



Sen. Dan Kotowski

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LRB096 06407 RCE 39265 a

1 AMENDMENT TO SENATE BILL 375

2 AMENDMENT NO. _____. Amend Senate Bill 375 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 20-25 and 20-60 as follows:

6 (30 ILCS 500/20-25)

7 (Text of Section before amendment by P.A. 96-795)

8 Sec. 20-25. Sole source procurements. In accordance with
9 standards set by rule, contracts may be awarded without use of
10 the specified method of source selection when there is only one
11 economically feasible source for the item. At least 2 weeks
12 before entering into a sole source contract, the purchasing
13 agency shall publish in the Illinois Procurement Bulletin a
14 notice of intent to do so along with a description of the item
15 to be procured and the intended sole source contractor.

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

1 (Text of Section after amendment by P.A. 96-795)

2 Sec. 20-25. Sole source procurements.

3 (a) In accordance with standards set by rule, contracts may
4 be awarded without use of the specified method of source
5 selection when there is only one economically feasible source
6 for the item. A State contract may not be awarded as a sole
7 source procurement unless approved by the chief procurement
8 officer following a public hearing at which the chief
9 procurement officer and purchasing agency present written
10 justification for the procurement method. The Procurement
11 Policy Board and the public may present testimony.

12 (b) This Section may not be used as a basis for amending a
13 contract for professional or artistic services if the amendment
14 would result in an increase in the amount paid under the
15 contract of more than 5% of the initial award, or would extend
16 the contract term beyond the time reasonably needed for a
17 competitive procurement, not to exceed 2 months.

18 (c) Notice of intent to enter into a sole source contract
19 shall be provided to the Procurement Policy Board and published
20 in the online electronic Bulletin at least 14 days before the
21 public hearing required in subsection (a). The notice shall
22 include the sole source procurement justification form
23 prescribed by the Board, a description of the item to be
24 procured, the intended sole source contractor, and the date,
25 time, and location of the public hearing. A copy of the notice

1 and all documents provided at the hearing shall be included in
2 the subsequent Procurement Bulletin.

3 (d) By August 1 each year, each chief procurement officer
4 shall file a report with the General Assembly identifying each
5 contract the officer sought under the sole source procurement
6 method and providing the justification given for seeking sole
7 source as the procurement method for each of those contracts.

8 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
9 for the effective date of changes made by P.A. 96-795).)

10 (30 ILCS 500/20-60)

11 Sec. 20-60. Duration of contracts; renewal or extension.

12 (a) Maximum duration. A contract, other than a contract
13 entered into pursuant to the State University Certificates of
14 Participation Act, may be entered into for any period of time
15 deemed to be in the best interests of the State but not
16 exceeding 10 years inclusive, beginning January 1, 2010, of
17 proposed contract renewals. The length of a lease for real
18 property or capital improvements shall be in accordance with
19 the provisions of Section 40-25. A contract for bond or
20 mortgage insurance awarded by the Illinois Housing Development
21 Authority, however, may be entered into for any period of time
22 less than or equal to the maximum period of time that the
23 subject bond or mortgage may remain outstanding.

24 (b) Subject to appropriation. All contracts made or entered
25 into shall recite that they are subject to termination and

1 cancellation in any year for which the General Assembly fails
2 to make an appropriation to make payments under the terms of
3 the contract.

4 (c) If a chief procurement officer proposes to extend or
5 renew a contract entered into under this Code by the State and
6 the total value of the contract for the initial term and all
7 proposed extended or renewed terms would exceed \$249,999, then
8 the chief procurement officer must first file the proposed
9 extension or renewal with the Procurement Policy Board. If the
10 Procurement Policy Board does not object to the proposed
11 extension or renewal within 30 calendar days after filing, then
12 the extension or renewal may be entered into. This subsection
13 does not apply to any emergency procurement, any procurement
14 under Article 40, or any procurement exempted by Section
15 1-10(b) of this Code. If any State agency contract is paid for
16 in whole or in part with federal-aid funds, grants, or loans
17 and the provisions of this subsection would result in the loss
18 of those federal-aid funds, grants, or loans, then the contract
19 is exempt from the provisions of this subsection in order to
20 remain eligible for those federal-aid funds, grants, or loans,
21 and the State agency shall file notice of this exemption with
22 the Procurement Policy Board. By August 1 each year, the
23 Procurement Policy Board shall file a report with the General
24 Assembly identifying the proposed extensions or renewals that
25 were filed with the Board during the previous fiscal year and
26 specifying which of those to which the Board objected.

1 (Source: P.A. 95-344, eff. 8-21-07; 96-15, eff. 6-22-09;
2 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the
3 effective date of changes made by P.A. 96-795).)

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."