

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Procurement Code is amended by
5 adding Section 1-13 as follows:

6 (30 ILCS 500/1-13 new)

7 Sec. 1-13. Applicability to public institutions of higher
8 education.

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

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

15 (1) Memberships in professional, academic, or athletic
16 organizations on behalf of a public institution of higher
17 education, an employee of a public institution of higher
18 education, or a student at a public institution of higher
19 education.

20 (2) Procurement expenditures for events or activities
21 paid for exclusively by revenues generated by the event or
22 activity, gifts or donations for the event or activity,
23 private grants, or any combination thereof.

1 (3) Procurement expenditures for events or activities
2 for which the use of specific vendors is mandated or
3 identified by the sponsor of the event or activity,
4 provided that the sponsor is providing a majority of the
5 funding for the event or activity.

6 (4) Procurement expenditures necessary to provide
7 artistic or musical services, performances, or productions
8 held at a venue operated by a public institution of higher
9 education.

10 (5) Procurement expenditures for periodicals and books
11 procured for use by a university library or academic
12 department, except for expenditures related to procuring
13 textbooks for student use or materials for resale or
14 rental.

15 Notice of each contract entered into by a public institution of
16 higher education that is related to the procurement of goods
17 and services identified in items (1) through (5) of this
18 subsection shall be published in the Procurement Bulletin
19 within 14 days after contract execution. The Chief Procurement
20 Officer shall prescribe the form and content of the notice.
21 Each public institution of higher education shall provide the
22 Chief Procurement Officer, on a monthly basis, in the form and
23 content prescribed by the Chief Procurement Officer, a report
24 of contracts that are related to the procurement of goods and
25 services identified in this subsection. At a minimum, this
26 report shall include the name of the contractor, a description

1 of the supply or service provided, the total amount of the
2 contract, the term of the contract, and the exception to the
3 Code utilized. A copy of any or all of these contracts shall be
4 made available to the Chief Procurement Officer immediately
5 upon request. The Chief Procurement Officer shall submit a
6 report to the Governor and General Assembly no later than
7 November 1 of each year that shall include, at a minimum, an
8 annual summary of the monthly information reported to the Chief
9 Procurement Officer.

10 (c) Procurements made by or on behalf of public
11 institutions of higher education for any of the following shall
12 be made in accordance with the requirements of this Code to the
13 extent practical as provided in this subsection:

14 (1) Contracts with a foreign entity necessary for
15 research or educational activities, provided that the
16 foreign entity either does not maintain an office in the
17 United States or is the sole source of the service or
18 product.

19 (2) Procurements of FDA-regulated goods, products, and
20 services necessary for the delivery of care and treatment
21 at medical, dental, or veterinary teaching facilities
22 utilized by the University of Illinois or Southern Illinois
23 University.

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

1 (4) Procurements required for fulfillment of a grant.

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

20 (d) Notwithstanding this Section, a waiver of the
21 registration requirements of Section 20-160 does not permit a
22 business entity and any affiliated entities or affiliated
23 persons to make campaign contributions if otherwise prohibited
24 by Section 50-37. The total amount of contracts awarded in
25 accordance with this Section shall be included in determining
26 the aggregate amount of contracts or pending bids of a business

1 entity and any affiliated entities or affiliated persons.

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

21 (f) As used in this Section:

22 "Grant" means non-appropriated funding provided by a
23 federal or private entity to support a project or program
24 administered by a public institution of higher education and
25 any non-appropriated funding provided to a sub-recipient of the
26 grant.

1 "Public institution of higher education" means Chicago
2 State University, Eastern Illinois University, Governors State
3 University, Illinois State University, Northeastern Illinois
4 University, Northern Illinois University, Southern Illinois
5 University, University of Illinois, and Western Illinois
6 University.

7 (g) This Section is repealed on December 31, 2014.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.