one for each
15 of the following categories:

16 (1) for procurements for construction and
17 construction-related services committed by law to the
18 jurisdiction or responsibility of the Capital Development
19 Board;

20 (2) for procurements for all construction,
21 construction-related services, operation of any facility,
22 and the provision of any service or activity committed by
23 law to the jurisdiction or responsibility of the Illinois
24 Department of Transportation, including the direct or
25 reimbursable expenditure of all federal funds for which

1 the Department of Transportation is responsible or
2 accountable for the use thereof in accordance with federal
3 law, regulation, or procedure, the chief procurement
4 officer recommended for approval under this item appointed
5 by the Secretary of Transportation after consent by the
6 Executive Ethics Commission;

7 (3) for all procurements made by a public institution
8 of higher education; and

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

10 The ~~For fiscal year 2024, the~~ Executive Ethics Commission
11 shall set aside from its appropriation those amounts necessary
12 for the use of the 4 chief procurement officers for the
13 ordinary and contingent expenses of their respective
14 procurement offices. From the amounts set aside by the
15 Commission, each chief procurement officer shall control the
16 internal operations of his or her procurement office and shall
17 procure the necessary equipment, materials, and services to
18 perform the duties of that office, including hiring necessary
19 procurement personnel, legal advisors, and other employees,
20 and may establish, in the exercise of the chief procurement
21 officer's discretion, the compensation of the office's
22 employees, which includes the State purchasing officers and
23 any legal advisors. The Executive Ethics Commission shall have
24 no control over the employees of the chief procurement
25 officers. The Executive Ethics Commission shall provide
26 administrative support services, including payroll, for each

1 procurement office.

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

16 The salary of a chief procurement officer shall be
17 established by the Executive Ethics Commission and may not be
18 diminished during the officer's term. The salary may not
19 exceed the salary of the director of a State agency for which
20 the officer serves as chief procurement officer.

21 (c) Qualifications. In addition to any other requirement
22 or qualification required by State law, each chief procurement
23 officer must within 12 months of employment be a Certified
24 Professional Public Buyer or a Certified Public Purchasing
25 Officer, pursuant to certification by the Universal Public
26 Purchasing Certification Council, and must reside in Illinois.

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

3 (e) Vacancy. In case of a vacancy in one or more of the
4 offices of a chief procurement officer under this Section
5 during the recess of the Senate, the Executive Ethics
6 Commission shall make a temporary appointment until the next
7 meeting of the Senate, when the Executive Ethics Commission
8 shall nominate some person to fill the office, and any person
9 so nominated who is confirmed by the Senate shall hold office
10 during the remainder of the term and until his or her successor
11 is appointed and qualified. If the Senate is not in session at
12 the time Public Act 96-920 ~~this amendatory Act of the 96th~~
13 ~~General Assembly~~ takes effect, the Executive Ethics Commission
14 shall make a temporary appointment as in the case of a vacancy.

15 (f) (Blank).

16 (g) (Blank).

17 (Source: P.A. 103-8, eff. 6-7-23; revised 9-26-23.)

18 (30 ILCS 500/20-20)

19 Sec. 20-20. Small purchases.

20 (a) Amount. Any individual procurement of supplies or
21 services not exceeding \$100,000 and any procurement of
22 construction not exceeding \$100,000, or any individual
23 procurement of professional or artistic services not exceeding
24 \$100,000 may be made without competitive source selection.
25 Procurements shall not be artificially divided so as to

1 constitute a small purchase under this Section. Any
2 procurement of construction not exceeding \$100,000 may be made
3 by an alternative competitive source selection. The
4 construction agency shall establish rules for an alternative
5 competitive source selection process. This Section does not
6 apply to construction-related professional services contracts
7 awarded in accordance with the provisions of the
8 Architectural, Engineering, and Land Surveying Qualifications
9 Based Selection Act.

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

15 (c) Based upon rules proposed by the Board and rules
16 promulgated by the chief procurement officers, the small
17 purchase maximum established in subsection (a) may be
18 modified.

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

23 (e) Cumulative small purchases. Cumulative small purchases
24 under \$1,000 made in a previously non-contemplated manner by
25 the same or separate individuals or departments within an
26 agency or university that exceed the small purchase threshold

1 do not constitute stringing and are allowable under this Code.

2 (Source: P.A. 102-721, eff. 1-1-23; 102-1115, eff. 1-23-23

3 (See Section 99-999 of P.A. 102-1115 for effective date of

4 P.A. 102-1115); 102-1119, eff. 1-23-23.)

5 (30 ILCS 500/20-60)

6 Sec. 20-60. Duration of contracts.

7 (a) Maximum duration. A contract may be entered into for
8 any period of time deemed to be in the best interests of the
9 State but not exceeding 10 years inclusive, beginning January
10 1, 2010, of proposed contract renewals; provided, however, in
11 connection with the issuance of certificates of participation
12 or bonds, the governing board of a public institution of
13 higher education may enter into contracts in excess of 10
14 years but not to exceed 30 years for the purpose of financing
15 or refinancing real or personal property. Third parties may
16 lease State-owned dark fiber networks for any period of time
17 deemed to be in the best interest of the State, but not
18 exceeding 20 years. The length of a lease for real property or
19 capital improvements shall be in accordance with the
20 provisions of Section 40-25. The length of energy conservation
21 program contracts or energy savings contracts or leases shall
22 be in accordance with the provisions of Section 25-45. A
23 contract for bond or mortgage insurance awarded by the
24 Illinois Housing Development Authority, however, may be
25 entered into for any period of time less than or equal to the

1 maximum period of time that the subject bond or mortgage may
2 remain outstanding. Contracts may be entered into that extend
3 beyond the active term of the award, so long as the contract
4 was entered into prior to the award expiration date and does
5 not exceed 10 years.

6 (b) Subject to appropriation. All contracts made or
7 entered into shall recite that they are subject to termination
8 and cancellation in any year for which the General Assembly
9 fails to make an appropriation to make payments under the
10 terms of the contract.

11 (c) The chief procurement officer shall file a proposed
12 extension or renewal of a contract with the Procurement Policy
13 Board and the Commission on Equity and Inclusion prior to
14 entering into any extension or renewal if the cost associated
15 with the extension or renewal exceeds \$249,999. The
16 Procurement Policy Board or the Commission on Equity and
17 Inclusion may object to the proposed extension or renewal
18 within 14 calendar days and require a hearing before the Board
19 or the Commission on Equity and Inclusion prior to entering
20 into the extension or renewal. If the Procurement Policy Board
21 or the Commission on Equity and Inclusion does not object
22 within 14 calendar days or takes affirmative action to
23 recommend the extension or renewal, the chief procurement
24 officer may enter into the extension or renewal of a contract.
25 This subsection does not apply to any emergency procurement,
26 any procurement under Article 40, or any procurement exempted

1 by Section 1-10(b) of this Code. If any State agency contract
2 is paid for in whole or in part with federal-aid funds, grants,
3 or loans and the provisions of this subsection would result in
4 the loss of those federal-aid funds, grants, or loans, then
5 the contract is exempt from the provisions of this subsection
6 in order to remain eligible for those federal-aid funds,
7 grants, or loans, and the State agency shall file notice of
8 this exemption with the Procurement Policy Board or the
9 Commission on Equity and Inclusion prior to entering into the
10 proposed extension or renewal. Nothing in this subsection
11 permits a chief procurement officer to enter into an extension
12 or renewal in violation of subsection (a). By August 1 each
13 year, the Procurement Policy Board and the Commission on
14 Equity and Inclusion shall each file a report with the General
15 Assembly identifying for the previous fiscal year (i) the
16 proposed extensions or renewals that were filed and whether
17 such extensions and renewals were objected to and (ii) the
18 contracts exempt from this subsection.

19 (d) Notwithstanding the provisions of subsection (a) of
20 this Section, the Department of Innovation and Technology may
21 enter into leases for dark fiber networks for any period of
22 time deemed to be in the best interests of the State but not
23 exceeding 20 years inclusive. The Department of Innovation and
24 Technology may lease dark fiber networks from third parties
25 only for the primary purpose of providing services (i) to the
26 offices of Governor, Lieutenant Governor, Attorney General,

1 Secretary of State, Comptroller, or Treasurer and State
2 agencies, as defined under Section 5-15 of the Civil
3 Administrative Code of Illinois or (ii) for anchor
4 institutions, as defined in Section 7 of the Illinois Century
5 Network Act. Dark fiber network lease contracts shall be
6 subject to all other provisions of this Code and any
7 applicable rules or requirements, including, but not limited
8 to, publication of lease solicitations, use of standard State
9 contracting terms and conditions, and approval of vendor
10 certifications and financial disclosures.

11 (e) As used in this Section, "dark fiber network" means a
12 network of fiber optic cables laid but currently unused by a
13 third party that the third party is leasing for use as network
14 infrastructure.

15 (f) No vendor shall be eligible for renewal of a contract
16 when that vendor has failed to meet the goals agreed to in the
17 vendor's utilization plan, as defined in Section 2 of the
18 Business Enterprise for Minorities, Women, and Persons with
19 Disabilities Act, unless the State agency or public
20 institution of higher education has determined that the vendor
21 made good faith efforts toward meeting the contract goals. If
22 the State agency or public institution of higher education
23 determines that the vendor made good faith efforts, the agency
24 or public institution of higher education may issue a waiver
25 after concurrence by the chief procurement officer, which
26 shall not be unreasonably withheld or impair a State agency

1 determination to execute the renewal. The form and content of
2 the waiver shall be prescribed by each chief procurement
3 officer, but shall not impair a State agency or public
4 institution of higher education determination to execute the
5 renewal. The chief procurement officer shall post the
6 completed form on his or her official website within 5
7 business days after receipt from the State agency or public
8 institution of higher education. The chief procurement officer
9 shall maintain on his or her official website a database of
10 waivers granted under this Section with respect to contracts
11 under his or her jurisdiction. The database shall be updated
12 periodically and shall be searchable by contractor name and by
13 contracting State agency or public institution of higher
14 education.

15 (Source: P.A. 102-29, eff. 6-25-21; 102-721, eff. 1-1-23;
16 103-570, eff. 1-1-24.)

17 (30 ILCS 500/20-180 new)

18 Sec. 20-180. Electronic procurement systems. Nothing in
19 this Code prohibits State agencies from accepting bids or
20 proposals for competitive solicitations submitted solely via
21 an electronic procurement system as long as the electronic
22 system integrates with that portfolio's procurement bulletin
23 and all other provisions of this Code are met. A State agency
24 may not adopt a rule that prohibits a State agency from
25 accepting bids or proposals for competitive solicitations

1 submitted solely via an electronic procurement system as long
2 as the electronic procurement system integrates with that
3 portfolio's procurement bulletin and all other provisions of
4 this Code are met.

5 (30 ILCS 500/30-17 new)

6 Sec. 30-17. Job order contracting.

7 (a) In this Section:

8 "Indefinite quantity contract" means a contract for an
9 indefinite quantity of services for a fixed time or for a job
10 order contract.

11 "Job order contracting" means an indefinite quantity
12 contract pursuant to which a contractor may perform an ongoing
13 series of individual tasks at different facilities, locations,
14 and sites under the jurisdiction of a State construction
15 agency.

16 (b) Construction agencies may procure construction
17 contracts via job order contracting through the use of
18 competitive sealed bidding in accordance with Section 30-15.

19 (30 ILCS 500/50-57 new)

20 Sec. 50-57. Curability.

21 (a) If, during an active procurement, a violation or
22 deficiency of this Code, or of the procurement rules,
23 regulations, policies, or practices promulgated by a chief
24 procurement officer under this Code occurs, then, at the

1 request of the State purchasing officer and agency head, the
2 chief procurement officer may determine that curing the
3 violation or deficiency is in the best interest of the State.
4 The request to cure shall be in writing and include a clear
5 description of the violation or deficiency. The State
6 purchasing officer and agency head shall request a cure only
7 when the integrity, transparency, and efficiency of the
8 procurement can be maintained. In making a determination, the
9 chief procurement officer shall consider the harm to
10 stakeholders and the value to the State in permitting the cure
11 and the seriousness of the violation or deficiency. The
12 determination shall be in writing and include the basis for
13 permitting or denying the request. If a cure is permitted, the
14 determination shall include a clear description of the action
15 necessary to cure the violation or deficiency.

16 (b) The chief procurement officer shall post all
17 determinations on his or her official website within 14 days
18 after completion of the procurement. The chief procurement
19 officer shall report to the Governor and General Assembly, by
20 no later than November 1 of each year, a summary of
21 determinations for the previous fiscal year. Permitting a cure
22 does not absolve any person, as defined in Section 1-15.55,
23 from any penalties in law. Each chief procurement officer may
24 adopt rules to implement and administer this Section.

25 Section 2-10. The State Property Control Act is amended by

1 changing Section 7a as follows:

2 (30 ILCS 605/7a)

3 Sec. 7a. Surplus furniture. It is declared to be the
4 public policy of this State, and the General Assembly
5 determines, that it is in the best interest of the people of
6 this State to expend the least amount of funds possible on the
7 purchase of furniture.

8 Agencies that desire to purchase new furniture shall first
9 check with the administrator if any of the surplus furniture
10 under the administrator's control can be used in place of new
11 furniture. If an agency finds that it is unable to use the
12 surplus property, the agency may proceed with the new
13 furniture purchase. The ~~the~~ agency shall file annually, not
14 later than January 31 of the next year, a report ~~an affidavit~~
15 with the administrator ~~prior to any purchase,~~ specifying the
16 types of new furniture purchased ~~to be bought,~~ the quantities
17 of each type of new furniture, the cost per type, and the total
18 cost per category. The report ~~affidavit~~ shall also clearly
19 state why the furniture was ~~must be~~ purchased new as opposed to
20 obtained from the administrator's surplus. The reports
21 ~~affidavits~~ shall be made available by the administrator for
22 public inspection and copying.

23 This Section applies only to the purchase of an item of
24 furniture with a purchase price of \$1,500 ~~\$500~~ or more.

25 (Source: P.A. 88-515; 88-656, eff. 9-16-94.)

1 Section 2-15. The Counties Code is amended by changing
2 Sections 5-1022 and 6-1003 as follows:

3 (55 ILCS 5/5-1022)

4 Sec. 5-1022. Competitive bids.

5 (a) Any purchase by a county with fewer than 2,000,000
6 inhabitants, or an elected official in a county with fewer
7 than 2,000,000 inhabitants, including an elected official with
8 control of the internal operations of the office, of services,
9 materials, equipment, or supplies in excess of \$30,000, other
10 than professional services, shall be contracted for in one of
11 the following ways:

12 (1) by a contract let to the lowest responsible bidder
13 after advertising for bids in a newspaper published within
14 the county or, if no newspaper is published within the
15 county, then a newspaper having general circulation within
16 the county; ~~or~~

17 (2) by a contract let without advertising for bids in
18 the case of an emergency if authorized by the county
19 board; or

20 (3) by a contract let without advertising for bids in
21 the case of the expedited replacement of a disabled,
22 inoperable, or damaged patrol vehicle of the sheriff's
23 department if authorized by the county board.

24 (b) In determining the lowest responsible bidder, the

1 county board shall take into consideration the qualities of
2 the articles supplied; their conformity with the
3 specifications; their suitability to the requirements of the
4 county; the availability of support services; the uniqueness
5 of the service, materials, equipment, or supplies as it
6 applies to networked, integrated computer systems; the
7 compatibility to existing equipment; and the delivery terms.
8 In addition, the county board may take into consideration the
9 bidder's active participation in an applicable apprenticeship
10 program registered with the United States Department of Labor.
11 The county board also may take into consideration whether a
12 bidder is a private enterprise or a State-controlled
13 enterprise and, notwithstanding any other provision of this
14 Section or a lower bid by a State-controlled enterprise, may
15 let a contract to the lowest responsible bidder that is a
16 private enterprise.

17 (c) This Section does not apply to contracts by a county
18 with the federal government or to purchases of used equipment,
19 purchases at auction or similar transactions which by their
20 very nature are not suitable to competitive bids, pursuant to
21 an ordinance adopted by the county board.

22 (d) Notwithstanding the provisions of this Section, a
23 county may let without advertising for bids in the case of
24 purchases and contracts, when individual orders do not exceed
25 \$35,000, for the use, purchase, delivery, movement, or
26 installation of data processing equipment, software, or

1 services and telecommunications and inter-connect equipment,
2 software, and services.

3 (e) A county may require, as a condition of any contract
4 for goods and services, that persons awarded a contract with
5 the county and all affiliates of the person collect and remit
6 Illinois Use Tax on all sales of tangible personal property
7 into the State of Illinois in accordance with the provisions
8 of the Illinois Use Tax Act regardless of whether the person or
9 affiliate is a "retailer maintaining a place of business
10 within this State" as defined in Section 2 of the Use Tax Act.
11 For purposes of this subsection (e), the term "affiliate"
12 means any entity that (1) directly, indirectly, or
13 constructively controls another entity, (2) is directly,
14 indirectly, or constructively controlled by another entity, or
15 (3) is subject to the control of a common entity. For purposes
16 of this subsection (e), an entity controls another entity if
17 it owns, directly or individually, more than 10% of the voting
18 securities of that entity. As used in this subsection (e), the
19 term "voting security" means a security that (1) confers upon
20 the holder the right to vote for the election of members of the
21 board of directors or similar governing body of the business
22 or (2) is convertible into, or entitles the holder to receive
23 upon its exercise, a security that confers such a right to
24 vote. A general partnership interest is a voting security.

25 (f) Bids submitted to, and contracts executed by, the
26 county may require a certification by the bidder or contractor

1 that the bidder or contractor is not barred from bidding for or
2 entering into a contract under this Section and that the
3 bidder or contractor acknowledges that the county may declare
4 the contract void if the certification completed pursuant to
5 this subsection (f) is false.

6 (Source: P.A. 103-14, eff. 1-1-24; 103-286, eff. 7-28-23;
7 revised 12-12-23.)

8 (55 ILCS 5/6-1003) (from Ch. 34, par. 6-1003)

9 Sec. 6-1003. Further appropriations barred; transfers.
10 After the adoption of the county budget, no further
11 appropriations shall be made at any other time during such
12 fiscal year, except as provided in this Division.
13 Appropriations in excess of those authorized by the budget in
14 order to meet an immediate emergency may be made at any meeting
15 of the board by a two-thirds vote of all the members
16 constituting such board, the vote to be taken by ayes and nays
17 and entered on the record of the meeting. After the adoption of
18 the county budget, transfers of appropriations may be made
19 without a vote of the board; however, transfers of
20 appropriations affecting personnel and capital may be made at
21 any meeting of the board by a two-thirds vote of all the
22 members constituting such board, the vote to be taken by ayes
23 and nays and entered on the record of the meeting, provided for
24 any type of transfer that the total amount appropriated for
25 the fund is not affected.

1 This Section applies to all elected officials, including
2 elected officials with control of the internal operations of
3 their office.

4 (Source: P.A. 99-356, eff. 8-13-15; 99-642, eff. 7-28-16.)

5 ARTICLE 3.

6 Section 3-5. The Department of Natural Resources Act is
7 amended by changing Section 1-20 and by adding Section 1-50 as
8 follows:

9 (20 ILCS 801/1-20)

10 Sec. 1-20. Real property. The Department has the power:

11 (a) To transfer jurisdiction of any realty under the
12 control of the Department to any other Department of the State
13 Government, or to any authority, commission or other agency of
14 the State, and to acquire or accept federal lands, when such
15 transfer, acquisition or acceptance is advantageous to the
16 State and is approved in writing by the Governor.

17 (b) To lease, from time to time, any land or property, with
18 or without appurtenances, of which the Department has
19 jurisdiction, and which are not immediately to be used or
20 developed by the State; provided that no such lease be for a
21 longer period of time than that in which it can reasonably be
22 expected the State will not have use for such property, and
23 further provided that no such lease be for a longer period of

1 time than 10 ~~5~~ years.

2 (c) To lease any land or property over which the
3 Department has jurisdiction for the purpose of creating,
4 operating, or maintaining a commercial solar energy system, as
5 defined in Section 10-720 of the Property Tax Code, or a clean
6 energy project, as defined in the Department of Natural
7 Resources (Conservation) Law of the Civil Administrative Code
8 of Illinois. A lease under this subsection (c) shall not be for
9 a period longer than 40 years. The Department shall
10 competitively bid any project authorized pursuant to this
11 subsection (c) pursuant to the requirements of Section 20-15
12 and subsections (c) and (f) of Section 20-10 of the Illinois
13 Procurement Code. No person or business shall submit
14 specifications to the Department pursuant to this subsection
15 (c) unless requested to do so by an employee of the State. No
16 person or business who contracts with a State agency to write
17 specifications for any project pursuant to this subsection (c)
18 shall submit a bid or proposal, review or evaluate any
19 prospective proposals from the competitive bidding process, or
20 receive a contract for any project issued pursuant to this
21 subsection (c). If practical, the Department shall require
22 that any land or property over which the Department has
23 jurisdiction and that is used for the purpose of creating,
24 operating, or maintaining a commercial solar energy system
25 shall have implemented on it and maintained management
26 practices that would qualify the land or property as a

1 beneficial habitat under the Pollinator-Friendly Solar Site
2 Act. The Department shall prioritize commercial solar energy
3 system sites based on their suitability and economic
4 feasibility for solar use. The Department shall then
5 prioritize commercial solar energy system sites with a
6 significant history of disturbance, such as former strip mines
7 or previously developed sites. The Department may consider any
8 land use that is lost from the installation of a commercial
9 solar energy system in making a determination regarding the
10 suitability of a site. At least 60 days before entering into a
11 lease for a commercial solar energy system under this
12 subsection (c), the Department shall post in the Illinois
13 Register and on the Department's website notice of the
14 Department's intent to enter into the lease and shall provide
15 a copy of the notice to a municipality if the leased area is
16 located within the borders of the municipality. The notice
17 shall include the specific location and size of the proposed
18 commercial solar energy system. The Department shall consider
19 and respond to all public comments regarding the posting that
20 are received by the Department within 30 days of the posting.

21 (Source: P.A. 89-445, eff. 2-7-96.)

22 (20 ILCS 801/1-50 new)

23 Sec. 1-50. Administrative rules. The Department of Natural
24 Resources may adopt rules necessary to carry out its duties
25 under this Act.

1 Section 3-10. The Department of Natural Resources
2 (Conservation) Law of the Civil Administrative Code of
3 Illinois is amended by changing Sections 805-5, 805-230, and
4 805-235 and by adding Sections 805-280 and 805-580 as follows:

5 (20 ILCS 805/805-5)

6 Sec. 805-5. Definitions. In this Law:

7 "Clean energy" means energy that is generated, by design
8 or operation, in a manner that is substantially free of carbon
9 dioxide emissions or in a manner that otherwise contributes to
10 the reduction in emissions of environmentally hazardous
11 materials or reduces the volume of environmentally dangerous
12 materials.

13 "Clean energy project" means a project that is undertaken
14 to acquire, construct, refurbish, create, develop, or
15 redevelop any facility, equipment, machinery, or real or
16 personal property and that will aid, assist, or encourage the
17 development or implementation of clean energy in the State.

18 "Department" means the Department of Natural Resources.

19 "Director" means the Director of Natural Resources.

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (20 ILCS 805/805-230) (was 20 ILCS 805/63a18)

22 Sec. 805-230. Developing recreational areas. The
23 Department has the power to lease from individuals,

1 corporations, or any other form of private ownership, from any
2 municipality, public corporation, or political subdivision of
3 this State, or from the United States any lands or waters for
4 the purpose of developing outdoor recreational areas for
5 public use and to acquire all necessary property or
6 rights-of-way for the purposes of ingress or egress to those
7 lands and waters and to construct buildings and other
8 recreational facilities, including roadways, bridges, ~~and~~
9 parking areas, commercial solar energy systems, and clean
10 energy projects that the Department deems necessary or
11 desirable for maximum utilization of recreational facilities
12 for public use of the areas.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (20 ILCS 805/805-235) (was 20 ILCS 805/63a6)

15 Sec. 805-235. Lease of lands acquired by the Department;
16 disposition of obsolete buildings. The Department has the
17 power to do and perform each and every act or thing considered
18 by the Director to be necessary or desirable to fulfill and
19 carry out the intent and purpose of all laws pertaining to the
20 Department, including the right to rehabilitate or sell at
21 public auction buildings or structures affixed to lands over
22 which the Department has acquired jurisdiction when in the
23 judgment of the Director those buildings or structures are
24 obsolete, inadequate, or unusable for the purposes of the
25 Department and to lease those lands with or without

1 appurtenances for a consideration in money or in kind for a
2 period of time not in excess of 10 ~~5~~ years for the purposes and
3 upon the terms and conditions that the Director considers to
4 be in the best interests of the State when those lands are not
5 immediately to be used or developed by the State. All those
6 sales shall be made subject to the written approval of the
7 Governor. The funds derived from those sales and from those
8 leases shall be deposited in the State Parks Fund, except that
9 funds derived from those sales and from those leases on lands
10 managed and operated principally as wildlife or fisheries
11 areas by the Department shall be deposited in the Wildlife and
12 Fish Fund.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (20 ILCS 805/805-280 new)

15 Sec. 805-280. Leases for the purpose of creating,
16 operating, or maintaining a commercial solar energy system or
17 clean energy project. The Department may lease any land or
18 property over which the Department has jurisdiction for the
19 purpose of creating, operating, or maintaining a commercial
20 solar energy system, as defined in Section 10-720 of the
21 Property Tax Code, or a clean energy project. The lease shall
22 not be for a period longer than 40 years. The Department shall
23 competitively bid any project authorized pursuant to this
24 Section pursuant to the requirements of Section 20-15, and
25 subsections (c) and (f) of Section 20-10 of the Illinois

1 Procurement Code. No person or business shall submit
2 specifications to the Department pursuant to this Section
3 unless requested to do so by an employee of the State. No
4 person or business who contracts with a State agency to write
5 specifications for any project pursuant to this Section shall
6 submit a bid or proposal, review or evaluate any prospective
7 proposals from the competitive bidding process, or receive a
8 contract for any project issued pursuant to this Section. The
9 Department shall require that any lease must provide for a
10 signed project labor agreement for the length of the lease
11 term. A project labor agreement entered into under this
12 Section shall be entered into with the local building and
13 construction trades council having geographic jurisdiction
14 over the project. If practical, the Department shall require
15 that any land or property over which the Department has
16 jurisdiction that is used for the purpose of creating,
17 operating, or maintaining a commercial solar energy system
18 shall have implemented on it and maintained management
19 practices that would qualify the land or property as a
20 beneficial habitat under the Pollinator-Friendly Solar Site
21 Act. The Department shall require that any lease must include
22 a signed project labor agreement for the length of the lease
23 term. The Department shall prioritize commercial solar energy
24 system sites based on their suitability and economic
25 feasibility for solar use. The Department shall then
26 prioritize commercial solar energy system sites with a

1 significant history of disturbance, such as former strip mines
2 or previously developed sites. The Department may consider any
3 land use that is lost from the installation of a commercial
4 solar energy system in making a determination for the
5 suitability of a site.

6 (20 ILCS 805/805-580 new)

7 Sec. 805-580. Electric vehicle charging stations.

8 (a) The Department may provide for at least one electric
9 vehicle charging station, as defined in the Electric Vehicle
10 Act, at any State park or other real property that is owned by
11 the Department where electrical service will reasonably
12 permit. The Department is authorized to charge user fees for
13 the use of such electric vehicle charging stations.

14 (b) The Department may adopt and publish specifications
15 detailing the kind and type of electric vehicle charging
16 stations to be provided and may adopt rules governing the fees
17 for use of electric vehicle charging stations at State parks
18 or other real property that is owned by the Department.

19 Section 3-15. The State Parks Act is amended by changing
20 Sections 2, 3, 3a, and 4 as follows:

21 (20 ILCS 835/2) (from Ch. 105, par. 466)

22 Sec. 2. It shall be the policy of the State of Illinois to
23 acquire a system of State parks which shall embody the

1 following purposes and objectives:

2 (1) To preserve the most important historic sites and
3 events ~~that which~~ are connected with the peoples who are
4 geographically and culturally affiliated to the land now
5 known as the State of Illinois ~~early pioneer or Indian~~
6 ~~history,~~ so that their ~~such~~ history ~~of the Indians,~~
7 ~~explorers, missionaries and settlers~~ may be preserved, not
8 only as a tribute to those peoples that came before us ~~who~~
9 ~~made possible the building of the State of Illinois and of~~
10 ~~the Union,~~ but also as a part of the education of present
11 and future Illinois citizens.

12 (2) To set aside as public reservations those
13 locations which have unusual scenic attractions caused by
14 geologic or topographic formations, such as canyons,
15 gorges, caves, dunes, beaches, moraines, palisades,
16 examples of Illinois prairie, and points of scientific
17 interest to botanists and naturalists. These areas should
18 be large in size and whenever practicable shall be not
19 less than 1,000 acres in extent. However, smaller areas
20 may be acquired wherever conditions do not warrant the
21 acquisition of the larger acreage.

22 (3) To preserve large forested areas and marginal
23 lands along the rivers, small water courses, and lakes for
24 a recreation use different from that given by the typical
25 city park, and so that these tracts may remain unchanged
26 by civilization, so far as possible, and be kept for

1 future generations. Such areas also, should be acquired in
2 units of 1,000 acres or more and may be available as fish
3 and game preserves. However, smaller areas may be acquired
4 wherever conditions do not warrant the acquisition of the
5 larger acreage.

6 (4) To connect these parks with each other by a system
7 of scenic parkways with widths varying from 100 to 1,000
8 feet, as a supplement to and completion of the State
9 highway system. Where the present State highway routes may
10 serve this purpose, their location, alignment and design
11 should be studied with this plan in view. At suitable
12 locations along these highways, pure water supplies and
13 shelters and comfort facilities of attractive design may
14 be installed for the convenience of the public.

15 The Department of Natural Resources is authorized on ~~in~~
16 behalf of the State of Illinois to accept by donation or
17 bequest, to purchase or acquire by condemnation proceedings in
18 the manner provided for the exercise of the power of eminent
19 domain under the Eminent Domain Act, or by contract for deed
20 payable over a period of time not to exceed 10 years, or in any
21 other legal manner, the title to all such lands, waters or
22 regions, and the easements appurtenant or contributory
23 thereto, which shall be in accord with such policy in respect
24 to a system of State parks, for the purpose of which the
25 General Assembly may make an appropriation. Purchases by
26 contract for deed under this Section shall not exceed

1 \$20,000,000 in total purchase price for land under contract at
2 any one given time.

3 (Source: P.A. 94-1055, eff. 1-1-07.)

4 (20 ILCS 835/3) (from Ch. 105, par. 467)

5 Sec. 3. (a) As used in this Section, "artificial
6 landscaping" does not include any landscaping or other site
7 modification or use resulting from any lease entered into by
8 the Department of Natural Resources for the creation,
9 operation, or maintenance of a commercial solar energy system,
10 as defined in Section 10-720 of the Property Tax Code, or a
11 clean energy project, as defined in the Department of Natural
12 Resources (Conservation) Law of the Civil Administrative Code
13 of Illinois. Instead, these site modifications and uses are
14 hereby deemed to support conservation of the original
15 character of the parks.

16 (b) In maintaining the State parks, the Department of
17 Natural Resources shall conserve the original character as
18 distinguished from the artificial landscaping of such parks.

19 (Source: P.A. 89-445, eff. 2-7-96.)

20 (20 ILCS 835/3a) (from Ch. 105, par. 467a)

21 Sec. 3a. The Department of Natural Resources shall not
22 dispose of any portion of a State park except as specifically
23 authorized by law. This prohibition shall not restrict the
24 Department from conveyance of easements, leases, and other

1 lesser interests in land.

2 (Source: P.A. 89-445, eff. 2-7-96.)

3 (20 ILCS 835/4) (from Ch. 105, par. 468)

4 Sec. 4. The Department of Natural Resources has the power:

5 (1) To make rules and regulations necessary to carry out
6 its duties under this Act, including rules and regulations for
7 the use, care, improvement, control and administration of
8 lands under its jurisdiction, and to enforce the same.

9 (2) To employ such custodians, keepers, clerks,
10 assistants, laborers and subordinates as may be necessary to
11 carry out the provisions of this Act.

12 (3) To lay out, construct and maintain all needful roads,
13 parking areas, paths or trails, bridges, and docks, camp or
14 lodge sites, picnic areas, beach houses, lodges and cabins and
15 any other structures and improvements necessary and
16 appropriate in any state park or easement thereto; and to
17 provide water supplies, heat and light, and sanitary
18 facilities for the public and living quarters for the
19 custodians and keepers of state parks.

20 (4) To replant any devastated native plant areas of any
21 State park or increase or supplement the same when necessary
22 with plant material indigenous to such park.

23 (5) To cooperate with the United States government and
24 with other states in matters relating to the care,
25 improvement, control and administration of national or

1 interstate parks.

2 (6) To cooperate and contract with any agency,
3 organization or individual in a manner consistent with the
4 purposes of this Act and the powers granted the Department
5 herein.

6 (7) To accept and administer gifts, grants and legacies of
7 money, securities or property to be used by the Department of
8 Natural Resources for the purposes of this Act and according
9 to the tenor of such gift, grant or legacy.

10 (8) To enter into leases that allow for the creation,
11 operation, or maintenance of a commercial solar energy system,
12 as defined in Section 10-720 of the Property Tax Code, or a
13 clean energy project, as defined in the Department of Natural
14 Resources (Conservation) Law of the Civil Administrative Code
15 of Illinois. If practical, the Department shall require that
16 any land or property over which the Department has
17 jurisdiction that is used for the purpose of creating,
18 operating, or maintaining a commercial solar energy system
19 shall have implemented on it and maintained management
20 practices that would qualify the land or property as a
21 beneficial habitat under the Pollinator-Friendly Solar Site
22 Act. The Department shall require that any lease must include
23 a signed project labor agreement for the length of the lease
24 term. A project labor agreement entered into under this
25 Section shall be entered into with the local building and
26 construction trades council having geographic jurisdiction

1 over the project. The Department shall prioritize commercial
2 solar energy system sites based on their suitability and
3 economic feasibility for solar use. The Department shall then
4 prioritize commercial solar energy system sites with a
5 significant history of disturbance, such as former strip mines
6 or previously developed sites. In making a determination for
7 the suitability of a site, the Department may consider any
8 land use that is lost from the installation of a commercial
9 solar energy system.

10 (Source: P.A. 89-445, eff. 2-7-96.)

11 ARTICLE 5.

12 Section 5-5. The Illinois Procurement Code is amended by
13 changing Section 20-60 as follows:

14 (30 ILCS 500/20-60)

15 Sec. 20-60. Duration of contracts.

16 (a) Maximum duration. A contract may be entered into for
17 any period of time deemed to be in the best interests of the
18 State but not exceeding 10 years inclusive, beginning January
19 1, 2010, of proposed contract renewals; provided, however, in
20 connection with the issuance of certificates of participation
21 or bonds, the governing board of a public institution of
22 higher education may enter into contracts in excess of 10
23 years but not to exceed 30 years for the purpose of financing

1 or refinancing real or personal property. Third parties may
2 lease State-owned communications infrastructure, including
3 dark fiber networks, conduit, and excess communication tower
4 capacity, for any period of time deemed to be in the best
5 interest of the State, but not exceeding 20 years. The length
6 of a lease for real property or capital improvements shall be
7 in accordance with the provisions of Section 40-25. The length
8 of energy conservation program contracts or energy savings
9 contracts or leases shall be in accordance with the provisions
10 of Section 25-45. A contract for bond or mortgage insurance
11 awarded by the Illinois Housing Development Authority,
12 however, may be entered into for any period of time less than
13 or equal to the maximum period of time that the subject bond or
14 mortgage may remain outstanding.

15 (b) Subject to appropriation. All contracts made or
16 entered into shall recite that they are subject to termination
17 and cancellation in any year for which the General Assembly
18 fails to make an appropriation to make payments under the
19 terms of the contract.

20 (c) The chief procurement officer shall file a proposed
21 extension or renewal of a contract with the Procurement Policy
22 Board and the Commission on Equity and Inclusion prior to
23 entering into any extension or renewal if the cost associated
24 with the extension or renewal exceeds \$249,999. The
25 Procurement Policy Board or the Commission on Equity and
26 Inclusion may object to the proposed extension or renewal

1 within 14 calendar days and require a hearing before the Board
2 or the Commission on Equity and Inclusion prior to entering
3 into the extension or renewal. If the Procurement Policy Board
4 or the Commission on Equity and Inclusion does not object
5 within 14 calendar days or takes affirmative action to
6 recommend the extension or renewal, the chief procurement
7 officer may enter into the extension or renewal of a contract.
8 This subsection does not apply to any emergency procurement,
9 any procurement under Article 40, or any procurement exempted
10 by Section 1-10(b) of this Code. If any State agency contract
11 is paid for in whole or in part with federal-aid funds, grants,
12 or loans and the provisions of this subsection would result in
13 the loss of those federal-aid funds, grants, or loans, then
14 the contract is exempt from the provisions of this subsection
15 in order to remain eligible for those federal-aid funds,
16 grants, or loans, and the State agency shall file notice of
17 this exemption with the Procurement Policy Board or the
18 Commission on Equity and Inclusion prior to entering into the
19 proposed extension or renewal. Nothing in this subsection
20 permits a chief procurement officer to enter into an extension
21 or renewal in violation of subsection (a). By August 1 each
22 year, the Procurement Policy Board and the Commission on
23 Equity and Inclusion shall each file a report with the General
24 Assembly identifying for the previous fiscal year (i) the
25 proposed extensions or renewals that were filed and whether
26 such extensions and renewals were objected to and (ii) the

1 contracts exempt from this subsection.

2 (d) Notwithstanding the provisions of subsection (a) of
3 this Section, the Department of Innovation and Technology may
4 enter into leases for dark fiber networks for any period of
5 time deemed to be in the best interests of the State but not
6 exceeding 20 years inclusive. The Department of Innovation and
7 Technology may lease dark fiber networks from third parties
8 only for the primary purpose of providing services (i) to the
9 offices of Governor, Lieutenant Governor, Attorney General,
10 Secretary of State, Comptroller, or Treasurer and State
11 agencies, as defined under Section 5-15 of the Civil
12 Administrative Code of Illinois or (ii) for anchor
13 institutions, as defined in Section 7 of the Illinois Century
14 Network Act. Dark fiber network lease contracts shall be
15 subject to all other provisions of this Code and any
16 applicable rules or requirements, including, but not limited
17 to, publication of lease solicitations, use of standard State
18 contracting terms and conditions, and approval of vendor
19 certifications and financial disclosures.

20 (e) As used in this Section, "dark fiber network" means a
21 network of fiber optic cables laid but currently unused by a
22 third party that the third party is leasing for use as network
23 infrastructure.

24 (f) No vendor shall be eligible for renewal of a contract
25 when that vendor has failed to meet the goals agreed to in the
26 vendor's utilization plan, as defined in Section 2 of the

1 Business Enterprise for Minorities, Women, and Persons with
2 Disabilities Act, unless the State agency or public
3 institution of higher education has determined that the vendor
4 made good faith efforts toward meeting the contract goals. If
5 the State agency or public institution of higher education
6 determines that the vendor made good faith efforts, the agency
7 or public institution of higher education may issue a waiver
8 after concurrence by the chief procurement officer, which
9 shall not be unreasonably withheld or impair a State agency
10 determination to execute the renewal. The form and content of
11 the waiver shall be prescribed by each chief procurement
12 officer, but shall not impair a State agency or public
13 institution of higher education determination to execute the
14 renewal. The chief procurement officer shall post the
15 completed form on his or her official website within 5
16 business days after receipt from the State agency or public
17 institution of higher education. The chief procurement officer
18 shall maintain on his or her official website a database of
19 waivers granted under this Section with respect to contracts
20 under his or her jurisdiction. The database shall be updated
21 periodically and shall be searchable by contractor name and by
22 contracting State agency or public institution of higher
23 education.

24 (Source: P.A. 102-29, eff. 6-25-21; 102-721, eff. 1-1-23;
25 103-570, eff. 1-1-24.)

1 ARTICLE 7.

2 Section 7-5. The Illinois Procurement Code is amended by
3 adding Section 45-46 as follows:

4 (30 ILCS 500/45-46 new)

5 Sec. 45-46. Mid-size businesses.

6 (a) As used in the Section, "mid-size business" means a
7 business that is independently owned and operated and that is
8 not dominant in its field of operation. "Mid-size business"
9 includes a construction business with annual sales and
10 receipts in excess of \$14,000,000 but not over \$45,000,000.

11 (a-5) This Section applies only to construction-related
12 procurements for the Illinois State Toll Highway Authority.

13 (b) The chief procurement officer shall adopt rules to
14 establish additional criteria to designate mid-size businesses
15 for the purposes of the mid-size business set-asides described
16 in subsection (c), including the number of employees and
17 annual sales and receipts of the business. When computing the
18 size status of a potential contractor, annual sales and
19 receipts of the potential contractor and all of its affiliates
20 shall be included. The maximum number of employees and the
21 maximum annual sales and receipts that a mid-size business may
22 have under the rules adopted by the chief procurement officer
23 may vary from industry to industry, to the extent necessary to
24 reflect differing characteristics of those industries, subject

1 to the limitation that no business shall qualify as a mid-size
2 business if its annual sales and receipts exceed \$45,000,000.

3 (c) The applicable chief procurement officer shall
4 designate a fair proportion, as determined by the applicable
5 chief procurement officer in consultation with the Illinois
6 State Toll Highway Authority, of construction,
7 construction-related, and construction support contracts as
8 mid-size business set-asides for award to mid-size businesses
9 in Illinois. Advertisements for bids or offers for these
10 contracts shall specify designation as mid-size business
11 set-asides. In awarding the contracts, only bids or offers
12 from qualified mid-size businesses shall be considered. The
13 Illinois State Toll Highway Authority shall prepare an annual
14 report setting forth the use of this Section during the
15 preceding fiscal year and shall provide that report to the
16 applicable chief procurement officer no later than March 1 of
17 each calendar year. This Section is repealed 5 years after the
18 effective date of this Section.

19 ARTICLE 10.

20 Section 10-5. The Freedom of Information Act is amended by
21 changing Section 7 as follows:

22 (5 ILCS 140/7)

23 Sec. 7. Exemptions.

1 (1) When a request is made to inspect or copy a public
2 record that contains information that is exempt from
3 disclosure under this Section, but also contains information
4 that is not exempt from disclosure, the public body may elect
5 to redact the information that is exempt. The public body
6 shall make the remaining information available for inspection
7 and copying. Subject to this requirement, the following shall
8 be exempt from inspection and copying:

9 (a) Information specifically prohibited from
10 disclosure by federal or State law or rules and
11 regulations implementing federal or State law.

12 (b) Private information, unless disclosure is required
13 by another provision of this Act, a State or federal law,
14 or a court order.

15 (b-5) Files, documents, and other data or databases
16 maintained by one or more law enforcement agencies and
17 specifically designed to provide information to one or
18 more law enforcement agencies regarding the physical or
19 mental status of one or more individual subjects.

20 (c) Personal information contained within public
21 records, the disclosure of which would constitute a
22 clearly unwarranted invasion of personal privacy, unless
23 the disclosure is consented to in writing by the
24 individual subjects of the information. "Unwarranted
25 invasion of personal privacy" means the disclosure of
26 information that is highly personal or objectionable to a

1 reasonable person and in which the subject's right to
2 privacy outweighs any legitimate public interest in
3 obtaining the information. The disclosure of information
4 that bears on the public duties of public employees and
5 officials shall not be considered an invasion of personal
6 privacy.

7 (d) Records in the possession of any public body
8 created in the course of administrative enforcement
9 proceedings, and any law enforcement or correctional
10 agency for law enforcement purposes, but only to the
11 extent that disclosure would:

12 (i) interfere with pending or actually and
13 reasonably contemplated law enforcement proceedings
14 conducted by any law enforcement or correctional
15 agency that is the recipient of the request;

16 (ii) interfere with active administrative
17 enforcement proceedings conducted by the public body
18 that is the recipient of the request;

19 (iii) create a substantial likelihood that a
20 person will be deprived of a fair trial or an impartial
21 hearing;

22 (iv) unavoidably disclose the identity of a
23 confidential source, confidential information
24 furnished only by the confidential source, or persons
25 who file complaints with or provide information to
26 administrative, investigative, law enforcement, or

1 penal agencies; except that the identities of
2 witnesses to traffic crashes, traffic crash reports,
3 and rescue reports shall be provided by agencies of
4 local government, except when disclosure would
5 interfere with an active criminal investigation
6 conducted by the agency that is the recipient of the
7 request;

8 (v) disclose unique or specialized investigative
9 techniques other than those generally used and known
10 or disclose internal documents of correctional
11 agencies related to detection, observation, or
12 investigation of incidents of crime or misconduct, and
13 disclosure would result in demonstrable harm to the
14 agency or public body that is the recipient of the
15 request;

16 (vi) endanger the life or physical safety of law
17 enforcement personnel or any other person; or

18 (vii) obstruct an ongoing criminal investigation
19 by the agency that is the recipient of the request.

20 (d-5) A law enforcement record created for law
21 enforcement purposes and contained in a shared electronic
22 record management system if the law enforcement agency
23 that is the recipient of the request did not create the
24 record, did not participate in or have a role in any of the
25 events which are the subject of the record, and only has
26 access to the record through the shared electronic record

1 management system.

2 (d-6) Records contained in the Officer Professional
3 Conduct Database under Section 9.2 of the Illinois Police
4 Training Act, except to the extent authorized under that
5 Section. This includes the documents supplied to the
6 Illinois Law Enforcement Training Standards Board from the
7 Illinois State Police and Illinois State Police Merit
8 Board.

9 (d-7) Information gathered or records created from the
10 use of automatic license plate readers in connection with
11 Section 2-130 of the Illinois Vehicle Code.

12 (e) Records that relate to or affect the security of
13 correctional institutions and detention facilities.

14 (e-5) Records requested by persons committed to the
15 Department of Corrections, Department of Human Services
16 Division of Mental Health, or a county jail if those
17 materials are available in the library of the correctional
18 institution or facility or jail where the inmate is
19 confined.

20 (e-6) Records requested by persons committed to the
21 Department of Corrections, Department of Human Services
22 Division of Mental Health, or a county jail if those
23 materials include records from staff members' personnel
24 files, staff rosters, or other staffing assignment
25 information.

26 (e-7) Records requested by persons committed to the

1 Department of Corrections or Department of Human Services
2 Division of Mental Health if those materials are available
3 through an administrative request to the Department of
4 Corrections or Department of Human Services Division of
5 Mental Health.

6 (e-8) Records requested by a person committed to the
7 Department of Corrections, Department of Human Services
8 Division of Mental Health, or a county jail, the
9 disclosure of which would result in the risk of harm to any
10 person or the risk of an escape from a jail or correctional
11 institution or facility.

12 (e-9) Records requested by a person in a county jail
13 or committed to the Department of Corrections or
14 Department of Human Services Division of Mental Health,
15 containing personal information pertaining to the person's
16 victim or the victim's family, including, but not limited
17 to, a victim's home address, home telephone number, work
18 or school address, work telephone number, social security
19 number, or any other identifying information, except as
20 may be relevant to a requester's current or potential case
21 or claim.

22 (e-10) Law enforcement records of other persons
23 requested by a person committed to the Department of
24 Corrections, Department of Human Services Division of
25 Mental Health, or a county jail, including, but not
26 limited to, arrest and booking records, mug shots, and

1 crime scene photographs, except as these records may be
2 relevant to the requester's current or potential case or
3 claim.

4 (f) Preliminary drafts, notes, recommendations,
5 memoranda, and other records in which opinions are
6 expressed, or policies or actions are formulated, except
7 that a specific record or relevant portion of a record
8 shall not be exempt when the record is publicly cited and
9 identified by the head of the public body. The exemption
10 provided in this paragraph (f) extends to all those
11 records of officers and agencies of the General Assembly
12 that pertain to the preparation of legislative documents.

13 (g) Trade secrets and commercial or financial
14 information obtained from a person or business where the
15 trade secrets or commercial or financial information are
16 furnished under a claim that they are proprietary,
17 privileged, or confidential, and that disclosure of the
18 trade secrets or commercial or financial information would
19 cause competitive harm to the person or business, and only
20 insofar as the claim directly applies to the records
21 requested.

22 The information included under this exemption includes
23 all trade secrets and commercial or financial information
24 obtained by a public body, including a public pension
25 fund, from a private equity fund or a privately held
26 company within the investment portfolio of a private

1 equity fund as a result of either investing or evaluating
2 a potential investment of public funds in a private equity
3 fund. The exemption contained in this item does not apply
4 to the aggregate financial performance information of a
5 private equity fund, nor to the identity of the fund's
6 managers or general partners. The exemption contained in
7 this item does not apply to the identity of a privately
8 held company within the investment portfolio of a private
9 equity fund, unless the disclosure of the identity of a
10 privately held company may cause competitive harm.

11 Nothing contained in this paragraph (g) shall be
12 construed to prevent a person or business from consenting
13 to disclosure.

14 (h) Proposals and bids for any contract, grant, or
15 agreement, including information which if it were
16 disclosed would frustrate procurement or give an advantage
17 to any person proposing to enter into a contractor
18 agreement with the body, until an award or final selection
19 is made. Information prepared by or for the body in
20 preparation of a bid solicitation shall be exempt until an
21 award or final selection is made.

22 (i) Valuable formulae, computer geographic systems,
23 designs, drawings, and research data obtained or produced
24 by any public body when disclosure could reasonably be
25 expected to produce private gain or public loss. The
26 exemption for "computer geographic systems" provided in

1 this paragraph (i) does not extend to requests made by
2 news media as defined in Section 2 of this Act when the
3 requested information is not otherwise exempt and the only
4 purpose of the request is to access and disseminate
5 information regarding the health, safety, welfare, or
6 legal rights of the general public.

7 (j) The following information pertaining to
8 educational matters:

9 (i) test questions, scoring keys, and other
10 examination data used to administer an academic
11 examination;

12 (ii) information received by a primary or
13 secondary school, college, or university under its
14 procedures for the evaluation of faculty members by
15 their academic peers;

16 (iii) information concerning a school or
17 university's adjudication of student disciplinary
18 cases, but only to the extent that disclosure would
19 unavoidably reveal the identity of the student; and

20 (iv) course materials or research materials used
21 by faculty members.

22 (k) Architects' plans, engineers' technical
23 submissions, and other construction related technical
24 documents for projects not constructed or developed in
25 whole or in part with public funds and the same for
26 projects constructed or developed with public funds,

1 including, but not limited to, power generating and
2 distribution stations and other transmission and
3 distribution facilities, water treatment facilities,
4 airport facilities, sport stadiums, convention centers,
5 and all government owned, operated, or occupied buildings,
6 but only to the extent that disclosure would compromise
7 security.

8 (l) Minutes of meetings of public bodies closed to the
9 public as provided in the Open Meetings Act until the
10 public body makes the minutes available to the public
11 under Section 2.06 of the Open Meetings Act.

12 (m) Communications between a public body and an
13 attorney or auditor representing the public body that
14 would not be subject to discovery in litigation, and
15 materials prepared or compiled by or for a public body in
16 anticipation of a criminal, civil, or administrative
17 proceeding upon the request of an attorney advising the
18 public body, and materials prepared or compiled with
19 respect to internal audits of public bodies.

20 (n) Records relating to a public body's adjudication
21 of employee grievances or disciplinary cases; however,
22 this exemption shall not extend to the final outcome of
23 cases in which discipline is imposed.

24 (o) Administrative or technical information associated
25 with automated data processing operations, including, but
26 not limited to, software, operating protocols, computer

1 program abstracts, file layouts, source listings, object
2 modules, load modules, user guides, documentation
3 pertaining to all logical and physical design of
4 computerized systems, employee manuals, and any other
5 information that, if disclosed, would jeopardize the
6 security of the system or its data or the security of
7 materials exempt under this Section.

8 (p) Records relating to collective negotiating matters
9 between public bodies and their employees or
10 representatives, except that any final contract or
11 agreement shall be subject to inspection and copying.

12 (q) Test questions, scoring keys, and other
13 examination data used to determine the qualifications of
14 an applicant for a license or employment.

15 (r) The records, documents, and information relating
16 to real estate purchase negotiations until those
17 negotiations have been completed or otherwise terminated.
18 With regard to a parcel involved in a pending or actually
19 and reasonably contemplated eminent domain proceeding
20 under the Eminent Domain Act, records, documents, and
21 information relating to that parcel shall be exempt except
22 as may be allowed under discovery rules adopted by the
23 Illinois Supreme Court. The records, documents, and
24 information relating to a real estate sale shall be exempt
25 until a sale is consummated.

26 (s) Any and all proprietary information and records

1 related to the operation of an intergovernmental risk
2 management association or self-insurance pool or jointly
3 self-administered health and accident cooperative or pool.
4 Insurance or self-insurance (including any
5 intergovernmental risk management association or
6 self-insurance pool) claims, loss or risk management
7 information, records, data, advice, or communications.

8 (t) Information contained in or related to
9 examination, operating, or condition reports prepared by,
10 on behalf of, or for the use of a public body responsible
11 for the regulation or supervision of financial
12 institutions, insurance companies, or pharmacy benefit
13 managers, unless disclosure is otherwise required by State
14 law.

15 (u) Information that would disclose or might lead to
16 the disclosure of secret or confidential information,
17 codes, algorithms, programs, or private keys intended to
18 be used to create electronic signatures under the Uniform
19 Electronic Transactions Act.

20 (v) Vulnerability assessments, security measures, and
21 response policies or plans that are designed to identify,
22 prevent, or respond to potential attacks upon a
23 community's population or systems, facilities, or
24 installations, but only to the extent that disclosure
25 could reasonably be expected to expose the vulnerability
26 or jeopardize the effectiveness of the measures, policies,

1 or plans, or the safety of the personnel who implement
2 them or the public. Information exempt under this item may
3 include such things as details pertaining to the
4 mobilization or deployment of personnel or equipment, to
5 the operation of communication systems or protocols, to
6 cybersecurity vulnerabilities, or to tactical operations.

7 (w) (Blank).

8 (x) Maps and other records regarding the location or
9 security of generation, transmission, distribution,
10 storage, gathering, treatment, or switching facilities
11 owned by a utility, by a power generator, or by the
12 Illinois Power Agency.

13 (y) Information contained in or related to proposals,
14 bids, or negotiations related to electric power
15 procurement under Section 1-75 of the Illinois Power
16 Agency Act and Section 16-111.5 of the Public Utilities
17 Act that is determined to be confidential and proprietary
18 by the Illinois Power Agency or by the Illinois Commerce
19 Commission.

20 (z) Information about students exempted from
21 disclosure under Section 10-20.38 or 34-18.29 of the
22 School Code, and information about undergraduate students
23 enrolled at an institution of higher education exempted
24 from disclosure under Section 25 of the Illinois Credit
25 Card Marketing Act of 2009.

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

2 (bb) Records and information provided to a mortality
3 review team and records maintained by a mortality review
4 team appointed under the Department of Juvenile Justice
5 Mortality Review Team Act.

6 (cc) Information regarding interments, entombments, or
7 inurnments of human remains that are submitted to the
8 Cemetery Oversight Database under the Cemetery Care Act or
9 the Cemetery Oversight Act, whichever is applicable.

10 (dd) Correspondence and records (i) that may not be
11 disclosed under Section 11-9 of the Illinois Public Aid
12 Code or (ii) that pertain to appeals under Section 11-8 of
13 the Illinois Public Aid Code.

14 (ee) The names, addresses, or other personal
15 information of persons who are minors and are also
16 participants and registrants in programs of park
17 districts, forest preserve districts, conservation
18 districts, recreation agencies, and special recreation
19 associations.

20 (ff) The names, addresses, or other personal
21 information of participants and registrants in programs of
22 park districts, forest preserve districts, conservation
23 districts, recreation agencies, and special recreation
24 associations where such programs are targeted primarily to
25 minors.

26 (gg) Confidential information described in Section

1 1-100 of the Illinois Independent Tax Tribunal Act of
2 2012.

3 (hh) The report submitted to the State Board of
4 Education by the School Security and Standards Task Force
5 under item (8) of subsection (d) of Section 2-3.160 of the
6 School Code and any information contained in that report.

7 (ii) Records requested by persons committed to or
8 detained by the Department of Human Services under the
9 Sexually Violent Persons Commitment Act or committed to
10 the Department of Corrections under the Sexually Dangerous
11 Persons Act if those materials: (i) are available in the
12 library of the facility where the individual is confined;
13 (ii) include records from staff members' personnel files,
14 staff rosters, or other staffing assignment information;
15 or (iii) are available through an administrative request
16 to the Department of Human Services or the Department of
17 Corrections.

18 (jj) Confidential information described in Section
19 5-535 of the Civil Administrative Code of Illinois.

20 (kk) The public body's credit card numbers, debit card
21 numbers, bank account numbers, Federal Employer
22 Identification Number, security code numbers, passwords,
23 and similar account information, the disclosure of which
24 could result in identity theft or impression or defrauding
25 of a governmental entity or a person.

26 (ll) Records concerning the work of the threat

1 assessment team of a school district, including, but not
2 limited to, any threat assessment procedure under the
3 School Safety Drill Act and any information contained in
4 the procedure.

5 (mm) Information prohibited from being disclosed under
6 subsections (a) and (b) of Section 15 of the Student
7 Confidential Reporting Act.

8 (nn) Proprietary information submitted to the
9 Environmental Protection Agency under the Drug Take-Back
10 Act.

11 (oo) Records described in subsection (f) of Section
12 3-5-1 of the Unified Code of Corrections.

13 (pp) Any and all information regarding burials,
14 interments, or entombments of human remains as required to
15 be reported to the Department of Natural Resources
16 pursuant either to the Archaeological and Paleontological
17 Resources Protection Act or the Human Remains Protection
18 Act.

19 (qq) ~~(pp)~~ Reports described in subsection (e) of
20 Section 16-15 of the Abortion Care Clinical Training
21 Program Act.

22 (rr) ~~(pp)~~ Information obtained by a certified local
23 health department under the Access to Public Health Data
24 Act.

25 (ss) ~~(pp)~~ For a request directed to a public body that
26 is also a HIPAA-covered entity, all information that is

1 protected health information, including demographic
2 information, that may be contained within or extracted
3 from any record held by the public body in compliance with
4 State and federal medical privacy laws and regulations,
5 including, but not limited to, the Health Insurance
6 Portability and Accountability Act and its regulations, 45
7 CFR Parts 160 and 164. As used in this paragraph,
8 "HIPAA-covered entity" has the meaning given to the term
9 "covered entity" in 45 CFR 160.103 and "protected health
10 information" has the meaning given to that term in 45 CFR
11 160.103.

12 (tt) Proposals or bids submitted by engineering
13 consultants in response to requests for proposal or other
14 competitive bidding requests by the Department of
15 Transportation or the Illinois Toll Highway Authority.

16 (1.5) Any information exempt from disclosure under the
17 Judicial Privacy Act shall be redacted from public records
18 prior to disclosure under this Act.

19 (2) A public record that is not in the possession of a
20 public body but is in the possession of a party with whom the
21 agency has contracted to perform a governmental function on
22 behalf of the public body, and that directly relates to the
23 governmental function and is not otherwise exempt under this
24 Act, shall be considered a public record of the public body,
25 for purposes of this Act.

26 (3) This Section does not authorize withholding of

1 information or limit the availability of records to the
2 public, except as stated in this Section or otherwise provided
3 in this Act.

4 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
5 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
6 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
7 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
8 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
9 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised
10 9-7-23.)

11 Section 10-10. The Illinois Procurement Code is amended by
12 changing Section 50-39 as follows:

13 (30 ILCS 500/50-39)

14 Sec. 50-39. Procurement communications reporting
15 requirement.

16 (a) Any written or oral communication received by a State
17 employee who, by the nature of his or her duties, has the
18 authority to participate personally and substantially in the
19 decision to award a State contract and that imparts or
20 requests material information or makes a material argument
21 regarding potential action concerning an active procurement
22 matter, including, but not limited to, an application, a
23 contract, or a project, shall be reported to the Procurement
24 Policy Board, and, with respect to the Illinois Power Agency,

1 by the initiator of the communication, and may be reported
2 also by the recipient.

3 Any person communicating orally, in writing,
4 electronically, or otherwise with the Director or any person
5 employed by, or associated with, the Illinois Power Agency to
6 impart, solicit, or transfer any information related to the
7 content of any power procurement plan, the manner of
8 conducting any power procurement process, the procurement of
9 any power supply, or the method or structure of contracting
10 with power suppliers must disclose to the Procurement Policy
11 Board the full nature, content, and extent of any such
12 communication in writing by submitting a report with the
13 following information:

- 14 (1) The names of any party to the communication.
- 15 (2) The date on which the communication occurred.
- 16 (3) The time at which the communication occurred.
- 17 (4) The duration of the communication.
- 18 (5) The method (written, oral, etc.) of the
19 communication.
- 20 (6) A summary of the substantive content of the
21 communication.

22 These communications do not include the following: (i)
23 statements by a person publicly made in a public forum; (ii)
24 statements regarding matters of procedure and practice, such
25 as format, the number of copies required, the manner of
26 filing, and the status of a matter; (iii) statements made by a

1 State employee of the agency to the agency head or other
2 employees of that agency, to the employees of the Executive
3 Ethics Commission, or to an employee of another State agency
4 who, through the communication, is either (a) exercising his
5 or her experience or expertise in the subject matter of the
6 particular procurement in the normal course of business, for
7 official purposes, and at the initiation of the purchasing
8 agency or the appropriate State purchasing officer, or (b)
9 exercising oversight, supervisory, or management authority
10 over the procurement in the normal course of business and as
11 part of official responsibilities; (iv) ~~unsolicited~~
12 communications providing general information about a firm's
13 products or 7 services, or industry best practices provided
14 ~~before~~ those products or services are not directly related to
15 an open procurement matter ~~become involved in a procurement~~
16 ~~matter~~; (v) communications received in response to procurement
17 solicitations, including, but not limited to, vendor responses
18 to a request for information, request for proposal, request
19 for qualifications, invitation for bid, or a small purchase,
20 sole source, or emergency solicitation, or questions and
21 answers posted to the Illinois Procurement Bulletin to
22 supplement the procurement action, provided that the
23 communications are made in accordance with the instructions
24 contained in the procurement solicitation, procedures, or
25 guidelines; (vi) communications that are privileged,
26 protected, or confidential under law; ~~and~~ (vii) communications

1 that are part of a formal procurement process as set out by
2 statute, rule, or the solicitation, guidelines, or procedures,
3 including, but not limited to, the posting of procurement
4 opportunities, the process for approving a procurement
5 business case or its equivalent, fiscal approval, submission
6 of bids, the finalizing of contract terms and conditions with
7 an awardee or apparent awardee, and similar formal procurement
8 processes; and (viii) communications about proposal
9 deficiencies as provided under Section 35 of the
10 Architectural, Engineering, and Land Surveying Qualifications
11 Based Selection Act. The provisions of this Section shall not
12 apply to communications regarding the administration and
13 implementation of an existing contract, except communications
14 regarding change orders or the renewal or extension of a
15 contract.

16 The reporting requirement does not apply to any
17 communication asking for clarification regarding a contract
18 solicitation so long as there is no competitive advantage to
19 the person or business and the question and answer, if
20 material, are posted to the Illinois Procurement Bulletin as
21 an addendum to the contract solicitation.

22 (b) The report required by subsection (a) shall be
23 submitted monthly and include at least the following: (i) the
24 date and time of each communication; (ii) the identity of each
25 person from whom the written or oral communication was
26 received, the individual or entity represented by that person,

1 and any action the person requested or recommended; (iii) the
2 identity and job title of the person to whom each
3 communication was made; (iv) if a response is made, the
4 identity and job title of the person making each response; (v)
5 a detailed summary of the points made by each person involved
6 in the communication; (vi) the duration of the communication;
7 (vii) the location or locations of all persons involved in the
8 communication and, if the communication occurred by telephone,
9 the telephone numbers for the callers and recipients of the
10 communication; and (viii) any other pertinent information. No
11 trade secrets or other proprietary or confidential information
12 shall be included in any communication reported to the
13 Procurement Policy Board.

14 (c) Additionally, when an oral communication made by a
15 person required to register under the Lobbyist Registration
16 Act is received by a State employee that is covered under this
17 Section, all individuals who initiate or participate in the
18 oral communication shall submit a written report to that State
19 employee that memorializes the communication and includes, but
20 is not limited to, the items listed in subsection (b).

21 (d) The Procurement Policy Board shall make each report
22 submitted pursuant to this Section available on its website
23 within 7 calendar days after its receipt of the report. The
24 Procurement Policy Board may promulgate rules to ensure
25 compliance with this Section.

26 (e) The reporting requirements shall also be conveyed

1 through ethics training under the State Officials and
2 Employees Ethics Act. An employee who knowingly and
3 intentionally violates this Section shall be subject to
4 suspension or discharge. The Executive Ethics Commission shall
5 promulgate rules, including emergency rules, to implement this
6 Section.

7 (f) This Section becomes operative on January 1, 2011.

8 (g) For purposes of this Section:

9 "Active procurement matter" means a procurement process
10 beginning with requisition or determination of need by an
11 agency and continuing through the publication of an award
12 notice or other completion of a final procurement action, the
13 resolution of any protests, and the expiration of any protest
14 or Procurement Policy Board review period, if applicable.
15 "Active procurement matter" also includes communications
16 relating to change orders, renewals, or extensions.

17 "Material information" means information that a reasonable
18 person would deem important in determining his or her course
19 of action and pertains to significant issues, including, but
20 not limited to, price, quantity, and terms of payment or
21 performance.

22 "Material argument" means a communication that a
23 reasonable person would believe was made for the purpose of
24 influencing a decision relating to a procurement matter.

25 "Material argument" does not include general information about
26 products, services, or industry best practices or a response

1 to a communication initiated by an employee of the State for
2 the purposes of providing information to evaluate new
3 products, trends, services, or technologies.

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

5 Section 10-15. The Architectural, Engineering, and Land
6 Surveying Qualifications Based Selection Act is amended by
7 changing Section 35 as follows:

8 (30 ILCS 535/35) (from Ch. 127, par. 4151-35)

9 Sec. 35. Selection procedure. On the basis of evaluations,
10 discussions, and any presentations, the State agency shall
11 select no less than 3 firms it determines to be qualified to
12 provide services for the project and rank them in order of
13 qualifications to provide services regarding the specific
14 project. The State agency shall then contact the firm ranked
15 most preferred to negotiate a contract at a fair and
16 reasonable compensation. If fewer than 3 firms submit letters
17 of interest and the State agency determines that one or both of
18 those firms are so qualified, the State agency may proceed to
19 negotiate a contract under Section 40. The decision of the
20 State agency shall be final and binding.

21 As part of the State agency's commitment to fostering
22 greater diversity in contracting, the State agency may
23 communicate with firms who were not selected in order to
24 provide further information about the firm's proposal

1 deficiencies.

2 (Source: P.A. 87-673.)

3 ARTICLE 15.

4 Section 15-5. The Governmental Joint Purchasing Act is
5 amended by changing Section 2 as follows:

6 (30 ILCS 525/2) (from Ch. 85, par. 1602)

7 Sec. 2. Joint purchasing authority.

8 (a) Any governmental unit, except a governmental unit
9 subject to the jurisdiction of a chief procurement officer
10 established in Section 10-20 of the Illinois Procurement Code,
11 may purchase personal property, supplies and services jointly
12 with one or more other governmental units. All such joint
13 purchases shall be by competitive solicitation as provided in
14 Section 4, except as otherwise provided in this Act. The
15 provisions of any other acts under which a governmental unit
16 operates which refer to purchases and procedures in connection
17 therewith shall be superseded by the provisions of this Act
18 when the governmental units are exercising the joint powers
19 created by this Act.

20 (a-5) For purchases made by a governmental unit subject to
21 the jurisdiction of a chief procurement officer established in
22 Section 10-20 of the Illinois Procurement Code, the applicable
23 chief procurement officer established in Section 10-20 of the

1 Illinois Procurement Code may authorize the purchase of
2 supplies and services jointly with a governmental unit of this
3 State, governmental entity of another state, or with a
4 consortium of governmental entities of one or more other
5 states, except as otherwise provided in this Act. Subject to
6 provisions of the joint purchasing solicitation, the
7 appropriate chief procurement officer may designate the
8 resulting contract as available to governmental units in
9 Illinois.

10 (a-10) Each chief procurement officer appointed pursuant
11 to Section 10-20 of the Illinois Procurement Code, with joint
12 agreement of the respective agency or institution, may
13 authorize the purchase or lease of supplies and services which
14 have been procured through a competitive process by a federal
15 agency; a consortium of governmental, educational, medical,
16 research, or similar entities; or a group purchasing
17 organization of which the chief procurement officer or State
18 agency is a member or affiliate, including, without
19 limitation, any purchasing entity operating under the federal
20 General Services Administration, the Higher Education
21 Cooperation Act, and the Midwestern Higher Education Compact
22 Act. Each applicable chief procurement officer may authorize
23 purchases and contracts which have been procured through other
24 methods of procurement if each chief procurement officer
25 determines it is in the best interests of the State,
26 considering a recommendation by their respective agencies or

1 institutions. The chief procurement officer may establish
2 detailed rules, policies, and procedures for use of these
3 cooperative contracts. Notice of award shall be published by
4 the chief procurement officer in the Illinois Procurement
5 Bulletin at least prior to use of the contract. Each chief
6 procurement officer shall submit to the General Assembly by
7 November 1 of each year a report of procurements made under
8 this subsection (a-10).

9 (a-15) Each chief procurement officer appointed pursuant
10 to Section 10-20 of the Illinois Procurement Code may
11 authorize any governmental unit of this State to purchase or
12 lease supplies under a contract which has been procured under
13 the jurisdiction of the Illinois Procurement Code by a
14 governmental unit subject to the jurisdiction of the chief
15 procurement officer. Prior to making the contract available to
16 the governmental unit of this State, the chief procurement
17 officer shall consult with the governmental unit that is party
18 to the contract and is subject to the jurisdiction of the chief
19 procurement officer. A governmental unit of this State that
20 uses a contract pursuant to this subsection shall report each
21 year to the authorizing chief procurement officer the
22 contractor used, supplies purchased, and total value of
23 purchases for each contract. The authorizing chief procurement
24 officer shall submit to the General Assembly by November 1 of
25 each year a report of procurements made under this subsection
26 (a-15).

1 (b) Any not-for-profit agency that qualifies under Section
2 45-35 of the Illinois Procurement Code and that either (1)
3 acts pursuant to a board established by or controlled by a unit
4 of local government or (2) receives grant funds from the State
5 or from a unit of local government, shall be eligible to
6 participate in contracts established by the State.

7 (c) For governmental units subject to the jurisdiction of
8 a chief procurement officer established in Section 10-20 of
9 the Illinois Procurement Code, if any contract or amendment to
10 a contract is entered into or purchase or expenditure of funds
11 is made at any time in violation of this Act or any other law,
12 the contract or amendment may be declared void by the chief
13 procurement officer or may be ratified and affirmed, if the
14 chief procurement officer determines that ratification is in
15 the best interests of the governmental unit. If the contract
16 or amendment is ratified and affirmed, it shall be without
17 prejudice to the governmental unit's rights to any appropriate
18 damages.

19 (d) This Section does not apply to construction-related
20 professional services contracts awarded in accordance with the
21 provisions of the Architectural, Engineering, and Land
22 Surveying Qualifications Based Selection Act.

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

1 Section 20-5. The Illinois Procurement Code is amended by
2 changing Section 40-15 as follows:

3 (30 ILCS 500/40-15)

4 Sec. 40-15. Method of source selection.

5 (a) Request for information. Except as provided in
6 subsections (b) and (c), all State contracts for leases of
7 real property or capital improvements shall be awarded by a
8 request for information process in accordance with Section
9 40-20.

10 (b) Other methods. A request for information process need
11 not be used in procuring any of the following leases:

12 (1) Property of less than 10,000 square feet with base
13 rent of less than \$200,000 ~~\$100,000~~ per year.

14 (2) (Blank).

15 (3) Duration of less than one year that cannot be
16 renewed.

17 (4) Specialized space available at only one location.

18 (5) Renewal or extension of a lease; provided that:

19 (i) the chief procurement officer determines in writing
20 that the renewal or extension is in the best interest of
21 the State; (ii) the chief procurement officer submits his
22 or her written determination and the renewal or extension
23 to the Board; (iii) the Board does not object in writing to
24 the renewal or extension within 30 calendar days after its
25 submission; and (iv) the chief procurement officer

1 publishes the renewal or extension in the appropriate
2 volume of the Procurement Bulletin.

3 (c) Leases with governmental units. Leases with other
4 governmental units may be negotiated without using the request
5 for information process when deemed by the chief procurement
6 officer to be in the best interest of the State.

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

8 ARTICLE 25.

9 Section 25-10. The Illinois Procurement Code is amended by
10 changing Section 1-10 as follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which
14 bidders, offerors, potential contractors, or contractors were
15 first solicited on or after July 1, 1998. This Code shall not
16 be construed to affect or impair any contract, or any
17 provision of a contract, entered into based on a solicitation
18 prior to the implementation date of this Code as described in
19 Article 99, including, but not limited to, any covenant
20 entered into with respect to any revenue bonds or similar
21 instruments. All procurements for which contracts are
22 solicited between the effective date of Articles 50 and 99 and
23 July 1, 1998 shall be substantially in accordance with this

1 Code and its intent.

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

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

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

11 (3) Purchase of care, except as provided in Section
12 5-30.6 of the Illinois Public Aid Code and this Section.

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

17 (5) Collective bargaining contracts.

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

26 (7) Contracts necessary to prepare for anticipated

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

9 (8) (Blank).

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

12 (10) (Blank).

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

19 (12) (A) Contracts for legal, financial, and other
20 professional and artistic services entered into by the
21 Illinois Finance Authority in which the State of Illinois
22 is not obligated. Such contracts shall be awarded through
23 a competitive process authorized by the members of the
24 Illinois Finance Authority and are subject to Sections
25 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
26 as well as the final approval by the members of the

1 Illinois Finance Authority of the terms of the contract.

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

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

26 On and after January 1, 2019, this paragraph (13),

1 except for this sentence, is inoperative.

2 (14) Contracts for participation expenditures required
3 by a domestic or international trade show or exhibition of
4 an exhibitor, member, or sponsor.

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

1 (16) Procurement expenditures necessary for the
2 Department of Public Health to provide the delivery of
3 timely newborn screening services in accordance with the
4 Newborn Metabolic Screening Act.

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

14 (18) This Code does not apply to any procurements
15 necessary for the Department of Agriculture, the
16 Department of Financial and Professional Regulation, the
17 Department of Human Services, the Department of Commerce
18 and Economic Opportunity, and the Department of Public
19 Health to implement the Cannabis Regulation and Tax Act if
20 the applicable agency has made a good faith determination
21 that it is necessary and appropriate for the expenditure
22 to fall within this exemption and if the process is
23 conducted in a manner substantially in accordance with the
24 requirements of Sections 20-160, 25-60, 30-22, 50-5,
25 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
26 50-36, 50-37, 50-38, and 50-50 of this Code; however, for

1 Section 50-35, compliance applies only to contracts or
2 subcontracts over \$100,000. Notice of each contract
3 entered into under this paragraph (18) that is related to
4 the procurement of goods and services identified in
5 paragraph (1) through (9) of this subsection shall be
6 published in the Procurement Bulletin within 14 calendar
7 days after contract execution. The Chief Procurement
8 Officer shall prescribe the form and content of the
9 notice. Each agency shall provide the Chief Procurement
10 Officer, on a monthly basis, in the form and content
11 prescribed by the Chief Procurement Officer, a report of
12 contracts that are related to the procurement of goods and
13 services identified in this subsection. At a minimum, this
14 report shall include the name of the contractor, a
15 description of the supply or service provided, the total
16 amount of the contract, the term of the contract, and the
17 exception to this Code utilized. A copy of any or all of
18 these contracts shall be made available to the Chief
19 Procurement Officer immediately upon request. The Chief
20 Procurement Officer shall submit a report to the Governor
21 and General Assembly no later than November 1 of each year
22 that includes, at a minimum, an annual summary of the
23 monthly information reported to the Chief Procurement
24 Officer. This exemption becomes inoperative 5 years after
25 June 25, 2019 (the effective date of Public Act 101-27).

26 (19) Acquisition of modifications or adjustments,

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

17 For purposes of this paragraph (19):

18 "Assistive technology devices" means any item, piece
19 of equipment, or product system, whether acquired
20 commercially off the shelf, modified, or customized, that
21 is used to increase, maintain, or improve functional
22 capabilities of individuals with disabilities.

23 "Assistive technology services" means any service that
24 directly assists an individual with a disability in
25 selection, acquisition, or use of an assistive technology
26 device.

1 "Qualified" has the same meaning and use as provided
2 under the federal Americans with Disabilities Act when
3 describing an individual with a disability.

4 (20) Procurement expenditures necessary for the
5 Illinois Commerce Commission to hire third-party
6 facilitators pursuant to Sections 16-105.17 and 16-108.18
7 of the Public Utilities Act or an ombudsman pursuant to
8 Section 16-107.5 of the Public Utilities Act, a
9 facilitator pursuant to Section 16-105.17 of the Public
10 Utilities Act, or a grid auditor pursuant to Section
11 16-105.10 of the Public Utilities Act.

12 (21) Procurement expenditures for the purchase,
13 renewal, and expansion of software, software licenses, or
14 software maintenance agreements that support the efforts
15 of the Illinois State Police to enforce, regulate, and
16 administer the Firearm Owners Identification Card Act, the
17 Firearm Concealed Carry Act, the Firearms Restraining
18 Order Act, the Firearm Dealer License Certification Act,
19 the Law Enforcement Agencies Data System (LEADS), the
20 Uniform Crime Reporting Act, the Criminal Identification
21 Act, the Illinois Uniform Conviction Information Act, and
22 the Gun Trafficking Information Act, or establish or
23 maintain record management systems necessary to conduct
24 human trafficking investigations or gun trafficking or
25 other stolen firearm investigations. This paragraph (21)
26 applies to contracts entered into on or after January 10,

1 2023 (the effective date of Public Act 102-1116) and the
2 renewal of contracts that are in effect on January 10,
3 2023 (the effective date of Public Act 102-1116).

4 (22) Contracts for project management services and
5 system integration services required for the completion of
6 the State's enterprise resource planning project. This
7 exemption becomes inoperative 5 years after June 7, 2023
8 (the effective date of the changes made to this Section by
9 Public Act 103-8). This paragraph (22) applies to
10 contracts entered into on or after June 7, 2023 (the
11 effective date of the changes made to this Section by
12 Public Act 103-8) and the renewal of contracts that are in
13 effect on June 7, 2023 (the effective date of the changes
14 made to this Section by Public Act 103-8).

15 (23) Procurements necessary for the Department of
16 Insurance to implement the Illinois Health Benefits
17 Exchange Law if the Department of Insurance has made a
18 good faith determination that it is necessary and
19 appropriate for the expenditure to fall within this
20 exemption. The procurement process shall be conducted in a
21 manner substantially in accordance with the requirements
22 of Sections 20-160 and 25-60 and Article 50 of this Code. A
23 copy of these contracts shall be made available to the
24 Chief Procurement Officer immediately upon request. This
25 paragraph is inoperative 5 years after June 27, 2023 (the
26 effective date of Public Act 103-103).

1 (24) ~~(22)~~ Contracts for public education programming,
2 noncommercial sustaining announcements, public service
3 announcements, and public awareness and education
4 messaging with the nonprofit trade associations of the
5 providers of those services that inform the public on
6 immediate and ongoing health and safety risks and hazards.

7 (25) Procurements that are necessary for increasing
8 the recruitment and retention of State employees,
9 particularly minority candidates for employment,
10 including:

11 (A) procurements related to registration fees for
12 job fairs and other outreach and recruitment events;

13 (B) production of recruitment materials; and

14 (C) other services related to recruitment and
15 retention of State employees.

16 The exemption under this paragraph (25) applies only
17 if the State agency has made a good faith determination
18 that it is necessary and appropriate for the expenditure
19 to fall within this paragraph (25). The procurement
20 process under this paragraph (25) shall be conducted in a
21 manner substantially in accordance with the requirements
22 of Sections 20-160 and 25-60 and Article 50 of this Code. A
23 copy of these contracts shall be made available to the
24 Chief Procurement Officer immediately upon request.
25 Nothing in this paragraph (25) authorizes the replacement
26 or diminishment of State responsibilities in hiring or the

1 positions that effectuate that hiring. This paragraph (25)
2 is inoperative on and after June 30, 2029.

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

16 (c) This Code does not apply to the electric power
17 procurement process provided for under Section 1-75 of the
18 Illinois Power Agency Act and Section 16-111.5 of the Public
19 Utilities Act. This Code does not apply to the procurement of
20 technical and policy experts pursuant to Section 1-129 of the
21 Illinois Power Agency Act.

22 (d) Except for Section 20-160 and Article 50 of this Code,
23 and as expressly required by Section 9.1 of the Illinois
24 Lottery Law, the provisions of this Code do not apply to the
25 procurement process provided for under Section 9.1 of the
26 Illinois Lottery Law.

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

12 (f) (Blank).

13 (g) (Blank).

14 (h) This Code does not apply to the process to procure or
15 contracts entered into in accordance with Sections 11-5.2 and
16 11-5.3 of the Illinois Public Aid Code.

17 (i) Each chief procurement officer may access records
18 necessary to review whether a contract, purchase, or other
19 expenditure is or is not subject to the provisions of this
20 Code, unless such records would be subject to attorney-client
21 privilege.

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

26 (k) This Code does not apply to the process to procure

1 contracts, or contracts entered into, by the State Board of
2 Elections or the State Electoral Board for hearing officers
3 appointed pursuant to the Election Code.

4 (l) This Code does not apply to the processes used by the
5 Illinois Student Assistance Commission to procure supplies and
6 services paid for from the private funds of the Illinois
7 Prepaid Tuition Fund. As used in this subsection (l), "private
8 funds" means funds derived from deposits paid into the
9 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

10 (m) This Code shall apply regardless of the source of
11 funds with which contracts are paid, including federal
12 assistance moneys. Except as specifically provided in this
13 Code, this Code shall not apply to procurement expenditures
14 necessary for the Department of Public Health to conduct the
15 Healthy Illinois Survey in accordance with Section 2310-431 of
16 the Department of Public Health Powers and Duties Law of the
17 Civil Administrative Code of Illinois.

18 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
19 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
20 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
21 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
22 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; revised
23 1-2-24.)

1 Section 30-5. The Reimagining Hotel Florence Act is
2 amended by changing Sections 45-5, 45-10, 45-15, 45-20, 45-25,
3 and 45-30 as follows:

4 (20 ILCS 3407/45-5)

5 Sec. 45-5. Legislative intent. Originally built in 1881,
6 the Hotel Florence is located within the Pullman Historic
7 District and was placed on the National Register of Historic
8 Places in 1969 and was designated a National Historic Landmark
9 on December 30, 1970. To save it from demolition the Historic
10 Pullman Foundation purchased the hotel in 1975 and maintained
11 ownership until 1991 when the State of Illinois took title of
12 the building. The Hotel Florence is continually closed for
13 renovations and is a semi-closed public space.

14 The hotel sits within ~~next to~~ the Pullman National
15 Historic Landmark District, which was designated as a National
16 Monument in 2015 and recently redesignated as Illinois'
17 ~~Illinois's~~ first National Park on December 29, 2022 and is
18 operated by the U.S. National Park Service. This redesignation
19 allows for the National Park Service to enter into cooperative
20 agreements with outside parties for interpretive and
21 educational programs at nonfederal historic properties within
22 the boundaries of the park and to provide assistance for the
23 preservation of nonfederal land within the boundaries of the
24 historical park and at sites in close proximity to it, which
25 includes ~~may include~~ the Pullman State Historic Site (Hotel

1 Florence, Hotel Florence Annex, Factory Grounds, Rear Erecting
2 Shops, Front Erecting Shop North Factory Wing, Front Erecting
3 Shop South Factory Wing Ruin, and the Historic 1911 "Advance"
4 Railroad Passenger Car).

5 The General Assembly has allocated \$21,000,000 in capital
6 infrastructure funds to aid in the restoration and capital
7 improvements at the Pullman State Historic Site, including,
8 but not limited to, renovation ~~redevelopment~~ of the Hotel
9 Florence.

10 The General Assembly finds that allowing for the
11 Department of Natural Resources to enter into a public-private
12 partnership that will allow the Hotel Florence to become a
13 fully reactivated space in a timely manner that is in the
14 public benefit of the State and the local Pullman community.

15 (Source: P.A. 103-570, eff. 1-1-24.)

16 (20 ILCS 3407/45-10)

17 Sec. 45-10. Definitions. In this Act:

18 "Agreement" means a public-private agreement.

19 "Contractor" means a person that has been selected to
20 enter or has entered into a public-private agreement with the
21 Department on behalf of the State for the development,
22 financing, construction, management, or operation of the Hotel
23 Florence pursuant to this Act.

24 "Department" means the Department of Natural Resources.

25 "Hotel Florence" means real property in the City of

1 Chicago located within the Pullman State Historic Site
2 ~~District~~ that is owned by the Illinois Department of Natural
3 Resources and was acquired in 1991, at the address of 11111 S.
4 Forrestville Avenue, Chicago, Illinois, as well as the
5 adjacent Hotel Florence Annex building located at 537 East
6 111th Street, Chicago, Illinois 60628 and any associated
7 grounds connected to the Hotel Florence or Hotel Florence
8 Annex ~~either property.~~

9 "Maintain" or "maintenance" includes ordinary maintenance,
10 repair, rehabilitation, capital maintenance, maintenance
11 replacement, and any other categories of maintenance that may
12 be designated by the Department.

13 "Offeror" means a person that responds to a request for
14 solicitations ~~proposals~~ under this Act.

15 "Operate" or "operation" means to do one or more of the
16 following: maintain, improve, equip, modify, or otherwise
17 operate.

18 "Person" means any individual, firm, association, joint
19 venture, partnership, estate, trust, syndicate, fiduciary,
20 corporation, or any other legal entity, group, or combination
21 thereof.

22 "Public-private agreement" means an agreement or contract
23 between the Department on behalf of the State and all
24 schedules, exhibits, and attachments thereto, entered into
25 pursuant to a competitive request for solicitations ~~proposals~~
26 process governed by this Act, for the development, financing,

1 construction, management, or operation of the Hotel Florence
2 under this Act.

3 "Pullman Factory" means real property in the City of
4 Chicago located within the Pullman State Historic Site that is
5 owned by the Department of Natural Resources and was acquired
6 in 1991, at the addresses 620 and 630 East 111th Street,
7 Chicago, Illinois 60628. The Factory Grounds include the Front
8 Erecting Shop North Factory Wing, Front Erecting Shop South
9 Factory Wing (Ruin), Rear Erecting Shops, Proposed Train Car
10 Display Building, Historic 1911 "Advance" Railroad Passenger
11 Car, Rail Spur Connection, and associated grounds.

12 "Revenues" means all revenues, including, but not limited
13 to, income, user fees, earnings, interest, lease payments,
14 allocations, moneys from the federal government, the State,
15 and units of local government, including, but not limited to,
16 federal, State, and local appropriations, grants, loans, lines
17 of credit, and credit guarantees; bond proceeds; equity
18 investments; service payments; or other receipts arising out
19 of or in connection with the financing, development,
20 construction, management, or operation of the Hotel Florence.

21 "State" means the State of Illinois.

22 (Source: P.A. 103-570, eff. 1-1-24.)

23 (20 ILCS 3407/45-15)

24 Sec. 45-15. Authority to enter public-private agreement.

25 (a) Notwithstanding any provision of law to the contrary,

1 the Department on behalf of the State may, pursuant to a
2 competitive solicitation ~~request for proposals~~ process
3 governed by ~~the Illinois Procurement Code, rules adopted under~~
4 ~~that Code, and~~ this Act, enter into a public-private agreement
5 to develop, finance, construct, lease, manage, divest
6 ownership in, and ~~or~~ operate the Hotel Florence and the
7 Pullman Factory on behalf of the State, pursuant to which the
8 contractors may receive certain revenues, including management
9 or user fees in consideration of the payment of moneys to the
10 State for that right. At the discretion of the Department, the
11 Factory Grounds may be included in the public-private
12 agreement.

13 (b) The term of a public-private agreement shall be no
14 less than 25 years and no more than 75 years.

15 (c) The term of a public-private agreement may be
16 extended, but only if the extension is specifically authorized
17 by the General Assembly by law.

18 (Source: P.A. 103-570, eff. 1-1-24.)

19 (20 ILCS 3407/45-20)

20 Sec. 45-20. Prequalification ~~Procurement,~~
21 ~~prequalification.~~ The Department may establish a process for
22 prequalification of offerors. The Department may enter into
23 agreements with governmental entities and other outside
24 entities to assist in drafting the solicitation and evaluation
25 process as well as develop evaluation criteria for the

1 prequalification of offerors. If the Department does create
2 such a process, it shall:

3 (1) provide a public notice of the prequalification at
4 least 30 days prior to the date on which applications are
5 due;

6 (2) set forth requirements and evaluation criteria in
7 order to become prequalified;

8 (3) determine which offerors that have submitted
9 prequalification applications, if any, meet the
10 requirements and evaluation criteria; and

11 (4) allow only those offerors that have been
12 prequalified to respond to the request for solicitations
13 ~~proposals~~.

14 (Source: P.A. 103-570, eff. 1-1-24.)

15 (20 ILCS 3407/45-25)

16 Sec. 45-25. Request for solicitation ~~proposals~~ process to
17 enter into public-private agreement.

18 (a) Notwithstanding any provision of law to the contrary,
19 the Department on behalf of the State shall select a
20 contractor through a competitive solicitation ~~request for~~
21 ~~proposals~~ process governed by ~~the Illinois Procurement Code~~
22 ~~and rules adopted under that Code and~~ this Act. The Department
23 may enter into agreements with governmental entities and other
24 outside entities to assist the Department in drafting,
25 reviewing, and scoring the proposals.

1 (b) The competitive solicitation ~~request for proposals~~
2 process shall, at a minimum, solicit statements of
3 qualification and proposals from offerors.

4 (c) The competitive request for solicitation ~~proposals~~
5 process shall, at a minimum, take into account the following
6 criteria:

7 (1) the offeror's plans for the Hotel Florence
8 project, including, but not limited to, building use,
9 experience, environmental concerns, and a proposed
10 preservation and rehabilitation plan compliant with the
11 Illinois State Agency Historic Preservation Act;

12 (2) the offeror's current and past business practices;

13 (3) the offeror's poor or inadequate past performance
14 in developing, financing, constructing, managing, or
15 operating historic landmark properties or other public
16 assets;

17 (4) the offeror's ability to meet and past performance
18 in meeting or exhausting good faith efforts to meet the
19 utilization goals for business enterprises established in
20 the Business Enterprise for Minorities, Women, and Persons
21 with Disabilities Act;

22 (5) the offeror's ability to comply with and past
23 performance in complying with Section 2-105 of the
24 Illinois Human Rights Act; ~~and~~

25 (6) the offeror's plans to comply with the Business
26 Enterprise for Minorities, Women, and Persons with

1 Disabilities Act and Section 2-105 of the Illinois Human
2 Rights Act; ~~and-~~

3 (7) the offeror's plans for the Pullman Factory.

4 (d) The Department shall not include terms in the request
5 for solicitations ~~proposals~~ that provide an advantage, whether
6 directly or indirectly, to any contractor presently providing
7 goods, services, or equipment to the Department.

8 (e) The Department shall select one or more offerors as
9 finalists.

10 (f) After the procedures required in this Section have
11 been completed, the Department shall make a determination as
12 to whether the offeror should be designated as the contractor
13 for the Hotel Florence project and shall submit the decision
14 to the Governor and to the Governor's Office of Management and
15 Budget. After review of the Department's determination, the
16 Governor may accept or reject the determination. If the
17 Governor accepts the determination of the Department, the
18 Governor shall designate the offeror for the Hotel Florence
19 project.

20 (Source: P.A. 103-570, eff. 1-1-24.)

21 (20 ILCS 3407/45-30)

22 Sec. 45-30. Provisions of the public-private agreement.

23 ~~(a)~~ The public-private agreement shall include all of the
24 following:

25 (1) the term of the public-private agreement that is

1 consistent with Section 45-40 of this Act;

2 (2) the powers, duties, responsibilities, obligations,
3 and functions of the Department and the contractor;

4 (3) compensation or payments to the Department, if
5 applicable;

6 (4) compensation or payments to the contractor, if
7 applicable;

8 (5) a provision specifying that the Department:

9 (A) has ready access to information regarding the
10 contractor's powers, duties, responsibilities,
11 obligations, and functions under the public-private
12 agreement;

13 (B) has the right to demand and receive
14 information from the contractor concerning any aspect
15 of the contractor's powers, duties, responsibilities,
16 obligations, and functions under the public-private
17 agreement; and

18 (C) has the authority to direct or countermand
19 decisions by the contractor at any time;

20 (6) a provision imposing an affirmative duty on the
21 contractor to provide the Department with any information
22 the contractor reasonably believes the Department would
23 want to know or would need to know to enable the Department
24 to exercise its powers, carry out its duties,
25 responsibilities, and obligations, and perform its
26 functions under this Act or the public-private agreement

1 or as otherwise required by law;

2 (6.5) a provision that this project will require using
3 guidelines with The Secretary of the Interior's Standards
4 for the Treatment of Historic Properties with Guidelines
5 for Preserving, Rehabilitating, Restoring and
6 Reconstructing Historic Buildings; the period of the
7 original construction (Hotel Florence and grounds from
8 1880 through 1897; and Hotel Annex from 1914 through 1930)
9 should be used to guide the project design and
10 construction;

11 (7) the authority of the Department to enter into
12 contracts with third parties pursuant to Section 45-40;

13 (8) the authority of the Department to request that
14 the contractor reimburse the Department for third party
15 consultants related to the monitoring the project;

16 (9) a provision governing the contractor's authority
17 to negotiate and execute subcontracts with third parties;

18 (10) the authority of the contractor to impose user
19 fees and the amounts of those fees;

20 (11) a provision governing the deposit and allocation
21 of revenues including user fees;

22 (12) a provision governing rights to real and personal
23 property of the State, the Department, the contractor, and
24 other third parties;

25 (13) grounds for termination of the agreement by the
26 Department or the contractor and a restatement of the

1 Department's rights under this Act;

2 (14) a requirement that the contractor enter into a
3 project labor agreement;

4 (15) a provision stating that construction contractors
5 shall comply with the requirements of Section 30-22 of the
6 Illinois Procurement Code;

7 (16) rights and remedies of the Department if the
8 contractor defaults or otherwise fails to comply with the
9 terms of the agreement;

10 (17) procedures for amendment to the agreement; ~~and~~

11 (18) all other terms, conditions, and provisions
12 acceptable to the Department that the Department deems
13 necessary and proper and in the public interest; and -

14 (19) a requirement that the contract complies with the
15 Business Enterprise for Minorities, Women, and Persons
16 with Disabilities Act and Section 2-105 of the Illinois
17 Human Rights Act.

18 (Source: P.A. 103-570, eff. 1-1-24.)

19 (20 ILCS 3407/45-35 rep.)

20 Section 30-10. The Reimagining Hotel Florence Act is
21 amended by repealing Section 45-35.

22 ARTICLE 35.

23 Section 35-5. The Illinois Procurement Code is amended by

1 changing Section 45-105 as follows:

2 (30 ILCS 500/45-105)

3 Sec. 45-105. Bid preference for Illinois businesses.

4 (a) (Blank).

5 (b) It is hereby declared to be the public policy of the
6 State of Illinois to promote the economy of Illinois through
7 the use of Illinois businesses for all State construction
8 contracts.

9 (c) Construction agencies procuring construction and
10 construction-related professional services shall make
11 reasonable efforts to contract with Illinois businesses.

12 (d) Beginning in 2022, each construction agency shall
13 submit a report to the Governor and the General Assembly by
14 September 1 of each year that identifies the Illinois
15 businesses procured by the construction agency, the primary
16 location of the construction project, the percentage of the
17 construction agency's utilization of Illinois businesses on
18 the project as a whole, and the actions that the construction
19 agency has undertaken to increase the use of Illinois
20 businesses.

21 (e) In procuring construction and construction-related
22 professional services for projects with a total value that
23 exceeds the small purchase maximum established by Section
24 20-20 of this Code, construction agencies shall provide a bid
25 preference to a responsive and responsible bidder that is an

1 Illinois business as defined in this Section. The construction
2 agency shall allocate to the lowest bid by an Illinois
3 business that is responsible and responsive a bid preference
4 of 4% of the contract base bid. This subsection applies only to
5 projects where a business that is not an Illinois business
6 submits a bid.

7 (e-5) The chief procurement officer shall require at the
8 time of submission of a bid, and may require at the chief
9 procurement officer's option at any time during the term of
10 the contract, that the bidder or contractor submit an
11 affidavit and other supporting documents demonstrating that
12 the bidder or contractor is an Illinois business and, if
13 applicable, submit an affidavit and other supporting documents
14 demonstrating that the bidder or contractor is eligible for a
15 4% bid preference under this Section.

16 (e-10) If a contractor who is awarded a contract through
17 the use of a preference for Illinois businesses provided false
18 information in order to obtain that preference, then the
19 contractor is subject to disciplinary procedures as identified
20 in Section 50-65 of this Act.

21 (f) This Section does not apply to any contract for any
22 project for which federal funds are available for expenditure
23 when its provisions may be in conflict with federal law or
24 federal regulation.

25 (g) As used in this Section, "Illinois business" means a
26 contractor that is, for at least one year prior, operating and

1 headquartered in Illinois, subject to applicable State taxes,
2 and providing, at the time that an invitation for a bid or
3 notice of contract opportunity is first advertised,
4 construction or construction-related professional services.
5 "Illinois business" includes a foreign corporation duly
6 authorized to transact business in this State that has a bona
7 fide establishment for transacting business within this State
8 where it is operating, headquartered, and performing
9 construction or construction-related professional services at
10 least one year before an invitation for a bid or notice of
11 contract opportunity is first advertised. , and is operating
12 as:

13 ~~(1) a sole proprietor whose primary residence is in~~
14 ~~Illinois;~~

15 ~~(2) a business incorporated or organized as a domestic~~
16 ~~corporation under the Business Corporation Act of 1983;~~

17 ~~(3) a business organized as a domestic partnership~~
18 ~~under the Uniform Partnership Act of 1997;~~

19 ~~(4) a business organized as a domestic limited~~
20 ~~partnership under the Uniform Limited Partnership Act of~~
21 ~~2001;~~

22 ~~(5) a business organized under the Limited Liability~~
23 ~~Company Act; or~~

24 ~~(6) a business organized under the Professional~~
25 ~~Limited Liability Company Act.~~

26 "Illinois business" does not include any subcontractors or

1 businesses headquartered outside of the State that have an
2 affiliated entity operating in the State.

3 (Source: P.A. 102-721, eff. 1-1-23; 103-570, eff. 1-1-24.)

4 ARTICLE 45.

5 Section 45-5. The Illinois Procurement Code is amended by
6 changing Section 50-10.5 as follows:

7 (30 ILCS 500/50-10.5)

8 Sec. 50-10.5. Prohibited bidders, offerors, potential
9 contractors, and contractors.

10 (a) Unless otherwise provided, no business shall bid,
11 offer, enter into a contract or subcontract under this Code,
12 or make a submission to a vendor portal if the business or any
13 officer, director, partner, or other managerial agent of the
14 business has been convicted of a felony under the
15 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
16 the Illinois Securities Law of 1953 for a period of 5 years
17 from the date of conviction.

18 (b) Every bid and offer submitted to the State, every
19 contract executed by the State, every vendor's submission to a
20 vendor portal, and every subcontract subject to Section 20-120
21 of this Code shall contain a certification by the bidder,
22 offeror, potential contractor, contractor, or subcontractor,
23 respectively, that the bidder, offeror, potential contractor,

1 contractor, or subcontractor is not barred from being awarded
2 a contract or subcontract under this Section and acknowledges
3 that the chief procurement officer shall declare the related
4 contract void if any of the certifications completed pursuant
5 to this subsection (b) are false. If the false certification
6 is made by a subcontractor, then the contractor's submitted
7 bid or offer and the executed contract may not be declared
8 void, unless the contractor refuses to terminate the
9 subcontract upon the State's request after a finding that the
10 subcontract's certification was false.

11 (c) If a business is not a natural person, the prohibition
12 in subsection (a) applies only if:

13 (1) the business itself is convicted of a felony
14 referenced in subsection (a); or

15 (2) the business is ordered to pay punitive damages
16 based on the conduct of any officer, director, partner, or
17 other managerial agent who has been convicted of a felony
18 referenced in subsection (a).

19 (d) A natural person who is convicted of a felony
20 referenced in subsection (a) remains subject to Section 50-10.

21 (e) No person or business shall bid, offer, make a
22 submission to a vendor portal, or enter into a contract under
23 this Code if the person or business assisted an employee of the
24 State of Illinois, who, by the nature of his or her duties, has
25 the authority to participate personally and substantially in
26 the decision to award a State contract, by reviewing,

1 drafting, directing, or preparing any invitation for bids, a
2 request for proposal, or request for information or provided
3 similar assistance except as part of a publicly issued
4 opportunity to review drafts of all or part of these
5 documents.

6 This subsection does not prohibit a person or business
7 from submitting a bid or offer or entering into a contract if
8 the person or business: (i) initiates a communication with an
9 employee to provide general information about products,
10 services, or industry best practices, (ii) responds to a
11 communication initiated by an employee of the State for the
12 purposes of providing information to evaluate new products,
13 trends, services, or technologies, or (iii) asks for
14 clarification regarding a solicitation, so long as there is no
15 competitive advantage to the person or business and the
16 question and answer, if material, are posted to the Illinois
17 Procurement Bulletin as an addendum to the solicitation.

18 Nothing in this Section prohibits a vendor developing
19 technology, goods, or services from bidding or offering to
20 supply that technology or those goods or services if the
21 subject demonstrated to the State represents industry trends
22 and innovation and is not specifically designed to meet the
23 State's needs.

24 Nothing in this Section prohibits a person performing
25 construction-related services from initiating contact with a
26 business that performs construction for the purpose of

1 obtaining market costs or production time to determine the
2 estimated costs to complete the construction project.

3 For purposes of this subsection (e), "business" includes
4 all individuals with whom a business is affiliated, including,
5 but not limited to, any officer, agent, employee, consultant,
6 independent contractor, director, partner, or manager of a
7 business.

8 No person or business shall submit specifications to a
9 State agency unless requested to do so by an employee of the
10 State. No person or business who contracts with a State agency
11 to write specifications for a particular procurement need
12 shall submit a bid or proposal or receive a contract for that
13 procurement need.

14 Nothing in this subsection (e) shall prohibit a person or
15 business from submitting an unsolicited proposal under Section
16 19 of the Public-Private Partnerships for Transportation Act.

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

18 ARTICLE 50.

19 Section 50-5. The Business Enterprise for Minorities,
20 Women, and Persons with Disabilities Act is amended by
21 changing Sections 2, 5, and 8 and by adding Section 3.5 as
22 follows:

23 (30 ILCS 575/2)

1 (Section scheduled to be repealed on June 30, 2029)

2 Sec. 2. Definitions.

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

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

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

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

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

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

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

26 (2) "Woman" shall mean a person who is a citizen or

1 lawful permanent resident of the United States and who is
2 of the female gender.

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

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

9 (a) results from:

10 amputation,

11 arthritis,

12 autism,

13 blindness,

14 burn injury,

15 cancer,

16 cerebral palsy,

17 Crohn's disease,

18 cystic fibrosis,

19 deafness,

20 head injury,

21 heart disease,

22 hemiplegia,

23 hemophilia,

24 respiratory or pulmonary dysfunction,

25 an intellectual disability,

26 mental illness,

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

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

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

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

1 own it.

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

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

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

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

24 (4.4) "Certified vendor" means a minority-owned
25 business, women-owned business, or business owned by a
26 person with a disability that is certified by the Business

1 Enterprise Program.

2 (4.5) "Subcontractor" means a person or entity that
3 enters into a contractual agreement with a prime vendor to
4 provide, on behalf of the prime vendor, goods, services,
5 real property, or remuneration or other monetary
6 consideration that is the subject of the primary State
7 contract. "Subcontractor" includes a sublessee under a
8 State contract.

9 (4.6) "Prime vendor" means any person or entity having
10 a contract that is subject to this Act with a State agency
11 or public institution of higher education.

12 (5) "State contracts" means all contracts entered into
13 by the State, any agency or department thereof, or any
14 public institution of higher education, including
15 community college districts, regardless of the source of
16 the funds with which the contracts are paid, which are not
17 subject to federal reimbursement. "State contracts" does
18 not include contracts awarded by a retirement system,
19 pension fund, or investment board subject to Section
20 1-109.1 of the Illinois Pension Code. This definition
21 shall control over any existing definition under this Act
22 or applicable administrative rule.

23 "State construction contracts" means all State
24 contracts entered into by a State agency or public
25 institution of higher education for the repair,
26 remodeling, renovation or construction of a building or

1 structure, or for the construction or maintenance of a
2 highway defined in Article 2 of the Illinois Highway Code.

3 (6) "State agencies" shall mean all departments,
4 officers, boards, commissions, institutions and bodies
5 politic and corporate of the State, but does not include
6 the Board of Trustees of the University of Illinois, the
7 Board of Trustees of Southern Illinois University, the
8 Board of Trustees of Chicago State University, the Board
9 of Trustees of Eastern Illinois University, the Board of
10 Trustees of Governors State University, the Board of
11 Trustees of Illinois State University, the Board of
12 Trustees of Northeastern Illinois University, the Board of
13 Trustees of Northern Illinois University, the Board of
14 Trustees of Western Illinois University, municipalities or
15 other local governmental units, or other State
16 constitutional officers.

17 (7) "Public institutions of higher education" means
18 the University of Illinois, Southern Illinois University,
19 Chicago State University, Eastern Illinois University,
20 Governors State University, Illinois State University,
21 Northeastern Illinois University, Northern Illinois
22 University, Western Illinois University, the public
23 community colleges of the State, and any other public
24 universities, colleges, and community colleges now or
25 hereafter established or authorized by the General
26 Assembly.

1 (8) "Certification" means a determination made by the
2 Council or by one delegated authority from the Council to
3 make certifications, or by a State agency with statutory
4 authority to make such a certification, that a business
5 entity is a business owned by a minority, woman, or person
6 with a disability for whatever purpose. A business owned
7 and controlled by women shall be certified as a
8 "woman-owned business". A business owned and controlled by
9 women who are also minorities shall be certified as both a
10 "women-owned business" and a "minority-owned business".

11 (9) "Control" means the exclusive or ultimate and sole
12 control of the business including, but not limited to,
13 capital investment and all other financial matters,
14 property, acquisitions, contract negotiations, legal
15 matters, officer-director-employee selection and
16 comprehensive hiring, operating responsibilities,
17 cost-control matters, income and dividend matters,
18 financial transactions and rights of other shareholders or
19 joint partners. Control shall be real, substantial and
20 continuing, not pro forma. Control shall include the power
21 to direct or cause the direction of the management and
22 policies of the business and to make the day-to-day as
23 well as major decisions in matters of policy, management
24 and operations. Control shall be exemplified by possessing
25 the requisite knowledge and expertise to run the
26 particular business and control shall not include simple

1 majority or absentee ownership.

2 (10) "Business" means a business that has annual gross
3 sales of less than \$150,000,000 as evidenced by the
4 federal income tax return of the business. A certified
5 vendor with gross sales in excess of this cap may apply to
6 the Council for certification for a particular contract if
7 the vendor can demonstrate that the contract would have
8 significant impact on businesses owned by minorities,
9 women, or persons with disabilities as suppliers or
10 subcontractors or in employment of minorities, women, or
11 persons with disabilities. Firms with gross sales in
12 excess of this cap that are granted certification by the
13 Council shall be granted certification for the life of the
14 contract, including available renewals.

15 (11) "Utilization plan" means an attachment that is
16 made to all bids or proposals and that demonstrates the
17 bidder's or offeror's efforts to meet the
18 contract-specific Business Enterprise Program goal. The
19 utilization plan shall indicate whether the prime vendor
20 intends to meet the Business Enterprise Program goal
21 through its own performance, if it is a certified vendor,
22 or through the use of subcontractors that are certified
23 vendors. The utilization plan shall demonstrate that the
24 Vendor has either: (1) met the entire contract goal or (2)
25 requested a full or partial waiver of the contract goal.
26 If the prime vendor intends to use a subcontractor that is

1 a certified vendor to fulfill the contract goal, a
2 participation agreement executed between the prime vendor
3 and the certified subcontractor must be included with the
4 utilization plan.

5 (12) "Business Enterprise Program" means the Business
6 Enterprise Program of the Commission on Equity and
7 Inclusion.

8 (13) "Good faith effort" means actions undertaken by a
9 vendor to achieve a contract specific Business Enterprise
10 Program goal that, by scope, intensity, and
11 appropriateness to the objective, can reasonably be
12 expected to fulfill the program's requirements.

13 (14) "Goal" means the participation levels of
14 certified vendors on State contracts.

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

24 (Source: P.A. 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23;
25 103-570, eff. 1-1-24.)

1 (30 ILCS 575/3.5 new)

2 Sec. 3.5. Uniform standard of contract goals.

3 (a) The Business Enterprise Program may establish uniform
4 standards for calculating contract specific Business
5 Enterprise Program goals for all State contracts and State
6 construction contracts subject to this Act. In establishing
7 those standards, the Business Enterprise Program may consider
8 normal industry practice, the scope of the work to be
9 performed under a contract, the availability of vendors that
10 are able to perform the scope of the work to be performed under
11 a contract, the availability of certified vendors that are
12 able to perform the work to be performed under a contract, and
13 the State's progress to date toward meeting the aspirational
14 goals set forth in this Act.

15 (b) Each State agency that is subject to this Act and each
16 public institution of higher education that is subject to this
17 Act may, in accordance with the provisions of this Act, set
18 goals concerning participation in State contracts, including
19 State construction contracts, to which the State agency or
20 public institution of higher education is party. Goals
21 involving State contracts above the small purchase threshold,
22 as defined in Section 20-20 of the Illinois Procurement Code,
23 may be submitted to the Business Enterprise Program for
24 approval, denial, or modification.

25 (c) As used in this Section, the terms "State contract"
26 and "State construction contract" do not include grants from

1 State agencies to grantees for capital improvements or
2 operational expenses.

3 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

4 (Section scheduled to be repealed on June 30, 2029)

5 Sec. 5. Business Enterprise Council.

6 (1) To help implement, monitor, and enforce the goals of
7 this Act, there is created the Business Enterprise Council for
8 Minorities, Women, and Persons with Disabilities, hereinafter
9 referred to as the Council, composed of the Chairperson of the
10 Commission on Equity and Inclusion, the Secretary of Human
11 Services and the Directors of the Department of Human Rights,
12 the Department of Commerce and Economic Opportunity, the
13 Department of Central Management Services, the Department of
14 Transportation and the Capital Development Board, or their
15 duly appointed representatives, with the Comptroller, or his
16 or her designee, serving as an advisory member of the Council.
17 Ten individuals representing businesses that are
18 minority-owned, women-owned, or owned by persons with
19 disabilities, 2 individuals representing the business
20 community, and a representative of public institutions of
21 higher education shall be appointed by the Governor. These
22 members shall serve 2-year terms and shall be eligible for
23 reappointment. Any vacancy occurring on the Council shall also
24 be filled by the Governor. Any member appointed to fill a
25 vacancy occurring prior to the expiration of the term for

1 which his or her predecessor was appointed shall be appointed
2 for the remainder of such term. Members of the Council shall
3 serve without compensation but shall be reimbursed for any
4 ordinary and necessary expenses incurred in the performance of
5 their duties.

6 The Chairperson of the Commission shall serve as the
7 Council chairperson and shall select, subject to approval of
8 the Council, a Secretary responsible for the operation of the
9 program who shall serve as the Division Manager of the
10 Business Enterprise for Minorities, Women, and Persons with
11 Disabilities Division of the Commission on Equity and
12 Inclusion.

13 The Director of each State agency and the chief executive
14 officer of each public institution of higher education shall
15 appoint a liaison to the Council. The liaison shall be
16 responsible for submitting to the Council any reports and
17 documents necessary under this Act.

18 (2) The Council's authority and responsibility shall be
19 to:

20 (a) Devise a certification procedure to assure that
21 businesses taking advantage of this Act are legitimately
22 classified as businesses owned by minorities, women, or
23 persons with disabilities and a registration procedure to
24 recognize, without additional evidence of Business
25 Enterprise Program eligibility, the certification of
26 businesses owned by minorities, women, or persons with

1 disabilities certified by the City of Chicago, Cook
2 County, or other jurisdictional programs with requirements
3 and procedures equaling or exceeding those in this Act.

4 (b) Maintain a list of all businesses legitimately
5 classified as businesses owned by minorities, women, or
6 persons with disabilities to provide to State agencies and
7 public institutions of higher education.

8 (c) Review rules and regulations for the
9 implementation of the program for businesses owned by
10 minorities, women, and persons with disabilities.

11 (d) Review compliance plans submitted by each State
12 agency and public institution of higher education pursuant
13 to this Act.

14 (e) Make annual reports as provided in Section 8f to
15 the Governor and the General Assembly on the status of the
16 program.

17 (f) Serve as a central clearinghouse for information
18 on State contracts, including the maintenance of a list of
19 all pending State contracts upon which businesses owned by
20 minorities, women, and persons with disabilities may bid.
21 At the Council's discretion, maintenance of the list may
22 include 24-hour electronic access to the list along with
23 the bid and application information.

24 (g) Establish a toll-free telephone number to
25 facilitate information requests concerning the
26 certification process and pending contracts.

1 (h) Adopt a procedure to grant automatic certification
2 to businesses holding a certification from at least one of
3 the following entities: (i) the Illinois Unified
4 Certification Program; (ii) the Women's Business
5 Development Center in Chicago; (iii) the Chicago Minority
6 Supplier Development Council; or (iv) any other similar
7 entity offering such certification to businesses.

8 (i) Develop and maintain a repository for
9 non-certified vendors that: (i) have applied for
10 certification and have been denied; (ii) have started, but
11 not completed, the certification process; (iii) have
12 achieved certification, but did not seek renewal; or (iv)
13 are known businesses owned by minorities, women, or
14 persons with disabilities.

15 (3) No premium bond rate of a surety company for a bond
16 required of a business owned by a minority, woman, or person
17 with a disability bidding for a State contract shall be higher
18 than the lowest rate charged by that surety company for a
19 similar bond in the same classification of work that would be
20 written for a business not owned by a minority, woman, or
21 person with a disability.

22 (4) Any Council member who has direct financial or
23 personal interest in any measure pending before the Council
24 shall disclose this fact to the Council and refrain from
25 participating in the determination upon such measure.

26 (5) The Secretary shall have the following duties and

1 responsibilities:

2 (a) To be responsible for the day-to-day operation of
3 the Council.

4 (b) To serve as a coordinator for all of the State's
5 programs for businesses owned by minorities, women, and
6 persons with disabilities and as the information and
7 referral center for all State initiatives for businesses
8 owned by minorities, women, and persons with disabilities.

9 (c) To establish an enforcement procedure whereby the
10 Council may recommend to the appropriate State legal
11 officer that the State exercise its legal remedies which
12 shall include (1) termination of the contract involved,
13 (2) prohibition of participation by the respondent in
14 State public contracts for a period not to exceed 3 years,
15 (3) imposition of a penalty not to exceed any profit
16 acquired as a result of violation, or (4) any combination
17 thereof. Such procedures shall require prior approval by
18 Council. All funds collected as penalties under this
19 subsection shall be used exclusively for maintenance and
20 further development of the Business Enterprise Program and
21 encouragement of participation in State procurement by
22 minorities, women, and persons with disabilities.

23 (d) To devise appropriate policies, regulations, and
24 procedures for including participation by businesses owned
25 by minorities, women, and persons with disabilities as
26 prime contractors, including, but not limited to: (i)

1 encouraging the inclusions of qualified businesses owned
2 by minorities, women, and persons with disabilities on
3 solicitation lists, (ii) investigating the potential of
4 blanket bonding programs for small construction jobs, and
5 (iii) investigating and making recommendations concerning
6 the use of the sheltered market process.

7 (e) To devise procedures for the waiver of the
8 participation goals in appropriate circumstances.

9 (f) To accept donations and, with the approval of the
10 Council or the Chairperson of the Commission on Equity and
11 Inclusion, grants related to the purposes of this Act; to
12 conduct seminars related to the purpose of this Act and to
13 charge reasonable registration fees; and to sell
14 directories, vendor lists, and other such information to
15 interested parties, except that forms necessary to become
16 eligible for the program shall be provided free of charge
17 to a business or individual applying for the Business
18 Enterprise Program.

19 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
20 102-29, eff. 6-25-21; 102-558, eff. 8-20-21; 102-721, eff.
21 1-1-23.)

22 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

23 (Section scheduled to be repealed on June 30, 2029)

24 Sec. 8. Enforcement.

25 (1) The Commission on Equity and Inclusion shall make such

1 findings, recommendations and proposals to the Governor as are
2 necessary and appropriate to enforce this Act. If, as a result
3 of its monitoring activities, the Commission determines that
4 its goals and policies are not being met by any State agency or
5 public institution of higher education, the Commission may
6 recommend any or all of the following actions:

7 (a) Establish enforcement procedures whereby the
8 Commission may recommend to the appropriate State agency,
9 public institutions of higher education, or law
10 enforcement officer that legal or administrative remedies
11 be initiated for violations of contract provisions or
12 rules issued hereunder or by a contracting State agency or
13 public institutions of higher education. State agencies
14 and public institutions of higher education shall be
15 authorized to adopt remedies for such violations which
16 shall include (1) termination of the contract involved,
17 (2) prohibition of participation of the respondents in
18 public contracts for a period not to exceed one year, (3)
19 imposition of a penalty not to exceed any profit acquired
20 as a result of violation, or (4) any combination thereof.

21 (b) If the Commission concludes that a compliance plan
22 submitted under Section 6 is unlikely to produce the
23 participation goals for businesses owned by minorities,
24 women, and persons with disabilities within the then
25 current fiscal year, the Commission may recommend that the
26 State agency or public institution of higher education

1 revise its plan to provide additional opportunities for
2 participation by businesses owned by minorities, women,
3 and persons with disabilities. Such recommended revisions
4 may include, but shall not be limited to, the following:

5 (i) assurances of stronger and better focused
6 solicitation efforts to obtain more businesses owned
7 by minorities, women, and persons with disabilities as
8 potential sources of supply;

9 (ii) division of the scope of work ~~job or project~~
10 ~~requirements~~, when economically feasible, into tasks
11 or quantities to permit participation of businesses
12 owned by minorities, women, and persons with
13 disabilities;

14 (iii) elimination of extended experience or
15 capitalization requirements, when programmatically
16 feasible, to permit participation of businesses owned
17 by minorities, women, and persons with disabilities;

18 (iv) identification of specific proposed contracts
19 as particularly attractive or appropriate for
20 participation by businesses owned by minorities,
21 women, and persons with disabilities, such
22 identification to result from and be coupled with the
23 efforts of subparagraphs (i) through (iii);

24 (v) implementation of those regulations
25 established for the use of the sheltered market
26 process.

1 (2) State agencies and public institutions of higher
2 education shall monitor a vendor's compliance with its
3 utilization plan and the terms of its contract. Without
4 limitation, a vendor's failure to comply with its contractual
5 commitments as contained in the utilization plan; failure to
6 cooperate in providing information regarding its compliance
7 with its utilization plan; or the provision of false or
8 misleading information or statements concerning compliance,
9 certification status, or eligibility of the Business
10 Enterprise Program-certified vendor, good faith efforts, or
11 any other material fact or representation shall constitute a
12 material breach of the contract and entitle the State agency
13 or public institution of higher education to declare a
14 default, terminate the contract, or exercise those remedies
15 provided for in the contract, at law, or in equity.

16 (3) Prior to the expiration or termination of a contract,
17 State agencies and public institutions of higher education
18 shall evaluate the contractor's fulfillment of the contract
19 goals for participation by certified businesses owned by
20 minorities, women, and persons with disabilities. The agency
21 or public institution of higher education shall prepare a
22 report of the vendor's compliance with the contract goals and
23 file it with the Secretary. If the Secretary determines that
24 the vendor did not fulfill the contract goals, the vendor
25 shall be in breach of the contract and may be subject to
26 remedies or sanctions, unless the vendor can show that it made

1 good faith efforts to meet the contract goals. Such remedies
2 or sanctions for failing to make good faith efforts may
3 include (i) disqualification of the contractor from doing
4 business with the State for a period of no more than one year
5 or (ii) cancellation, without any penalty to the State, of any
6 contract entered into by the vendor. The Business Enterprise
7 Program shall develop procedures for determining whether a
8 vendor has made good faith efforts to meet the contract goals
9 upon the expiration or termination of a contract.

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

11 ARTICLE 55.

12 Section 55-5. The Public Contract Fraud Act is amended by
13 changing Section 2 as follows:

14 (30 ILCS 545/2) (from Ch. 127, par. 132.52)

15 Sec. 2. Spending money without obtaining title to land;
16 approval of title by Attorney General.

17 (a) Except as otherwise provided in Section 2 of the
18 Superconducting Super Collider Act or for projects constructed
19 under the Bikeway Act, any person or persons, commissioner or
20 commissioners, or other officer or officers, entrusted with
21 the construction or repair of any public work or improvement,
22 as set forth in Section 1, who shall expend or cause to be
23 expended upon such public work or improvement, the whole or

1 any part of the moneys appropriated therefor, or who shall
2 commence work, or in any way authorize work to be commenced,
3 thereon, without first having obtained a title, by purchase,
4 donation, condemnation or otherwise, to all lands needed for
5 such public work or improvement, running to the People of the
6 State of Illinois; such title to be approved by the Attorney
7 General, and his approval certified by the Secretary of State
8 and placed on record in his office, shall be deemed guilty of a
9 Class A misdemeanor.

10 (b) Approval of title by the Attorney General for all
11 lands needed for a public work or improvement shall not be
12 required as established under subsection (a) of this Section
13 and the State Comptroller may draw warrant in payment of
14 consideration for all such lands without requiring approval of
15 title by the Attorney General if consideration to be paid does
16 not exceed \$25,000 ~~\$10,000~~ and the title acquired for such
17 lands is for:

18 (1) a fee simple title or easement acquired by the
19 State for highway right-of-way; or

20 (2) an acquisition of rights or easements of access,
21 crossing, light, air or view to, from or over a freeway
22 vested in abutting property; or

23 (3) a fee simple title or easement used to place
24 utility lines and connect a permanent public work or
25 improvement owned by the State to main utility lines; or

26 (4) for the purpose of flood relief or other water

1 resource projects.

2 (c) This Section does not apply to any otherwise lawful
3 expenditures for the construction, completion, remodeling,
4 maintenance and equipment of buildings and other facilities
5 made in connection with and upon premises owned by the
6 Illinois Building Authority, nor shall this Section apply to
7 improvements to real estate leased by any State agency as
8 defined in the Illinois State Auditing Act, provided the
9 leasehold improvements were contracted for by an agency with
10 leasing authority and in compliance with the rules and
11 regulations promulgated by such agency for that purpose.

12 (Source: P.A. 88-676, eff. 12-14-94; 89-78, eff. 6-30-95.)

13 ARTICLE 60.

14 Section 60-5. The Metropolitan Water Reclamation District
15 Act is amended by changing Sections 11.3 and 11.5 as follows:

16 (70 ILCS 2605/11.3) (from Ch. 42, par. 331.3)

17 Sec. 11.3. Except as provided in Sections 11.4 and 11.5,
18 all purchase orders or contracts involving amounts in excess
19 of the mandatory competitive bid threshold and made by or on
20 behalf of the sanitary district for labor, services or work,
21 the purchase, lease or sale of personal property, materials,
22 equipment or supplies, or the granting of any concession,
23 shall be let by free and open competitive bidding after

1 advertisement, to the lowest responsible bidder or to the
2 highest responsible bidder, as the case may be, depending upon
3 whether the sanitary district is to expend or receive money.

4 All such purchase orders or contracts which shall involve
5 amounts that will not exceed the mandatory competitive bid
6 threshold, shall also be let in the manner prescribed above
7 whenever practicable, except that after solicitation of bids,
8 such purchase orders or contracts may be let in the open
9 market, in a manner calculated to insure the best interests of
10 the public. The provisions of this section are subject to any
11 contrary provisions contained in "An Act concerning the use of
12 Illinois mined coal in certain plants and institutions", filed
13 July 13, 1937, as heretofore and hereafter amended. For
14 purposes of this Section, the "mandatory competitive bid
15 threshold" is a dollar amount equal to 0.1% of the total
16 general fixed assets of the district as reported in the most
17 recent required audit report. In no event, however, shall the
18 mandatory competitive bid threshold dollar amount be less than
19 \$60,000 ~~\$10,000 or more than \$40,000.~~

20 If a unit of local government performs non-emergency
21 construction, alteration, repair, improvement, or maintenance
22 work on the public way, the sanitary district may enter into an
23 intergovernmental agreement with the unit of local government
24 allowing similar construction work to be performed by the
25 sanitary district on the same project, in an amount no greater
26 than \$100,000, to save taxpayer funds and eliminate

1 duplication of government effort. The sanitary district and
2 the other unit of local government shall, before work is
3 performed by either unit of local government on a project,
4 adopt a resolution by a majority vote of both governing bodies
5 certifying work will occur at a specific location, the reasons
6 why both units of local government require work to be
7 performed in the same location, and the projected cost savings
8 if work is performed by both units of local government on the
9 same project. Officials or employees of the sanitary district
10 may, if authorized by resolution, purchase in the open market
11 any supplies, materials, equipment, or services for use within
12 the project in an amount no greater than \$100,000 without
13 advertisement or without filing a requisition or estimate. A
14 full written account of each project performed by the sanitary
15 district and a requisition for the materials, supplies,
16 equipment, and services used by the sanitary district required
17 to complete the project must be submitted by the officials or
18 employees authorized to make purchases to the board of
19 trustees of the sanitary district no later than 30 days after
20 purchase. The full written account must be available for
21 public inspection for at least one year after expenditures are
22 made.

23 Notwithstanding the provisions of this Section, the
24 sanitary district is expressly authorized to establish such
25 procedures as it deems appropriate to comply with state or
26 federal regulations as to affirmative action and the

1 utilization of small and minority businesses in construction
2 and procurement contracts.

3 (Source: P.A. 100-882, eff. 8-14-18.)

4 (70 ILCS 2605/11.5) (from Ch. 42, par. 331.5)

5 Sec. 11.5. In the event of an emergency affecting the
6 public health or safety, so declared by action of the board of
7 trustees, which declaration shall describe the nature of the
8 injurious effect upon the public health or safety, contracts
9 may be let to the extent necessary to resolve such emergency
10 without public advertisement. The declaration shall fix the
11 date upon which such emergency shall terminate. The date may
12 be extended or abridged by the board of trustees as in its
13 judgment the circumstances require.

14 The executive director appointed in accordance with
15 Section 4 of this Act shall authorize in writing and certify to
16 the director of procurement and materials management those
17 officials or employees of the several departments of the
18 sanitary district who may purchase in the open market without
19 filing a requisition or estimate therefor, and without
20 advertisement, any supplies, materials, equipment or services,
21 for immediate delivery to meet bona fide operating emergencies
22 where the amount thereof is not in excess of \$100,000 ~~\$50,000~~;
23 provided, that the director of procurement and materials
24 management shall be notified of such emergency. A full written
25 account of any such emergency together with a requisition for

1 the materials, supplies, equipment or services required
2 therefor shall be submitted immediately by the requisitioning
3 agent to the executive director and such report and
4 requisition shall be submitted to the director of procurement
5 and materials management and shall be open to public
6 inspection for a period of at least one year subsequent to the
7 date of such emergency purchase. The exercise of authority in
8 respect to purchases for such bona fide operating emergencies
9 shall not be dependent upon a declaration of emergency by the
10 board of trustees under the first paragraph of this Section.

11 (Source: P.A. 95-923, eff. 1-1-09; 96-165, eff. 8-10-09.)

12 ARTICLE 65.

13 Section 65-5. The Illinois Procurement Code is amended by
14 changing Section 45-105 as follows:

15 (30 ILCS 500/45-105)

16 Sec. 45-105. Bid preference for Illinois businesses.

17 (a) (Blank).

18 (b) It is hereby declared to be the public policy of the
19 State of Illinois to promote the economy of Illinois through
20 the use of Illinois businesses for all State construction
21 contracts.

22 (c) A construction agency, as defined in Section 1-15.25,
23 ~~Construction agencies~~ procuring construction ~~and~~

1 ~~construction-related professional~~ services shall make
2 reasonable efforts to contract with Illinois businesses.

3 (d) ~~Each Beginning in 2022, each~~ construction agency shall
4 submit a report to the Governor and the General Assembly by
5 December ~~September~~ 1 of each year that identifies the Illinois
6 businesses procured by the construction agency, the primary
7 location of the construction project, the percentage of the
8 construction agency's utilization of Illinois businesses on
9 the project as a whole, and the actions that the construction
10 agency has undertaken to increase the use of Illinois
11 businesses.

12 (e) In procuring construction ~~and construction-related~~
13 ~~professional~~ services for projects with a total value that
14 exceeds the small purchase maximum established by Section
15 20-20 of this Code, construction agencies shall provide a bid
16 preference to a responsive and responsible bidder that is an
17 Illinois business as defined in this Section. The construction
18 agency shall allocate to the lowest bid by an Illinois
19 business that is responsible and responsive a bid preference
20 of 4% of the contract base bid. This subsection applies only to
21 projects where a business that is not an Illinois business
22 submits a bid.

23 (f) This Section does not apply to any contract for any
24 project for which federal funds are available for expenditure
25 when its provisions may be in conflict with federal law or
26 federal regulation.

1 (g) As used in this Section, "Illinois business" means a
2 contractor that is operating and headquartered in Illinois and
3 providing, at the time that an invitation for a bid or notice
4 of contract opportunity is first advertised, construction ~~or~~
5 ~~construction related professional~~ services, and is operating
6 as:

7 (1) a sole proprietor whose primary residence is in
8 Illinois;

9 (2) a business incorporated or organized as a domestic
10 corporation under the Business Corporation Act of 1983;

11 (3) a business organized as a domestic partnership
12 under the Uniform Partnership Act of 1997;

13 (4) a business organized as a domestic limited
14 partnership under the Uniform Limited Partnership Act of
15 2001;

16 (5) a business organized under the Limited Liability
17 Company Act; or

18 (6) a business organized under the Professional
19 Limited Liability Company Act.

20 "Illinois business" does not include any subcontractors.

21 (Source: P.A. 102-721, eff. 1-1-23; 103-570, eff. 1-1-24.)

22 ARTICLE 70.

23 Section 70-5. The Governmental Joint Purchasing Act is
24 amended by changing Section 4 as follows:

1 (30 ILCS 525/4) (from Ch. 85, par. 1604)

2 Sec. 4. Bids, offers, and small purchases. The purchases
3 of all personal property, supplies and services under this
4 Act, except for small purchases, shall be based on competitive
5 solicitations unless, for purchases made pursuant to
6 subsection (a) of Section 2 of this Act, it is the
7 determination of the applicable chief procurement officer that
8 it is impractical to obtain competition. Purchases pursuant to
9 this Section shall follow the same procedures used for
10 competitive solicitations made pursuant to the Illinois
11 Procurement Code when the State is a party to the joint
12 purchase. For purchases made pursuant to subsection (a) of
13 Section 2 of this Act where the applicable chief procurement
14 officer makes the determination that it is impractical to
15 obtain competition, purchases shall either follow the same
16 procedure used for sole source procurements in Section 20-25
17 of the Illinois Procurement Code or the same procedure used
18 for emergency purchases in Section 20-30 of the Illinois
19 Procurement Code. For purchases pursuant to subsection (a) of
20 Section 2, bids and offers shall be solicited by public notice
21 inserted at least once in a newspaper of general circulation
22 in one of the counties where the materials are to be used and
23 at least 5 calendar days before the final date of submitting
24 bids or offers, except as otherwise provided in this Section.
25 Where the State of Illinois is a party to the joint purchase

1 agreement, public notice soliciting the bids or offers shall
2 be published in the appropriate volume of the Illinois
3 Procurement Bulletin. Such notice shall include a general
4 description of the supplies or services to be purchased and
5 shall state where specifications may be obtained and the time
6 and place for the opening of bids and offers. The governmental
7 unit conducting the competitive procurement process may also
8 solicit sealed bids or offers by sending requests by mail to
9 potential contractors and by posting notices on a public
10 bulletin board in its office. Small purchases pursuant to this
11 Section shall follow the same procedure used for small
12 purchases in Section 20-20 of the Illinois Procurement Code.

13 All purchases, orders or contracts shall be awarded to the
14 lowest responsible bidder or highest-ranked offeror, as ranked
15 by the cooperative purchasing program, or, if not ranked by
16 the cooperative purchasing program then by the purchasing
17 governmental unit, when the purchasing governmental unit
18 determines that the selected contract best meets the
19 governmental unit's needs, taking into consideration the
20 qualities of the articles or services supplied, their
21 conformity with the specifications, their suitability to the
22 requirements of the participating governmental units and the
23 delivery terms. A governmental unit may purchase a supply or
24 service that is available on contracts from multiple
25 contractors if the governmental unit determines that the
26 selected contract best meets the governmental unit's needs.

1 purchasing entities, the Chief Procurement Officers, and
2 others.

3 (2) The Commission may create a scoring evaluation for
4 State agency directors, public university presidents and
5 chancellors, and public community college presidents. The
6 scoring shall be based on the following 3 principles: (i)
7 increasing capacity; (ii) growing revenue; and (iii)
8 enhancing credentials. These principles should be the
9 foundation of the agency compliance plan required under
10 Section 6 of the Business Enterprise for Minorities,
11 Women, and Persons with Disabilities Act.

12 (3) The Commission shall exercise the authority and
13 duties provided to it under Section 5-7 of the Illinois
14 Procurement Code.

15 (4) The Commission, working with State agencies, shall
16 provide support for diversity in State hiring.

17 (5) The Commission shall supervise ~~oversee~~ the
18 implementation and effectiveness of supplier diversity
19 training of the State procurement workforce.

20 (6) Each January, and as otherwise frequently as may
21 be deemed necessary and appropriate by the Commission, the
22 Commission shall propose and submit to the Governor and
23 the General Assembly legislative changes to increase
24 inclusion and diversity in State government.

25 (7) The Commission shall have oversight over the
26 following entities:

1 (A) the Illinois African-American Family
2 Commission;

3 (B) the Illinois Latino Family Commission;

4 (C) the Asian American Family Commission;

5 (D) the Illinois Muslim American Advisory Council;

6 (E) the Illinois African-American Fair Contracting
7 Commission created under Executive Order 2018-07; and

8 (F) the Business Enterprise Council for
9 Minorities, Women, and Persons with Disabilities.

10 (8) The Commission shall adopt any rules necessary for
11 the implementation and administration of the requirements
12 of this Act.

13 (9) The Commission shall exercise the authority and
14 duties provided to it under Section 45-57 of the Illinois
15 Procurement Code.

16 (Source: P.A. 101-657, eff. 1-1-22; 102-29, eff. 6-25-21;
17 102-671, eff. 11-30-21.)

18 ARTICLE 80.

19 Section 80-5. The Metropolitan Pier and Exposition
20 Authority Act is amended by changing Sections 24 and 25.4 as
21 follows:

22 (70 ILCS 210/24) (from Ch. 85, par. 1244)

23 Sec. 24. All contracts for the sale of property of the

1 value of more than \$10,000 or for any concession in or lease of
2 property of the Authority for a term of more than one year
3 shall be awarded to the highest responsible bidder, after
4 advertising for bids, except as may be otherwise authorized by
5 this Act. All construction contracts, ~~when the cost will~~
6 ~~exceed \$30,000,~~ and contracts for supplies, materials,
7 equipment and services, when the cost thereof will exceed
8 \$100,000 ~~\$10,000,~~ shall be let to the lowest responsible
9 bidder, after advertising for bids, excepting (1) when repair
10 parts, accessories, equipment or services are required for
11 equipment or services previously furnished or contracted for,
12 (2) professional services contracted for in accordance with
13 Section 25.1 of this Act, (3) when services such as water,
14 light, heat, power, telephone (other than long-distance
15 service) or telegraph are required, (4) when contracts for the
16 use, purchase, delivery, movement, or installation of data
17 processing equipment, software, or services and
18 telecommunications equipment, software, and services are
19 required, and (5) when the immediate delivery of supplies,
20 materials, equipment, or services is required and (i) the
21 chief executive officer determines that an emergency situation
22 exists; (ii) the contract accepted is based on the lowest
23 responsible bid after the Authority has made a diligent effort
24 to solicit multiple bids by telephone, facsimile, or other
25 efficient means; and (iii) the chief executive officer submits
26 a report at the next regular Board meeting, to be ratified by

1 the Board and entered into the official record, stating the
2 chief executive officer's reason for declaring an emergency
3 situation, the names of the other parties solicited and their
4 bids, and a copy of the contract awarded.

5 All ~~construction contracts involving less than \$30,000 and~~
6 ~~all other~~ contracts involving less than \$100,000 ~~\$10,000~~ shall
7 be let by competitive bidding whenever possible, and in any
8 event in a manner calculated to insure the best interests of
9 the public.

10 Each bidder shall disclose in his bid the name of each
11 individual having a beneficial interest, directly or
12 indirectly, of more than 7 1/2% in such bidding entity and, if
13 such bidding entity is a corporation, the names of each of its
14 officers and directors. The bidder shall notify the Board of
15 any changes in its ownership or its officers or directors at
16 the time such changes occur if the change occurs during the
17 pendency of a proposal or a contract.

18 In determining the responsibility of any bidder, the Board
19 may take into account past record of dealings with the bidder,
20 experience, adequacy of equipment, ability to complete
21 performance within the time set, and other factors besides
22 financial responsibility, but in no case shall any such
23 contracts be awarded to any other than the highest bidder (in
24 case of sale or concession or lease) or the lowest bidder (in
25 case of purchase or expenditure) unless authorized or approved
26 by a vote of at least three-fourths of the members of the

1 Board, and unless such action is accompanied by a statement in
2 writing setting forth the reasons for not awarding the
3 contract to the highest or lowest bidder, as the case may be,
4 which statement shall be kept on file in the principal office
5 of the Authority and open to public inspection.

6 From the group of responsible bidders the lowest bidder
7 shall be selected in the following manner: to all bids for
8 sales the gross receipts of which are not taxable under the
9 "Retailers' Occupation Tax Act", approved June 28, 1933, as
10 amended, there shall be added an amount equal to the tax which
11 would be payable under said Act, if applicable, and the lowest
12 in amount of said adjusted bids and bids for sales the gross
13 receipts of which are taxable under said Act shall be
14 considered the lowest bid; provided, that, if said lowest bid
15 relates to a sale not taxable under said Act, any contract
16 entered into thereon shall be in the amount of the original bid
17 not adjusted as aforesaid.

18 Contracts shall not be split into parts involving
19 expenditures of less than \$100,000 ~~\$10,000 (or \$30,000 in the~~
20 ~~case of construction contracts)~~ for the purposes of avoiding
21 the provisions of this Section, and all such split contracts
22 shall be void. If any collusion occurs among bidders or
23 prospective bidders in restraint of freedom of competition, by
24 agreement to bid a fixed amount or to refrain from bidding, or
25 otherwise, the bids of such bidders shall be void. Each bidder
26 shall accompany his bid with a sworn statement that he has not

1 been a party to any such agreement.

2 The Board shall have the right to reject all bids and to
3 readvertise for bids. If after any such readvertisement no
4 responsible and satisfactory bid, within the terms of the
5 advertisement, shall be received, the Board may award such
6 contract without competitive bidding, provided that it shall
7 not be less advantageous to the Authority than any valid bid
8 received pursuant to advertisement.

9 The Board shall adopt rules and regulations of general
10 application within 90 days of the effective date of this
11 amendatory Act of 1985 to carry into effect the provisions of
12 this Section.

13 (Source: P.A. 91-422, eff. 1-1-00.)

14 (70 ILCS 210/25.4)

15 Sec. 25.4. Contracts for professional services.

16 (a) When the Authority proposes to enter into a contract
17 or agreement for professional services, other than the
18 marketing agreement required in Section 5.6, the Authority
19 shall use a request for proposal process in accordance with
20 the Illinois Procurement Code.

21 (b) Any person that submits a response to a request for
22 proposals under this Section shall disclose in the response
23 the name of each individual having a beneficial interest
24 directly or indirectly of more than 7 1/2% in such person and,
25 if such person is a corporation, the names of each of its

1 officers and directors. The person shall notify the Board of
2 any changes in its ownership or its officers or directors at
3 the time such changes occur if the change occurs during the
4 pendency of a proposal or a contract.

5 (c) All contracts and agreements under this Section shall
6 be authorized and approved by the Board and shall be set forth
7 in a writing executed by the contractor and the Authority. No
8 payment shall be made under this Section until a written
9 contract or agreement shall be so authorized, approved, and
10 executed. A copy of each contract or agreement (whether or not
11 exempted under this Section) and the response, if any, to the
12 request for proposals upon which the contract was awarded must
13 be filed with the Secretary of the Authority and is required to
14 be open for public inspection.

15 (d) This Section applies to (i) contracts in excess of
16 \$25,000 for architectural, engineering, or land surveying
17 services provided to the Authority; (ii) ~~(i)~~ contracts in
18 excess of \$100,000 ~~\$25,000~~ for other professional services
19 provided to the Authority, including the services of
20 accountants, ~~architects,~~ attorneys, ~~engineers,~~ physicians,
21 superintendents of construction, financial advisors, bond
22 trustees, and other similar professionals possessing a high
23 degree of skill; and (iii) ~~(ii)~~ contracts or bond purchase
24 agreements in excess of \$10,000 with underwriters or
25 investment bankers with respect to sale of the Authority's
26 bonds under this Act. This Section shall not apply to

1 contracts for professional services to be provided by, or the
2 agreement is with, a State agency, federal agency, or unit of
3 local government.

4 (Source: P.A. 96-898, eff. 5-27-10; 96-899, eff. 5-28-10.)

5 ARTICLE 85.

6 Section 85-5. The Public-Private Partnerships for
7 Transportation Act is amended by changing Sections 10, 15, 19,
8 and 35 as follows:

9 (630 ILCS 5/10)

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

11 "Approved proposal" means the proposal that is approved by
12 the responsible public entity pursuant to subsection (j) of
13 Section 20 of this Act.

14 "Approved proposer" means the private entity whose
15 proposal is the approved proposal.

16 "Authority" means the Illinois State Toll Highway
17 Authority.

18 "Contractor" means a private entity that has entered into
19 a public-private agreement with the responsible public entity
20 to provide services to or on behalf of the responsible public
21 entity.

22 "Department" means the Illinois Department of
23 Transportation.

1 "Design-build agreement" means the agreement between the
2 selected private entity and the responsible public entity
3 under which the selected private entity agrees to furnish
4 design, construction, and related services for a
5 transportation facility under this Act.

6 "Develop" or "development" means to do one or more of the
7 following: plan, design, develop, lease, acquire, install,
8 construct, reconstruct, rehabilitate, extend, or expand.

9 "Maintain" or "maintenance" includes ordinary maintenance,
10 repair, rehabilitation, capital maintenance, maintenance
11 replacement, and any other categories of maintenance that may
12 be designated by the responsible public entity.

13 "Operate" or "operation" means to do one or more of the
14 following: maintain, improve, equip, modify, or otherwise
15 operate.

16 "Private entity" means any combination of one or more
17 individuals, corporations, general partnerships, limited
18 liability companies, limited partnerships, joint ventures,
19 business trusts, nonprofit entities, or other business
20 entities that are parties to a proposal for a transportation
21 project or an agreement related to a transportation project. A
22 public agency may provide services to a contractor as a
23 subcontractor or subconsultant without affecting the private
24 status of the private entity and the ability to enter into a
25 public-private agreement. A transportation agency is not a
26 private entity.

1 "Proposal" means all materials and documents prepared by
2 or on behalf of a private entity relating to the proposed
3 development, financing, or operation of a transportation
4 facility as a transportation project.

5 "Proposer" means a private entity that has submitted an
6 unsolicited proposal for a public-private agreement to a
7 responsible public entity under this Act or a proposal or
8 statement of qualifications for a public-private agreement in
9 response to a request for proposals or a request for
10 qualifications issued by a responsible public entity under
11 this Act.

12 "Public-private agreement" means the public-private
13 agreement between the contractor and the responsible public
14 entity relating to one or more of the development, financing,
15 or operation of a transportation project that is entered into
16 under this Act.

17 "Request for information" means all materials and
18 documents prepared by or on behalf of the responsible public
19 entity to solicit information from private entities with
20 respect to transportation projects.

21 "Request for proposals" means all materials and documents
22 prepared by or on behalf of the responsible public entity to
23 solicit proposals from private entities to enter into a
24 public-private agreement.

25 "Request for qualifications" means all materials and
26 documents prepared by or on behalf of the responsible public

1 entity to solicit statements of qualification from private
2 entities to enter into a public-private agreement.

3 "Responsible public entity" means the Department of
4 Transportation, the Illinois State Toll Highway Authority, and
5 the 5 most populous counties of Illinois, as of the most recent
6 publicly available decennial census.

7 "Revenues" means all revenues, including any combination
8 of: income; earnings and interest; user fees; lease payments;
9 allocations; federal, State, and local appropriations, grants,
10 loans, lines of credit, and credit guarantees; bond proceeds;
11 equity investments; service payments; or other receipts;
12 arising out of or in connection with a transportation project,
13 including the development, financing, and operation of a
14 transportation project. The term includes money received as
15 grants, loans, lines of credit, credit guarantees, or
16 otherwise in aid of a transportation project from the federal
17 government, the State, a unit of local government, or any
18 agency or instrumentality of the federal government, the
19 State, or a unit of local government.

20 "Shortlist" means the process by which a responsible
21 public entity will review, evaluate, and rank statements of
22 qualifications submitted in response to a request for
23 qualifications and then identify the proposers who are
24 eligible to submit a detailed proposal in response to a
25 request for proposals. The identified proposers constitute the
26 shortlist for the transportation project to which the request

1 for proposals relates.

2 "Transportation agency" means (i) the Department or (ii)
3 the Authority.

4 "Transportation facility" means any new or existing road,
5 highway, toll highway, bridge, tunnel, intermodal facility,
6 intercity or high-speed passenger rail, or other
7 transportation facility or infrastructure, excluding airports,
8 under the jurisdiction of a responsible public entity, except
9 those facilities for the Illiana Expressway. The term
10 "transportation facility" may refer to one or more
11 transportation facilities that are proposed to be developed or
12 operated as part of a single transportation project.

13 "Transportation project" or "project" means any or the
14 combination of the design, development, construction,
15 financing, or operation with respect to all or a portion of any
16 transportation facility under the jurisdiction of the
17 responsible public entity, except those facilities for the
18 Illiana Expressway, undertaken pursuant to this Act.

19 "Unit of local government" has the meaning ascribed to
20 that term in Article VII, Section 1 of the Constitution of the
21 State of Illinois and also means any unit designated as a
22 municipal corporation.

23 "Unsolicited proposal" means a written proposal that is
24 submitted to a transportation agency ~~responsible public entity~~
25 on the initiative of the private sector entity or entities for
26 the purpose of developing a partnership, and that is not in

1 response to a formal or informal request issued by a
2 transportation agency ~~responsible public entity~~.

3 "User fees" or "tolls" means the rates, tolls, fees, or
4 other charges imposed by the contractor for use of all or a
5 portion of a transportation project under a public-private
6 agreement.

7 (Source: P.A. 103-570, eff. 1-1-24.)

8 (630 ILCS 5/15)

9 Sec. 15. Formation of public-private agreements; project
10 planning.

11 (a) Each responsible public entity may exercise the powers
12 granted by this Act to do some or all to design, develop,
13 construct, finance, and operate any part of one or more
14 transportation projects through public-private agreements with
15 one or more private entities, except for transportation
16 projects for the Illiana Expressway as defined in the Public
17 Private Agreements for the Illiana Expressway Act. The net
18 proceeds, if any, arising out of a transportation project or
19 public-private agreement undertaken by the Department pursuant
20 to this Act shall be deposited into the Public-Private
21 Partnerships for Transportation Fund. The net proceeds arising
22 out of a transportation project or public-private agreement
23 undertaken by the Authority pursuant to this Act shall be
24 deposited into the Illinois State Toll Highway Authority Fund
25 and shall be used only as authorized by Section 23 of the Toll

1 Highway Act.

2 (b) The Authority may enter into a public-private
3 partnership to design, develop, construct, finance, and
4 operate new toll highways authorized by the Governor and the
5 General Assembly pursuant to Section 14.1 of the Toll Highway
6 Act, non-highway transportation projects on the toll highway
7 system such as commuter rail or high-speed rail lines, and
8 intelligent transportation infrastructure that will enhance
9 the safety, efficiency, and environmental quality of the toll
10 highway system. The Authority may operate or provide
11 operational services such as toll collection on highways which
12 are developed or financed, or both, through a public-private
13 agreement entered into by another public entity, under an
14 agreement with the public entity or contractor responsible for
15 the transportation project.

16 (c) A contractor has:

17 (1) all powers allowed by law generally to a private
18 entity having the same form of organization as the
19 contractor; and

20 (2) the power to develop, finance, and operate the
21 transportation facility and to impose user fees in
22 connection with the use of the transportation facility,
23 subject to the terms of the public-private agreement.

24 No tolls or user fees may be imposed by the contractor
25 except as set forth in a public-private agreement.

26 (d) Prior to commencing the procurement process under an

1 unsolicited proposal or the issuance of any request for
2 qualifications or request for proposals with respect to any
3 potential project undertaken by a responsible public entity
4 pursuant to Section 19 or 20 of this Act, the commencement of a
5 procurement process for that particular potential project
6 shall be authorized by joint resolution of the General
7 Assembly.

8 (e) (Blank).

9 (f) Any project undertaken under this Act shall be subject
10 to all applicable planning requirements otherwise required by
11 law, including land use planning, regional planning,
12 transportation planning, and environmental compliance
13 requirements.

14 (g) (Blank).

15 (h) The responsible public entity shall hold one or more
16 public hearings before entering into negotiations with a
17 proposer following its submittals to the General Assembly
18 under subsection (d) of this Section. These public hearings
19 shall address any potential project that the responsible
20 public entity submitted to the General Assembly for review
21 under subsection (d). The responsible public entity shall
22 publish a notice of the hearing or hearings at least 7 days
23 before a hearing takes place, and shall include the following
24 in the notice: (i) the date, time, and place of the hearing and
25 the address of the responsible public entity; (ii) a brief
26 description of the potential projects that the responsible

1 public entity is considering undertaking; and (iii) a
2 statement that the public may comment on the potential
3 projects.

4 (i) Each year, at least 30 days prior to the beginning of
5 the transportation agency's fiscal year, the transportation
6 agency shall submit a description of potential projects that
7 the transportation agency is considering undertaking under
8 this Act to each county, municipality, and metropolitan
9 planning organization, with respect to each project located
10 within its boundaries.

11 (j) A new transportation facility developed as a project
12 under this Act must be consistent with the regional plan then
13 in existence of a metropolitan planning organization in whose
14 boundaries the project is located.

15 (Source: P.A. 103-570, eff. 1-1-24.)

16 (630 ILCS 5/19)

17 Sec. 19. Unsolicited proposals.

18 (a) A transportation agency ~~responsible public entity~~ may
19 receive unsolicited proposals for a project and may thereafter
20 enter into a public-private agreement with a private entity,
21 or a consortium of private entities, for the design,
22 construction, upgrading, operating, ownership, or financing of
23 facilities.

24 (b) A transportation agency ~~responsible public entity~~ may
25 consider, evaluate, and accept an unsolicited proposal for a

1 public-private partnership project from a private entity if
2 the proposal:

3 (1) is independently developed and drafted by the
4 proposer without transportation agency ~~responsible public~~
5 ~~entity~~ supervision;

6 (2) shows that the proposed project could benefit the
7 transportation system;

8 (3) includes a financing plan to allow the project to
9 move forward pursuant to the applicable transportation
10 agency's ~~responsible public entity's~~ budget and finance
11 requirements; and

12 (4) includes sufficient detail and information for the
13 transportation agency ~~responsible public entity~~ to
14 evaluate the proposal in an objective and timely manner
15 and permit a determination that the project would be
16 worthwhile.

17 (c) The unsolicited proposal shall include the following:

18 (1) an executive summary covering the major elements
19 of the proposal;

20 (2) qualifications concerning the experience,
21 expertise, technical competence, and qualifications of the
22 private entity and of each member of its management team
23 and of other key employees, consultants, and
24 subcontractors, including the name, address, and
25 professional designation;

26 (3) a project description, including, when applicable:

1 (A) the limits, scope, and location of the
2 proposed project;

3 (B) right-of-way requirements;

4 (C) connections with other facilities and
5 improvements to those facilities necessary if the
6 project is developed;

7 (D) a conceptual project design; and

8 (E) a statement of the project's relationship to
9 and impact upon relevant existing plans of the
10 transportation agency ~~responsible public entity~~;

11 (4) a facilities project schedule, including when
12 applicable, estimates of:

13 (A) dates of contract award;

14 (B) start of construction;

15 (C) completion of construction;

16 (D) start of operations; and

17 (E) major maintenance or reconstruction activities
18 during the life of the proposed project agreement;

19 (5) an operating plan describing the operation of the
20 completed facility if operation of a facility is part of
21 the proposal, describing the management structure and
22 approach, the proposed period of operations, enforcement,
23 emergency response, and other relevant information;

24 (6) a finance plan describing the proposed financing
25 of the project, identifying the source of funds to, where
26 applicable, design, construct, maintain, and manage the

1 project during the term of the proposed contract; and

2 (7) the legal basis for the project and licenses and
3 certifications; the private entity must demonstrate that
4 it has all licenses and certificates necessary to complete
5 the project.

6 (c-5) A transportation agency shall develop rules for
7 receiving, reviewing, and implementing unsolicited proposals
8 as outlined in this Section. A transportation agency shall
9 submit these rules for the First Notice period within one year
10 after the effective date of this amendatory Act of the 103rd
11 General Assembly. A transportation agency shall not receive
12 unsolicited proposals until rules are adopted.

13 (c-10) A transportation agency shall receive unsolicited
14 proposals no more than every 2 years for a time frame of no
15 more than 90 days.

16 (c-15) A nonnegotiable proposal review fee of \$25,000
17 shall be required for an unsolicited proposal submitted under
18 this Act. A proposal review fee that is submitted with a
19 proposal for a project that is not an eligible project, or that
20 the Department is not otherwise legally authorized to accept,
21 shall be returned to the proposer. All other proposal review
22 fees are nonrefundable.

23 (d) Within 120 days after receiving an unsolicited
24 proposal, the transportation agency ~~responsible public entity~~
25 shall complete a preliminary evaluation of the unsolicited
26 proposal and shall ~~either~~:

1 (1) if the preliminary evaluation is unfavorable,
2 return the proposal without further action;

3 (2) if the preliminary evaluation is favorable, notify
4 the proposer that the transportation agency ~~responsible~~
5 ~~public entity~~ will further evaluate the proposal; or

6 (3) request amendments, clarification, or modification
7 of the unsolicited proposal.

8 (e) The procurement process for unsolicited proposals
9 shall be as follows:

10 (1) If the transportation agency ~~responsible public~~
11 ~~entity~~ chooses to further evaluate an unsolicited proposal
12 with the intent to enter into a public-private agreement
13 for the proposed project, then the transportation agency
14 ~~responsible public entity~~ shall publish notice in its
15 regular online publication for relevant procurements ~~the~~
16 ~~Illinois Procurement Bulletin~~ or in a newspaper of general
17 circulation covering the location of the project at least
18 once a week for 2 weeks stating that the transportation
19 agency ~~responsible public entity~~ has received a proposal
20 and will accept other proposals for the same project. The
21 time frame within which the transportation agency
22 ~~responsible public entity~~ may accept other proposals shall
23 be determined by the transportation agency ~~responsible~~
24 ~~public entity~~ on a project-by-project basis based upon the
25 complexity of the transportation project and the public
26 benefit to be gained by allowing a longer or shorter

1 period of time within which other proposals may be
2 received; however, the time frame for allowing other
3 proposals must be at least 21 days, but no more than 120
4 days, after the initial date of publication.

5 (2) A copy of the notice must be mailed to each local
6 government directly affected by the transportation
7 project.

8 (3) The transportation agency ~~responsible public~~
9 ~~entity~~ shall provide reasonably sufficient information,
10 including the identity of its contact person, to enable
11 other private entities to make proposals.

12 (4) If, after no less than 120 days, no
13 counterproposal is received, or if the counterproposals
14 are evaluated and found to be equal to or inferior to the
15 original unsolicited proposal, the transportation agency
16 ~~responsible public entity~~ may proceed to negotiate a
17 contract with the original proposer.

18 (5) If, after no less than 120 days, one or more
19 counterproposals meeting unsolicited proposal standards
20 are received, and if, in the opinion of the transportation
21 agency ~~responsible public entity~~, the counterproposals are
22 evaluated and found to be superior to the original
23 unsolicited proposal, the transportation agency
24 ~~responsible public entity~~ shall proceed to determine the
25 successful participant through a final procurement phase
26 known as "Best and Final Offer" (BAFO). The BAFO is a

1 process whereby a transportation agency ~~responsible public~~
2 ~~entity~~ shall invite the original private sector party and
3 the proponent submitting the superior counterproposal to
4 engage in a BAFO phase. The invitation to participate in
5 the BAFO phase will provide to each participating
6 proposer:

7 (A) the general concepts that were considered
8 superior to the original proposal, while keeping
9 proprietary information contained in the proposals
10 confidential to the extent possible; and

11 (B) the preestablished evaluation criteria or the
12 "basis of award" to be used to determine the
13 successful proponent.

14 (6) Offers received in response to the BAFO invitation
15 will be reviewed by the transportation agency ~~responsible~~
16 ~~public entity~~ and scored in accordance with a
17 preestablished criteria, or alternatively, in accordance
18 with the basis of award provision identified through the
19 BAFO process. The successful proponent will be the
20 proponent offering "best value" to the transportation
21 agency ~~responsible public entity~~.

22 (7) In all cases, the basis of award will be the best
23 value to the transportation agency ~~responsible public~~
24 ~~entity~~, as determined by the transportation agency
25 ~~responsible public entity~~.

26 (f) After a comprehensive evaluation and acceptance of an

1 unsolicited proposal and any alternatives, the transportation
2 agency must provide public notice of the proposal to members
3 of impacted communities meeting the following criteria:
4 ~~responsible public entity~~

5 (1) Public notice shall be meaningful, timely, and
6 effective public notice of a proposal to members of
7 impacted communities, accounting for linguistic needs and
8 other relevant characteristics, and provide meaningful
9 opportunity for public comment on a proposal.

10 (2) The public notice and project application shall be
11 translated into non-English languages in impacted
12 communities where a language other than English is widely
13 spoken.

14 (3) The notice must, at a minimum, include all of the
15 following:

16 (A) the name of the applicant;

17 (B) the location of the use;

18 (C) a brief description of the use and its
19 impacts; and

20 (D) a link to a website where the application and
21 more detailed information on the use and its impacts
22 can be found.

23 (4) The notice shall be written at a third or fourth
24 grade reading level to ensure ease of understanding for
25 all members of the public.

26 (f-5) The transportation agency shall provide an

1 opportunity for public comment, which must, at a minimum,
2 include one public meeting within an impacted community. The
3 notice of a public meeting required under this subsection must
4 include:

5 (1) the date, time, and location of the public meeting
6 required under this Section;

7 (2) the date and time of all public meetings regarding
8 the project;

9 (3) where to access the project description required
10 under paragraph (3) of subsection (c), if applicable;

11 (4) the expected location of the project associated
12 construction duration; and

13 (5) a non-English version of the notice if 10% or more
14 of the local population speaks a primary language other
15 than English, which shall reflect the prevalent languages
16 of the non-English speaking residents in that area.

17 The public meeting is subject to the following rules:

18 (1) The public meeting must begin after 5:00 p.m. and
19 be located at a venue that is in a location within an
20 impacted equity investment community and easily accessible
21 to residents of other impacted equity investment eligible
22 communities.

23 (2) The public meeting must be at a venue that is
24 accessible to persons with disabilities and the owner or
25 operator of the venue must provide reasonable
26 accommodations, as defined in the Americans with

1 Disabilities Act, upon request.

2 (3) The transportation agency must provide translation
3 services during a public meeting if a proposed project is
4 located in an area in which 10% or more of the local
5 population speaks a primary language other than English,
6 if requested by a non-English speaking member of the
7 public.

8 During a public meeting, a proposer must:

9 (1) present the schedule and process for the project;

10 (2) include a question-and-answer portion of the
11 meeting to allow the public to ask questions; and

12 (3) ensure that representatives that speak on behalf
13 of the contractor are qualified and knowledgeable on the
14 subject matter to answer questions posed by the public.

15 The transportation agency shall have a representative
16 present at the public meeting who is familiar with the
17 proposed project. The transportation agency must create a
18 meeting summary, including issues raised by the public, and
19 respond to all questions in writing no later than 14 days after
20 the meeting. The transportation agency shall post the summary
21 and responses to the transportation agency's publicly
22 accessible website and advise the telephone, email, and text
23 lists along with the meeting summary document. The
24 transportation agency shall ensure that the public meeting is
25 made available to watch and participate in a meaningful way
26 online and recorded. The recording shall be made available on

1 a publicly accessible website.

2 After the public notice requirements are completed, the
3 transportation agency may commence negotiations with a
4 proposer, considering:

5 (1) the proposal has received a favorable
6 comprehensive evaluation;

7 (2) the proposal is not duplicative of existing
8 infrastructure project;

9 (3) the alternative proposal does not closely resemble
10 a pending competitive proposal for a public-private
11 private partnership or other procurement;

12 (4) the proposal demonstrates a unique method,
13 approach, or concept;

14 (5) facts and circumstances that preclude or warrant
15 additional competition;

16 (6) the availability of any funds, debts, or assets
17 that the State will contribute to the project;

18 (7) facts and circumstances demonstrating that the
19 project will likely have a significant adverse impact on
20 ~~en~~ State bond ratings; and

21 (8) indemnifications included in the proposal.

22 (Source: P.A. 103-570, eff. 1-1-24; revised 1-3-24.)

23 (630 ILCS 5/35)

24 Sec. 35. Public-private agreements.

25 (a) A responsible public entity may enter into

1 public-private agreements as outlined in this Section. The
2 transportation agency may receive unsolicited proposals to
3 enter into public-private agreements as outlined in Section
4 19.

5 (a-5) ~~(a)~~ Unless undertaking actions otherwise permitted
6 in an interim agreement entered into under Section 30 of this
7 Act, before developing, financing, or operating the
8 transportation project, the approved proposer shall enter into
9 a public-private agreement with the responsible public entity
10 ~~transportation agency~~. Subject to the requirements of this
11 Act, a public-private agreement may provide that the approved
12 proposer, acting on behalf of the responsible public entity,
13 is partially or entirely responsible for any combination of
14 developing, financing, or operating the transportation project
15 under terms set forth in the public-private agreement.

16 (b) The public-private agreement may, as determined
17 appropriate by the responsible public entity for the
18 particular transportation project, provide for some or all of
19 the following:

20 (1) Development, financing, and operation of the
21 transportation project under terms set forth in the
22 public-private agreement, in any form as deemed
23 appropriate by the responsible public entity, including,
24 but not limited to, a long-term concession and lease, a
25 design-bid-build agreement, a design-build agreement, a
26 design-build-maintain agreement, a design-build-finance

1 agreement, a design-build-operate-maintain agreement and a
2 design-build-finance-operate-maintain agreement.

3 (2) Delivery of performance and payment bonds or other
4 performance security determined suitable by the
5 responsible public entity, including letters of credit,
6 United States bonds and notes, parent guaranties, and cash
7 collateral, in connection with the development, financing,
8 or operation of the transportation project, in the forms
9 and amounts set forth in the public-private agreement or
10 otherwise determined as satisfactory by the responsible
11 public entity to protect the responsible public entity and
12 payment bond beneficiaries who have a direct contractual
13 relationship with the contractor or a subcontractor of the
14 contractor to supply labor or material. The payment or
15 performance bond or alternative form of performance
16 security is not required for the portion of a
17 public-private agreement that includes only design,
18 planning, or financing services, the performance of
19 preliminary studies, or the acquisition of real property.

20 (3) Review of plans for any development or operation,
21 or both, of the transportation project by the responsible
22 public entity.

23 (4) Inspection of any construction of or improvements
24 to the transportation project by the responsible public
25 entity or another entity designated by the responsible
26 public entity or under the public-private agreement to

1 ensure that the construction or improvements conform to
2 the standards set forth in the public-private agreement or
3 are otherwise acceptable to the responsible public entity.

4 (5) Maintenance of:

5 (A) one or more policies of public liability
6 insurance (copies of which shall be filed with the
7 responsible public entity accompanied by proofs of
8 coverage); or

9 (B) self-insurance;

10 each in form and amount as set forth in the public-private
11 agreement or otherwise satisfactory to the responsible
12 public entity as reasonably sufficient to insure coverage
13 of tort liability to the public and employees and to
14 enable the continued operation of the transportation
15 project.

16 (6) Where operations are included within the
17 contractor's obligations under the public-private
18 agreement, monitoring of the maintenance practices of the
19 contractor by the responsible public entity or another
20 entity designated by the responsible public entity or
21 under the public-private agreement and the taking of the
22 actions the responsible public entity finds appropriate to
23 ensure that the transportation project is properly
24 maintained.

25 (7) Reimbursement to be paid to the responsible public
26 entity as set forth in the public-private agreement for

1 services provided by the responsible public entity.

2 (8) Filing of appropriate financial statements and
3 reports as set forth in the public-private agreement or as
4 otherwise in a form acceptable to the responsible public
5 entity on a periodic basis.

6 (9) Compensation or payments to the contractor.
7 Compensation or payments may include any or a combination
8 of the following:

9 (A) a base fee and additional fee for project
10 savings as the design-builder of a construction
11 project;

12 (B) a development fee, payable on a lump sum
13 ~~lump-sum~~ basis, progress payment basis, time and
14 materials basis, or another basis deemed appropriate
15 by the responsible public entity;

16 (C) an operations fee, payable on a lump sum
17 ~~lump-sum~~ basis, time and material basis, periodic
18 basis, or another basis deemed appropriate by the
19 responsible public entity;

20 (D) some or all of the revenues, if any, arising
21 out of operation of the transportation project;

22 (E) a maximum rate of return on investment or
23 return on equity or a combination of the two;

24 (F) in-kind services, materials, property,
25 equipment, or other items;

26 (G) compensation in the event of any termination;

1 (H) availability payments or similar arrangements
2 whereby payments are made to the contractor pursuant
3 to the terms set forth in the public-private agreement
4 or related agreements; or

5 (I) other compensation set forth in the
6 public-private agreement or otherwise deemed
7 appropriate by the responsible public entity.

8 (10) Compensation or payments to the responsible
9 public entity, if any. Compensation or payments may
10 include any or a combination of the following:

11 (A) a concession or lease payment or other fee,
12 which may be payable upfront or on a periodic basis or
13 on another basis deemed appropriate by the responsible
14 public entity;

15 (B) sharing of revenues, if any, from the
16 operation of the transportation project;

17 (C) sharing of project savings from the
18 construction of the transportation project;

19 (D) payment for any services, materials,
20 equipment, personnel, or other items provided by the
21 responsible public entity to the contractor under the
22 public-private agreement or in connection with the
23 transportation project; or

24 (E) other compensation set forth in the
25 public-private agreement or otherwise deemed
26 appropriate by the responsible public entity.

1 (11) The date and terms of termination of the
2 contractor's authority and duties under the public-private
3 agreement and the circumstances under which the
4 contractor's authority and duties may be terminated prior
5 to that date.

6 (12) Reversion of the transportation project to the
7 responsible public entity at the termination or expiration
8 of the public-private agreement.

9 (13) Rights and remedies of the responsible public
10 entity in the event that the contractor defaults or
11 otherwise fails to comply with the terms of the
12 public-private agreement.

13 (14) Procedures for the selection of professional
14 design firms and subcontractors for use by the responsible
15 public entity or eligible county as an owner's
16 representation services, which shall ~~be include procedures~~
17 consistent with the Architectural, Engineering, and Land
18 Surveying Qualifications Based Selection Act for the
19 selection of professional design firms and may include, in
20 the discretion of the responsible public entity,
21 procedures consistent with the low bid procurement
22 procedures outlined in the Illinois Procurement Code for
23 the selection of construction companies.

24 (15) Other terms, conditions, and provisions that the
25 responsible public entity believes are in the public
26 interest.

1 (c) The responsible public entity may fix and revise the
2 amounts of user fees that a contractor may charge and collect
3 for the use of any part of a transportation project in
4 accordance with the public-private agreement. In fixing the
5 amounts, the responsible public entity may establish maximum
6 amounts for the user fees and may provide that the maximums and
7 any increases or decreases of those maximums shall be based
8 upon the indices, methodologies, or other factors the
9 responsible public entity considers appropriate.

10 (c-5) The Department may accept proposals subject to
11 environmental review and the documentation of the
12 environmental review. The environmental review and
13 documentation of the environmental review shall at all times
14 be conducted as directed by the Department, shall be subject
15 to the oversight of the Department, and shall comply with all
16 requirements of State and federal law, applicable federal
17 regulations, and the National Environmental Policy Act (42
18 U.S.C. 4321 et seq.), if applicable, including, but not
19 limited to, the study of alternatives to the proposed project
20 and any proposed alignments, procedural requirements, and the
21 completion of any and all environmental documents required to
22 be completed by the Department and any federal agency acting
23 as a lead agency. All environmental mitigation commitments
24 agreed to during the environmental review phase are required
25 to be implemented during project implementation, or, as
26 required, to ensure compliance is maintained with all

1 applicable environmental laws and regulations.

2 (d) A public-private agreement may:

3 (1) authorize the imposition of tolls in any manner
4 determined appropriate by the responsible public entity
5 for the transportation project;

6 (2) authorize the contractor to adjust the user fees
7 for the use of the transportation project, so long as the
8 amounts charged and collected by the contractor do not
9 exceed the maximum amounts established by the responsible
10 public entity under the public-private agreement;

11 (3) provide that any adjustment by the contractor
12 permitted under paragraph (2) of this subsection (d) may
13 be based on the indices, methodologies, or other factors
14 described in the public-private agreement or approved by
15 the responsible public entity;

16 (4) authorize the contractor to charge and collect
17 user fees through methods, including, but not limited to,
18 automatic vehicle identification systems, electronic toll
19 collection systems, and, to the extent permitted by law,
20 global positioning system-based, photo-based, or
21 video-based toll collection enforcement, provided that to
22 the maximum extent feasible the contractor will (i)
23 utilize open road tolling methods that allow payment of
24 tolls at highway speeds and (ii) comply with United States
25 Department of Transportation requirements and best
26 practices with respect to tolling methods; and

1 (5) authorize the collection of user fees by a third
2 party.

3 (e) In the public-private agreement, the responsible
4 public entity may agree to make grants or loans for the
5 development or operation, or both, of the transportation
6 project from time to time from amounts received from the
7 federal government or any agency or instrumentality of the
8 federal government or from any State or local agency.

9 (f) Upon the termination or expiration of the
10 public-private agreement, including a termination for default,
11 the responsible public entity shall have the right to take
12 over the transportation project and to succeed to all of the
13 right, title, and interest in the transportation project. Upon
14 termination or expiration of the public-private agreement
15 relating to a transportation project undertaken by the
16 Department, all real property acquired as a part of the
17 transportation project shall be held in the name of the State
18 of Illinois. Upon termination or expiration of the
19 public-private agreement relating to a transportation project
20 undertaken by the Authority, all real property acquired as a
21 part of the transportation project shall be held in the name of
22 the Authority.

23 (g) If a responsible public entity elects to take over a
24 transportation project as provided in subsection (f) of this
25 Section, the responsible public entity may do the following:

26 (1) develop, finance, or operate the project,

1 including through a public-private agreement entered into
2 in accordance with this Act; or

3 (2) impose, collect, retain, and use user fees, if
4 any, for the project.

5 (h) If a responsible public entity elects to take over a
6 transportation project as provided in subsection (f) of this
7 Section, the responsible public entity may use the revenues,
8 if any, for any lawful purpose, including to:

9 (1) make payments to individuals or entities in
10 connection with any financing of the transportation
11 project, including through a public-private agreement
12 entered into in accordance with this Act;

13 (2) permit a contractor to receive some or all of the
14 revenues under a public-private agreement entered into
15 under this Act;

16 (3) pay development costs of the project;

17 (4) pay current operation costs of the project or
18 facilities;

19 (5) pay the contractor for any compensation or payment
20 owing upon termination; and

21 (6) pay for the development, financing, or operation
22 of any other project or projects the responsible public
23 entity deems appropriate.

24 (i) The full faith and credit of the State or any political
25 subdivision of the State or the responsible public entity is
26 not pledged to secure any financing of the contractor by the

1 election to take over the transportation project. Assumption
2 of development or operation, or both, of the transportation
3 project does not obligate the State or any political
4 subdivision of the State or the responsible public entity to
5 pay any obligation of the contractor.

6 (j) The responsible public entity may enter into a
7 public-private agreement with multiple approved proposers if
8 the responsible public entity determines in writing that it is
9 in the public interest to do so.

10 (k) A public-private agreement shall not include any
11 provision under which the responsible public entity agrees to
12 restrict or to provide compensation to the private entity for
13 the construction or operation of a competing transportation
14 facility during the term of the public-private agreement.

15 (l) With respect to a public-private agreement entered
16 into by the Department, the Department shall certify in its
17 State budget request to the Governor each year the amount
18 required by the Department during the next State fiscal year
19 to enable the Department to make any payment obligated to be
20 made by the Department pursuant to that public-private
21 agreement, and the Governor shall include that amount in the
22 State budget submitted to the General Assembly.

23 (Source: P.A. 103-570, eff. 1-1-24.)

24 ARTICLE 99.

1 Section 99-99. Effective date. This Article and Article 1
2 take effect upon becoming law.