



Rep. William Davis

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1 AMENDMENT TO HOUSE BILL 2312

2 AMENDMENT NO. _____. Amend House Bill 2312 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1

5 Section 1-1. Short title. This Article may be cited as the
6 Legislative Contract Disclosure Act.

7 Section 1-5. Definitions. For purposes of this Article:

8 "Contract" means any contract or agreement for goods or
9 services executed by a legislator, legislative office, or
10 legislative agency, with an annual value of \$50,000 or more,
11 except, regardless of amount, "contract" as used in this
12 Article shall not include the following:

13 (1) Contracts with State agencies or officers or other
14 political subdivisions;

15 (2) Hiring of an individual as an employee or
16 independent contractor, whether pursuant to an employment
17 code or policy or by contract directly with that
18 individual;

19 (3) Collective bargaining contracts;

20 (4) Purchase of real estate; or

21 (5) Contracts necessary to prepare for anticipated
22 litigation, enforcement actions, or investigations.

23 "Contracting entity" means an entity that has executed a

1 contract with the legislator, legislative office, or
2 legislative agency.

3 "Key persons" means any persons who (i) have an ownership
4 or distributive income share in the contracting entity that is
5 in excess of 5%, or an amount greater than 60% of the annual
6 salary of the Governor; (ii) serve as executive officers of the
7 contracting entity; (iii) are employed by the contracting
8 entity who are required to register as lobbyists under the
9 Lobbyist Registration Act; (iv) are individuals or entities
10 with whom the contracting entity is contracting who are
11 required to register as lobbyists under the Lobbyist
12 Registration Act; and (v) are employed by the contracting
13 entity who are special government agents as defined in Section
14 4A-101(1) of the Illinois Governmental Ethics Act.

15 Section 1-10. Notice. Notice of the execution of contracts
16 shall be posted on the website of the Illinois General Assembly
17 that includes a brief description of the purpose of the
18 contract and disclosure of the names of the following:

- 19 (1) The contracting entity;
- 20 (2) Any entity that is a parent of, or owns a
21 controlling interest in, the contracting entity;
- 22 (3) Any entity that is a subsidiary of, or owns a
23 controlling interest in, the contracting entity;
- 24 (4) Any State, local, or federal political committee
25 that makes or may make political contributions on behalf of
26 the contracting entity; and
- 27 (5) The contracting entity's key persons.

28 This notice shall be posted within 10 business days after the
29 earlier of (i) execution of the contract or (ii) whenever
30 services or goods begin to be provided under the contract and,
31 in any event, prior to any payment by the State under the
32 contract.

1 Section 1-15. Application. This Article applies to
2 contracts executed on or after the effective date of this
3 amendatory Act of the 94th General Assembly.

4 ARTICLE 5

5 Section 5-1. Short title. This Article may be cited as the
6 Lieutenant Governor's Contract Disclosure Act.

7 Section 5-5. Definitions. For purposes of this Article:

8 "Contract" means any contract or agreement for goods or
9 services executed by the office of the Lieutenant Governor with
10 an annual value of \$50,000 or more, except, regardless of
11 amount, "contract" as used in this Section shall not include
12 the following:

13 (1) Contracts with State agencies or officers or other
14 political subdivisions;

15 (2) Hiring of an individual as an employee or
16 independent contractor, whether pursuant to an employment
17 code or policy or by contract directly with that
18 individual;

19 (3) Collective bargaining contracts;

20 (4) Purchase of real estate; or

21 (5) Contracts necessary to prepare for anticipated
22 litigation, enforcement actions, or investigations.

23 "Contracting entity" means an entity that has executed a
24 contract with the Office of the Lieutenant Governor.

25 "Key persons" means any persons who (i) have an ownership
26 or distributive income share in the contracting entity that is
27 in excess of 5%, or an amount greater than 60% of the annual
28 salary of the Governor; (ii) serve as executive officers of the
29 contracting entity; (iii) are employed by the contracting
30 entity who are required to register as lobbyists under the
31 Lobbyist Registration Act; (iv) are individuals or entities

1 with whom the contracting entity is contracting who are
2 required to register as lobbyists under the Lobbyist
3 Registration Act; and (v) are employed by the contracting
4 entity who are special government agents as defined in Section
5 4A-101(1) of the Illinois Governmental Ethics Act.

6 Section 5-10. Notice. Notice of the execution of contracts
7 shall be posted on the website of the Office of the Lieutenant
8 Governor that includes a brief description of the purpose of
9 the contract and disclosure of the names of the following:

- 10 (1) The contracting entity;
- 11 (2) Any entity that is a parent of, or owns a
12 controlling interest in, the contracting entity;
- 13 (3) Any entity that is a subsidiary of, or owns a
14 controlling interest in, the contracting entity;
- 15 (4) Any State, local, or federal political committee
16 that makes or may make political contributions on behalf of
17 the contracting entity; and
- 18 (5) The contracting entity's key persons.

19 This notice shall be posted within 10 business days after the
20 earlier of (i) execution of the contract or (ii) whenever
21 services or goods begin to be provided under the contract and,
22 in any event, prior to any payment by the State under the
23 contract.

24 Section 5-15. Application. This Article applies to
25 contracts executed on or after the effective date of this
26 amendatory Act of the 94th General Assembly.

27 ARTICLE 90

28 Section 90-5. The State Budget Law is amended by adding
29 Section 50-25 as follows:

1 (15 ILCS 20/50-25 new)

2 Sec. 50-25. Governor's Contract Disclosure.

3 (a) For purposes of this Section:

4 "Contract" means any contract or agreement for goods or
5 services executed by the Office of the Governor, with an annual
6 value of \$50,000 or more, except, regardless of amount,
7 "contract" as used in this Section shall not include the
8 following:

9 (1) Contracts with State agencies or officers or other
10 political subdivisions;

11 (2) Hiring of an individual as an employee or
12 independent contractor, whether pursuant to an employment
13 code or policy or by contract directly with that
14 individual;

15 (3) Collective bargaining contracts;

16 (4) Purchase of real estate; or

17 (5) Contracts necessary to prepare for anticipated
18 litigation, enforcement actions, or investigations.

19 "Contracting entity" means an entity that has executed a
20 contract with the Office of the Governor.

21 "Key persons" means any persons who (i) have an ownership
22 or distributive income share in the contracting entity that is
23 in excess of 5%, or an amount greater than 60% of the annual
24 salary of the Governor; (ii) serve as executive officers of the
25 contracting entity; (iii) are employed by the contracting
26 entity who are required to register as lobbyists under the
27 Lobbyist Registration Act; (iv) are individuals or entities
28 with whom the contracting entity is contracting who are
29 required to register as lobbyists under the Lobbyist
30 Registration Act; and (v) are employed by the contracting
31 entity who are special government agents as defined in Section
32 4A-101(1) of the Illinois Governmental Ethics Act.

33 (b) Notice of the execution of contracts shall be posted on
34 the website of the Office of the Governor that includes a brief

1 description of the purpose of the contract and disclosure of
2 the names of the following:

3 (1) The contracting entity;

4 (2) Any entity that is a parent of, or owns a
5 controlling interest in, the contracting entity;

6 (3) Any entity that is a subsidiary of, or owns a
7 controlling interest in, the contracting entity;

8 (4) Any State, local, or federal political committee
9 which makes or may make political contributions on behalf
10 of the contracting entity; and

11 (5) The contracting entity's key persons.

12 This notice shall be posted within 10 business days after the
13 earlier of (i) execution of the contract or (ii) whenever
14 services or goods begin to be provided under the contract and,
15 in any event, prior to any payment by the State under the
16 contract.

17 (c) This Section applies to contracts executed on or after
18 the effective date of this amendatory Act of the 94th General
19 Assembly.

20 Section 90-10. The Attorney General Act is amended by
21 adding Section 6.10 as follows:

22 (15 ILCS 205/6.10 new)

23 Sec. 6.10. Attorney General's Contract Disclosure.

24 (a) For purposes of this Section:

25 "Contract" means any contract or agreement for goods or
26 services executed by the Office of the Attorney General, with
27 an annual value of \$50,000 or more, except, regardless of
28 amount, "contract" as used in this Section shall not include
29 the following:

30 (1) Contracts with State agencies or officers or other
31 political subdivisions;

32 (2) Hiring of an individual as an employee or

1 independent contractor, whether pursuant to an employment
2 code or policy or by contract directly with that
3 individual;

4 (3) Collective bargaining contracts;

5 (4) Purchase of real estate; or

6 (5) Contracts necessary to prepare for anticipated
7 litigation, enforcement actions or investigations.

8 "Contracting entity" means an entity that has executed a
9 contract with the Office of the Attorney General.

10 "Key persons" means any persons who (i) have an ownership
11 or distributive income share in the contracting entity that is
12 in excess of 5%, or an amount greater than 60% of the annual
13 salary of the Governor; (ii) serve as executive officers of the
14 contracting entity; (iii) are employed by the contracting
15 entity who are required to register as lobbyists under the
16 Lobbyist Registration Act; (iv) are individuals or entities
17 with whom the contracting entity is contracting who are
18 required to register as lobbyists under the Lobbyist
19 Registration Act; and (v) are employed by the contracting
20 entity who are special government agents as defined in Section
21 4A-101(1) of the Illinois Governmental Ethics Act.

22 (b) Notice of the execution of contracts shall be posted on
23 the website of the Office of the Attorney General that includes
24 a brief description of the purpose of the contract and
25 disclosure of the names of the following:

26 (1) The contracting entity;

27 (2) Any entity that is a parent of, or owns a
28 controlling interest in, the contracting entity;

29 (3) Any entity that is a subsidiary of, or owns a
30 controlling interest in, the contracting entity;

31 (4) Any State, local, or federal political committee
32 which makes or may make political contributions on behalf
33 of the contracting entity; and

34 (5) The contracting entity's key persons.

1 This notice shall be posted within 10 business days after the
2 earlier of (i) execution of the contract or (ii) whenever
3 services or goods begin to be provided under the contract and,
4 in any event, prior to any payment by the State under the
5 contract.

6 (c) This Section applies to contracts executed on or after
7 the effective date of this amendatory Act of the 94th General
8 Assembly.

9 Section 90-12. The Secretary of State Act is amended by
10 adding Section 30 as follows:

11 (15 ILCS 305/30 new)

12 Sec. 30. Secretary of State's Contract Disclosure.

13 (a) For purposes of this Section:

14 "Contract" means any contract or agreement for goods or
15 services executed by the Office of the Secretary of State, with
16 an annual value of \$50,000 or more, except, regardless of
17 amount, "contract" as used in this Section shall not include
18 the following:

19 (1) Contracts with State agencies or officers or other
20 political subdivisions;

21 (2) Hiring of an individual as an employee or
22 independent contractor, whether pursuant to an employment
23 code or policy or by contract directly with that
24 individual;

25 (3) Collective bargaining contracts;

26 (4) Purchase of real estate; or

27 (5) Contracts necessary to prepare for anticipated
28 litigation, enforcement actions, or investigations.

29 "Contracting entity" means an entity that has executed a
30 contract with the Office of the Secretary of State.

31 "Key persons" means any persons who (i) have an ownership
32 or distributive income share in the contracting entity that is

1 in excess of 5%, or an amount greater than 60% of the annual
2 salary of the Governor; (ii) serve as executive officers of the
3 contracting entity; (iii) are employed by the contracting
4 entity who are required to register as lobbyists under the
5 Lobbyist Registration Act; (iv) are individuals or entities
6 with whom the contracting entity is contracting who are
7 required to register as lobbyists under the Lobbyist
8 Registration Act; and (v) are employed by the contracting
9 entity who are special government agents as defined in Section
10 4A-101(1) of the Illinois Governmental Ethics Act.

11 (b) Notice of the execution of contracts shall be posted on
12 the website of the Office of the Secretary of State that
13 includes a brief description of the purpose of the contract and
14 disclosure of the names of the following:

15 (1) The contracting entity;

16 (2) Any entity that is a parent of, or owns a controlling
17 interest in, the contracting entity;

18 (3) Any entity that is a subsidiary of, or owns a
19 controlling interest in, the contracting entity;

20 (4) Any State, local, or federal political committee that
21 makes or may make political contributions on behalf of the
22 contracting entity; and

23 (5) The contracting entity's key persons. This notice shall
24 be posted within 10 business days after the earlier of (i)
25 execution of the contract or (ii) whenever services or goods
26 begin to be provided under the contract and, in any event,
27 prior to any payment by the State under the contract.

28 (c) This Section applies to contracts executed on or after
29 the effective date of this amendatory Act of the 94th General
30 Assembly.

31 Section 90-13. The State Comptroller Act is amended by
32 adding Section 40 as follows:

1 (15 ILCS 405/40 new)

2 Sec. 40. Comptroller's Contract Disclosure.

3 (a) For purposes of this Section:

4 "Contract" means any contract or agreement for goods or
5 services executed by the Office of the Comptroller, with an
6 annual value of \$50,000 or more, except, regardless of amount,
7 "contract" as used in this Section shall not include the
8 following:

9 (1) Contracts with State agencies or officers or other
10 political subdivisions;

11 (2) Hiring of an individual as an employee or
12 independent contractor, whether pursuant to an employment code
13 or policy or by contract directly with that individual;

14 (3) Collective bargaining contracts;

15 (4) Purchase of real estate; or

16 (5) Contracts necessary to prepare for anticipated
17 litigation, enforcement actions, or investigations.

18 "Contracting entity" means an entity that has executed a
19 contract with the Office of the Comptroller.

20 "Key persons" means any persons who (i) have an ownership
21 or distributive income share in the contracting entity that is
22 in excess of 5%, or an amount greater than 60% of the annual
23 salary of the Governor; (ii) serve as executive officers of the
24 contracting entity; (iii) are employed by the contracting
25 entity who are required to register as lobbyists under the
26 Lobbyist Registration Act; (iv) are individuals or entities
27 with whom the contracting entity is contracting who are
28 required to register as lobbyists under the Lobbyist
29 Registration Act; and (v) are employed by the contracting
30 entity who are special government agents as defined in Section
31 4A-101(1) of the Illinois Governmental Ethics Act.

32 (b) Notice of the execution of contracts shall be posted on
33 the website of the Office of the Comptroller that includes a
34 brief description of the purpose of the contract and disclosure

1 of the names of the following:

2 (1) The contracting entity;

3 (2) Any entity that is a parent of, or owns a
4 controlling interest in, the contracting entity;

5 (3) Any entity that is a subsidiary of, or owns a
6 controlling interest in, the contracting entity;

7 (4) Any State, local, or federal political committee
8 which makes or may make political contributions on behalf
9 of the contracting entity; and

10 (5) The contracting entity's key persons.

11 This notice shall be posted within 10 business days after the
12 earlier of (i) execution of the contract or (ii) whenever
13 services or goods begin to be provided under the contract and,
14 in any event, prior to any payment by the State under the
15 contract.

16 (c) This Section applies to contracts executed on or after
17 the effective date of this amendatory Act of the 94th General
18 Assembly.

19 Section 90-15. The State Treasurer Act is amended by adding
20 Section 25 as follows:

21 (15 ILCS 505/25 new)

22 Sec. 25. Treasurer's Contract Disclosure.

23 (a) For purposes of this Section:

24 "Contract" means any contract or agreement for goods or
25 services executed by the Office of the Treasurer, with an
26 annual value of \$50,000 or more, except, regardless of amount,
27 "contract" as used in this Section shall not include the
28 following:

29 (1) Contracts with State agencies or officers or other
30 political subdivisions;

31 (2) Hiring of an individual as an employee or
32 independent contractor, whether pursuant to an employment code

1 or policy or by contract directly with that individual;

2 (3) Collective bargaining contracts;

3 (4) Purchase of real estate; or

4 (5) Contracts necessary to prepare for anticipated
5 litigation, enforcement actions, or investigations.

6 "Contracting entity" means an entity that has executed a
7 contract with the Office of the Treasurer.

8 "Key persons" means any persons who (i) have an ownership
9 or distributive income share in the contracting entity that is
10 in excess of 5%, or an amount greater than 60% of the annual
11 salary of the Governor; (ii) serve as executive officers of the
12 contracting entity; (iii) are employed by the contracting
13 entity who are required to register as lobbyists under the
14 Lobbyist Registration Act; (iv) are individuals or entities
15 with whom the contracting entity is contracting who are
16 required to register as lobbyists under the Lobbyist
17 Registration Act; and (v) are employed by the contracting
18 entity who are special government agents as defined in Section
19 4A-101(1) of the Illinois Governmental Ethics Act.

20 (b) Notice of the execution of contracts shall be posted on
21 the website of the Office of the Treasurer that includes a
22 brief description of the purpose of the contract and disclosure
23 of the names of the following:

24 (1) The contracting entity;

25 (2) Any entity that is a parent of, or owns a
26 controlling interest in, the contracting entity;

27 (3) Any entity that is a subsidiary of, or owns a
28 controlling interest in, the contracting entity;

29 (4) Any State, local, or federal political committee
30 which makes or may make political contributions on behalf
31 of the contracting entity; and

32 (5) The contracting entity's key persons.

33 This notice shall be posted within 10 business days after the
34 earlier of (i) execution of the contract or (ii) whenever

1 services or goods begin to be provided under the contract and,
2 in any event, prior to any payment by the State under the
3 contract.

4 (c) This Section applies to contracts executed on or after
5 the effective date of this amendatory Act of the 94th General
6 Assembly.

7 Section 90-20. The Illinois State Auditing Act is amended
8 by adding Section 2-20 as follows:

9 (30 ILCS 5/2-20 new)

10 Sec. 2-20. Auditor General's Contract Disclosure.

11 (a) For purposes of this Section:

12 "Contract" means any contract or agreement for goods or
13 services executed by the Office of the Auditor General, with an
14 annual value of \$50,000 or more, except, regardless of amount,
15 "contract" as used in this Section shall not include the
16 following:

17 (1) Contracts with State agencies or officers or other
18 political subdivisions;

19 (2) Hiring of an individual as an employee or
20 independent contractor, whether pursuant to an employment
21 code or policy or by contract directly with that
22 individual;

23 (3) Collective bargaining contracts;

24 (4) Purchase of real estate; or

25 (5) Contracts necessary to prepare for anticipated
26 litigation, enforcement actions, or investigations.

27 "Contracting entity" means an entity that has executed a
28 contract with the Office of the Auditor General.

29 "Key persons" means any persons who (i) have an ownership
30 or distributive income share in the contracting entity that is
31 in excess of 5%, or an amount greater than 60% of the annual
32 salary of the Governor; (ii) serve as executive officers of the

1 contracting entity; (iii) are employed by the contracting
2 entity who are required to register as lobbyists under the
3 Lobbyist Registration Act; (iv) are individuals or entities
4 with whom the contracting entity is contracting who are
5 required to register as lobbyists under the Lobbyist
6 Registration Act; and (v) are employed by the contracting
7 entity who are special government agents as defined in Section
8 4A-101(1) of the Illinois Governmental Ethics Act.

9 (b) Notice of the execution of contracts shall be posted on
10 the website of the Office of the Auditor General that includes
11 a brief description of the purpose of the contract and
12 disclosure of the names of the following:

13 (1) The contracting entity;

14 (2) Any entity that is a parent of, or owns a
15 controlling interest in, the contracting entity;

16 (3) Any entity that is a subsidiary of, or owns a
17 controlling interest in, the contracting entity;

18 (4) Any State, local, or federal political committee
19 which makes or may make political contributions on behalf
20 of the contracting entity; and

21 (5) The contracting entity's key persons.

22 This notice shall be posted within 10 business days after the
23 earlier of (i) execution of the contract or (ii) whenever
24 services or goods begin to be provided under the contract and,
25 in any event, prior to any payment by the State under the
26 contract.

27 (c) This Section applies to contracts executed on or after
28 the effective date of this amendatory Act of the 94th General
29 Assembly.

30 Section 90-25. The Illinois Procurement Code is amended by
31 changing Sections 1-15.30, 15-25, 20-25, 20-30, 20-80, 50-20,
32 50-30, and 50-60 and by adding Section 50-37 as follows:

1 (30 ILCS 500/1-15.30)

2 Sec. 1-15.30. Contract. "Contract" means all types of State
3 agreements, regardless of what they may be called, for the
4 procurement, use, or disposal of supplies, services,
5 professional or artistic services, or construction or for
6 leases of real property or capital improvements, and including
7 master contracts, contracts for financing through use of
8 installment or lease-purchase arrangements, renegotiated
9 contracts, amendments to contracts and change orders. The
10 changes to this Section made by this amendatory Act of the 94th
11 General Assembly apply to amendments executed on or after its
12 effective date.

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

14 (30 ILCS 500/15-25)

15 Sec. 15-25. Bulletin content.

16 (a) Invitations for bids. Notice of each and every contract
17 that is offered, including renegotiated contracts and change
18 orders, shall be published in the Bulletin. The applicable
19 chief procurement officer may provide by rule an organized
20 format for the publication of this information, but in any case
21 it must include at least the date first offered, the date
22 submission of offers is due, the location that offers are to be
23 submitted to, the purchasing State agency, the responsible
24 State purchasing officer, a brief purchase description, the
25 method of source selection, and information of how to obtain a
26 comprehensive purchase description and any disclosure and
27 contract forms.

28 (b) Contracts let or awarded. Notice of each and every
29 contract that is let or awarded, including renegotiated
30 contracts and change orders, shall be published in the next
31 available subsequent Bulletin, and the applicable chief
32 procurement officer may provide by rule an organized format for
33 the publication of this information, but in any case it must

1 include at least all of the information specified in subsection
2 (a) as well as the name of the successful responsible bidder or
3 offeror, the contract price, the number of unsuccessful
4 responsive bidders, and any other disclosure specified in any
5 Section of this Code. This notice shall include the disclosures
6 required under Section 50-37. In addition, the notice shall
7 summarize the outreach efforts undertaken by the agency to make
8 potential bidders or offerors aware of any contract offer other
9 than publication in the Bulletin. This notice must be posted in
10 the online electronic Bulletin within 10 business days after
11 the earlier of (i) execution of the contract or (ii) whenever
12 services or goods begin to be provided under the contract and,
13 in any event, prior to any payment by the State under the
14 contract.

15 (c) Emergency purchase disclosure. Any chief procurement
16 officer, State purchasing officer, or designee exercising
17 emergency purchase authority under this Code shall publish a
18 written description and reasons and the total cost, if known,
19 or an estimate if unknown and the name of the responsible chief
20 procurement officer and State purchasing officer, and the
21 business or person contracted with for all emergency purchases
22 in the next timely, practicable Bulletin. This notice must be
23 posted in the online electronic Bulletin within 10 business
24 days after the earlier of (i) execution of the contract or (ii)
25 whenever services or goods begin to be provided under the
26 contract and, in any event, prior to any payment by the State
27 under the contract.

28 (c-5) Each State agency shall post online on the
29 Procurement Bulletin a copy of its annual report of utilization
30 of businesses owned by minorities, females, and persons with
31 disabilities as submitted to the Business Enterprises Council
32 for Minorities, Females, and Persons with Disabilities
33 pursuant to Section 6(c) of the Business Enterprise for
34 Minorities, Females, and Persons with Disabilities Act within

1 10 business days of its submission of its report to the
2 Council.

3 (d) Other required disclosure. The applicable chief
4 procurement officer shall provide by rule for the organized
5 publication of all other disclosure required in other Sections
6 of this Code in a timely manner.

7 (e) The changes to this Section made by this amendatory Act
8 of the 94th General Assembly apply to reports submitted, offers
9 made, and notices on contracts executed on or after its
10 effective date.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

12 (30 ILCS 500/20-25)

13 Sec. 20-25. Sole source procurements. In accordance with
14 standards set by rule, contracts may be awarded without use of
15 the specified method of source selection when there is only one
16 economically feasible source for the item. This Section may not
17 be used as a basis for amending a contract if the amendment
18 would result in an increase in the amount paid under the
19 contract of more than 5% of the initial award, or would extend
20 the contract term beyond the time reasonably needed for a
21 competitive procurement, not to exceed 2 months. At least 2
22 weeks before entering into a sole source contract, the
23 purchasing agency shall publish in the Illinois Procurement
24 Bulletin a notice of intent to do so along with a description
25 of the item to be procured and the intended sole source
26 contractor. The changes to this Section made by this amendatory
27 Act of the 94th General Assembly apply to amendments executed
28 on or after its effective date.

29 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

30 (30 ILCS 500/20-30)

31 Sec. 20-30. Emergency purchases.

32 (a) Conditions for use. In accordance with standards set by

1 rule, a purchasing agency may make emergency procurements
2 without competitive sealed bidding or prior notice when there
3 exists a threat to public health or public safety, or when
4 immediate expenditure is necessary for repairs to State
5 property in order to protect against further loss of or damage
6 to State property, to prevent or minimize serious disruption in
7 critical State services that affect health, safety, or
8 collections of substantial State revenue, or to ensure the
9 integrity of State records; provided, however, that the term of
10 the emergency purchase shall be limited to the time reasonably
11 needed for a competitive procurement, not to exceed 2 months.

12 Emergency procurements shall be made with as much competition
13 as is practicable under the circumstances. A written
14 description of the basis for the emergency and reasons for the
15 selection of the particular contractor shall be included in the
16 contract file.

17 (b) Notice. Before the next appropriate volume of the
18 Illinois Procurement Bulletin, the purchasing agency shall
19 publish in the Illinois Procurement Bulletin a copy of each
20 written description and reasons and the total cost of each
21 emergency procurement made during the previous month. When only
22 an estimate of the total cost is known at the time of
23 publication, the estimate shall be identified as an estimate
24 and published. When the actual total cost is determined, it
25 shall also be published in like manner before the 10th day of
26 the next succeeding month.

27 (c) Affidavits. A purchasing agency making a procurement
28 under this Section shall file affidavits with the chief
29 procurement officer and the Auditor General within 10 days
30 after the procurement setting forth the amount expended, the
31 name of the contractor involved, and the conditions and
32 circumstances requiring the emergency procurement. When only
33 an estimate of the cost is available within 10 days after the
34 procurement, the actual cost shall be reported immediately

1 after it is determined. At the end of each fiscal quarter, the
2 Auditor General shall file with the Legislative Audit
3 Commission and the Governor a complete listing of all emergency
4 procurements reported during that fiscal quarter. The
5 Legislative Audit Commission shall review the emergency
6 procurements so reported and, in its annual reports, advise the
7 General Assembly of procurements that appear to constitute an
8 abuse of this Section.

9 (d) Quick purchases. The chief procurement officer may
10 promulgate rules extending the circumstances by which a
11 purchasing agency may make purchases under this Section,
12 including but not limited to the procurement of items available
13 at a discount for a limited period of time.

14 (e) The changes to this Section made by this Amendatory Act
15 of the 94th General Assembly apply to procurements executed on
16 or after its effective date.

17 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

18 (30 ILCS 500/20-80)

19 Sec. 20-80. Contract files.

20 (a) Written determinations. All written determinations
21 required under this Article shall be placed in the contract
22 file maintained by the chief procurement officer.

23 (b) Filing with Comptroller. Whenever a grant, defined
24 pursuant to accounting standards established by the
25 Comptroller, or a contract liability, except for: (1) contracts
26 paid from personal services, or (2) contracts between the State
27 and its employees to defer compensation in accordance with
28 Article 24 of the Illinois Pension Code, exceeding \$10,000 is
29 incurred by any State agency, a copy of the contract, purchase
30 order, grant, or lease or amendments thereto shall be filed
31 with the Comptroller within 15 days of execution. ~~thereafter.~~
32 Any cancellation or modification to any such contract liability
33 shall be filed with the Comptroller within 15 days of its

1 execution.

2 (c) Late filing affidavit. When a contract, purchase order,
3 grant, or lease or amendment thereto required to be filed by
4 this Section has not been filed within 15 ~~30~~ days of execution,
5 notice shall be filed with the Comptroller within 15 days of
6 execution indicating that a contract or amendment thereto
7 described within the notice has been executed and will not be
8 filed within 15 days of execution, and the Comptroller shall
9 refuse to issue a warrant for payment thereunder until the
10 agency files with the Comptroller the contract, purchase order,
11 grant, or lease or amendment thereto and an affidavit, signed
12 by the chief executive officer of the agency or his or her
13 designee, setting forth an explanation of why the contract
14 liability was not filed within 15 ~~30~~ days of execution. A copy
15 of this affidavit shall be filed with the Auditor General.

16 (d) Professional and artistic services contracts. No
17 voucher shall be submitted to the Comptroller for a warrant to
18 be drawn for the payment of money from the State treasury or
19 from other funds held by the State Treasurer on account of any
20 contract for services involving professional or artistic
21 skills involving an expenditure of more than \$5,000 for the
22 same type of service at the same location during any fiscal
23 year unless the contract is reduced to writing before the
24 services are performed and filed with the Comptroller. When a
25 contract for professional or artistic skills in excess of
26 \$5,000 was not reduced to writing before the services were
27 performed, the Comptroller shall refuse to issue a warrant for
28 payment for the services until the State agency files with the
29 Comptroller:

- 30 (1) a written contract covering the services, and
31 (2) an affidavit, signed by the chief executive officer
32 of the State agency or his or her designee, stating that
33 the services for which payment is being made were agreed to
34 before commencement of the services and setting forth an

1 explanation of why the contract was not reduced to writing
2 before the services commenced.

3 A copy of this affidavit shall be filed with the Auditor
4 General. The Comptroller shall maintain professional or
5 artistic service contracts filed under this Section separately
6 from other filed contracts.

7 (e) Method of source selection. When a contract or
8 amendment thereto is filed with the Comptroller under this
9 Section, the Comptroller's file shall identify the method of
10 source selection used in obtaining the contract.

11 (f) Upon the request of the Comptroller, State agencies
12 shall supply all documents and information reasonably
13 requested by the Comptroller with respect to compliance with
14 this Code within 10 business days of the request.

15 (g) The changes to this Section made by this amendatory Act
16 of the 94th General Assembly apply to contracts, purchase
17 orders, grants, or leases or amendments thereto executed on or
18 after its effective date.

19 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-904, eff.
20 7-6-00.)

21 (30 ILCS 500/50-20)

22 Sec. 50-20. Exemptions. With the approval of the
23 appropriate chief procurement officer involved, the Governor,
24 or an executive ethics board or commission he or she
25 designates, may exempt named individuals from the prohibitions
26 of Section 50-13 when, in his, her, or its judgment, the public
27 interest in having the individual in the service of the State
28 outweighs the public policy evidenced in that Section. An
29 exemption is effective only when it is filed with the Secretary
30 of State and the Comptroller and includes a statement setting
31 forth the name of the individual and all the pertinent facts
32 that would make that Section applicable, setting forth the
33 reason for the exemption, and declaring the individual exempted

1 from that Section. Exemptions must be filed with the Secretary
2 of State and Comptroller prior to execution of any contracts. A
3 copy of ~~Notice of~~ each exemption shall be published in the
4 Illinois Procurement Bulletin in its electronic form prior to
5 execution of the contract. The changes to this Section made by
6 this amendatory Act of the 94th General Assembly apply to
7 exemptions granted on or after its effective date.

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

9 (30 ILCS 500/50-37 new)

10 Sec. 50-37. Contract award disclosure.

11 (a) For purposes of this Section:

12 "Contracting entity" means an entity that would execute any
13 contract with a State agency.

14 "Key persons" means any persons who (i) have an ownership
15 or distributive income share in the contracting entity that is
16 in excess of 5%, or an amount greater than 60% of the annual
17 salary of the Governor; (ii) serve as executive officers of the
18 contracting entity; (iii) are employed by the contracting
19 entity who are required to register under the Lobbyist
20 Registration Act; (iv) are individuals or entities with whom
21 the contracting entity is contracting who are required to be
22 registered as lobbyists under the Lobbyist Registration Act;
23 and (v) are employed by the contracting entity who are special
24 government agents as defined in Section 4A-101(1) of the
25 Illinois Governmental Ethics Act.

26 (b) For contracts with an annual value of \$50,000 or more
27 all offers from responsive bidders or offerors shall be
28 accompanied by disclosure of the names of the following:

29 (1) The contracting entity.

30 (2) Any entity that is a parent of, or owns a
31 controlling interest in, the contracting entity.

32 (3) Any entity that is a subsidiary of, or in which a
33 controlling interest is owned by the contracting entity.

1 (4) Any State, local, or federal political committee
2 that makes or may make political contributions on behalf of
3 the contracting entity.

4 (5) The contracting entity's key persons.

5 (c) Notices of contracts let or awarded published in the
6 Procurement Bulletin pursuant to Section 15-25 shall include as
7 part of the notice posted online the names disclosed by the
8 winning bidder or offeror pursuant to subsection (b).

9 (d) The changes made to this Section made by this
10 amendatory Act of the 94th General Assembly apply to contracts
11 first offered on or after its effective date.

12 (30 ILCS 500/50-60)

13 Sec. 50-60. Voidable contracts.

14 (a) If any contract or amendment thereto is entered into or
15 purchase or expenditure of funds is made at any time in
16 violation of this Code or any other law, the contract or
17 amendment thereto may be declared void by the Comptroller, with
18 the approval of the Treasurer, or the chief procurement officer
19 or may be ratified and affirmed by the Comptroller, with the
20 approval of the Treasurer, or by the chief procurement officer,
21 provided the Comptroller, with the approval of the Treasurer,
22 or the chief procurement officer determines that ratification
23 is in the best interests of the State. If the contract is
24 ratified and affirmed, it shall be without prejudice to the
25 State's rights to any appropriate damages.

26 (b) If, during the term of a contract, the contracting
27 agency determines that the contractor is delinquent in the
28 payment of debt as set forth in Section 50-11 of this Code, the
29 State agency may declare the contract void if it determines
30 that voiding the contract is in the best interests of the
31 State. The Debt Collection Board shall adopt rules for the
32 implementation of this subsection (b).

33 (c) If, during the term of a contract, the contracting

1 agency determines that the contractor is in violation of
2 Section 50-10.5 of this Code, the contracting agency shall
3 declare the contract void.

4 (d) The changes to this Section made by this amendatory Act
5 of the 94th General Assembly apply to actions taken by the
6 Comptroller and Treasurer on or after its effective date.

7 (Source: P.A. 92-404, eff. 7-1-02; 93-600, eff. 1-1-04.)

8 ARTICLE 99

9 Section 99-5. Effective date. This Act takes effect upon
10 becoming law.".