

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 Department of Central Management Services
5 Law of the Civil Administrative Code of Illinois is amended by
6 changing Sections 405-105 and 405-411 as follows:

7 (20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

8 Sec. 405-105. Fidelity, surety, property, and casualty
9 insurance. The Department shall establish and implement a
10 program to coordinate the handling of all fidelity, surety,
11 property, and casualty insurance exposures of the State and the
12 departments, divisions, agencies, branches, and universities
13 of the State. In performing this responsibility, the Department
14 shall have the power and duty to do the following:

15 (1) Develop and maintain loss and exposure data on all
16 State property.

17 (2) Study the feasibility of establishing a
18 self-insurance plan for State property and prepare
19 estimates of the costs of reinsurance for risks beyond the
20 realistic limits of the self-insurance.

21 (3) Prepare a plan for centralizing the purchase of
22 property and casualty insurance on State property under a
23 master policy or policies and purchase the insurance

1 contracted for as provided in the Illinois Purchasing Act.

2 (4) Evaluate existing provisions for fidelity bonds
3 required of State employees and recommend changes that are
4 appropriate commensurate with risk experience and the
5 determinations respecting self-insurance or reinsurance so
6 as to permit reduction of costs without loss of coverage.

7 (5) Investigate procedures for inclusion of school
8 districts, public community college districts, and other
9 units of local government in programs for the centralized
10 purchase of insurance.

11 (6) Implement recommendations of the State Property
12 Insurance Study Commission that the Department finds
13 necessary or desirable in the performance of its powers and
14 duties under this Section to achieve efficient and
15 comprehensive risk management.

16 (7) Prepare and, in the discretion of the Director,
17 implement a plan providing for the purchase of public
18 liability insurance or for self-insurance for public
19 liability or for a combination of purchased insurance and
20 self-insurance for public liability (i) covering the State
21 and drivers of motor vehicles owned, leased, or controlled
22 by the State of Illinois pursuant to the provisions and
23 limitations contained in the Illinois Vehicle Code, (ii)
24 covering other public liability exposures of the State and
25 its employees within the scope of their employment, and
26 (iii) covering drivers of motor vehicles not owned, leased,

1 or controlled by the State but used by a State employee on
2 State business, in excess of liability covered by an
3 insurance policy obtained by the owner of the motor vehicle
4 or in excess of the dollar amounts that the Department
5 shall determine to be reasonable. Any contract of insurance
6 let under this Law shall be by bid in accordance with the
7 procedure set forth in the Illinois Purchasing Act. Any
8 provisions for self-insurance shall conform to subdivision
9 (11).

10 The term "employee" as used in this subdivision (7) and
11 in subdivision (11) means a person while in the employ of
12 the State who is a member of the staff or personnel of a
13 State agency, bureau, board, commission, committee,
14 department, university, or college or who is a State
15 officer, elected official, commissioner, member of or ex
16 officio member of a State agency, bureau, board,
17 commission, committee, department, university, or college,
18 or a member of the National Guard while on active duty
19 pursuant to orders of the Governor of the State of
20 Illinois, or any other person while using a licensed motor
21 vehicle owned, leased, or controlled by the State of
22 Illinois with the authorization of the State of Illinois,
23 provided the actual use of the motor vehicle is within the
24 scope of that authorization and within the course of State
25 service.

26 Subsequent to payment of a claim on behalf of an

1 employee pursuant to this Section and after reasonable
2 advance written notice to the employee, the Director may
3 exclude the employee from future coverage or limit the
4 coverage under the plan if (i) the Director determines that
5 the claim resulted from an incident in which the employee
6 was grossly negligent or had engaged in willful and wanton
7 misconduct or (ii) the Director determines that the
8 employee is no longer an acceptable risk based on a review
9 of prior accidents in which the employee was at fault and
10 for which payments were made pursuant to this Section.

11 The Director is authorized to promulgate
12 administrative rules that may be necessary to establish and
13 administer the plan.

14 Appropriations from the Road Fund shall be used to pay
15 auto liability claims and related expenses involving
16 employees of the Department of Transportation, the
17 Illinois State Police, and the Secretary of State.

18 (8) Charge, collect, and receive from all other
19 agencies of the State government fees or monies equivalent
20 to the cost of purchasing the insurance.

21 (9) Establish, through the Director, charges for risk
22 management services rendered to State agencies by the
23 Department. The State agencies so charged shall reimburse
24 the Department by vouchers drawn against their respective
25 appropriations. The reimbursement shall be determined by
26 the Director as amounts sufficient to reimburse the

1 Department for expenditures incurred in rendering the
2 service.

3 The Department shall charge the employing State agency
4 or university for workers' compensation payments for
5 temporary total disability paid to any employee after the
6 employee has received temporary total disability payments
7 for 120 days if the employee's treating physician has
8 issued a release to return to work with restrictions and
9 the employee is able to perform modified duty work but the
10 employing State agency or university does not return the
11 employee to work at modified duty. Modified duty shall be
12 duties assigned that may or may not be delineated as part
13 of the duties regularly performed by the employee. Modified
14 duties shall be assigned within the prescribed
15 restrictions established by the treating physician and the
16 physician who performed the independent medical
17 examination. The amount of all reimbursements shall be
18 deposited into the Workers' Compensation Revolving Fund
19 which is hereby created as a revolving fund in the State
20 treasury. In addition to any other purpose authorized by
21 law, moneys in the Fund shall be used, subject to
22 appropriation, to pay these or other temporary total
23 disability claims of employees of State agencies and
24 universities.

25 Beginning with fiscal year 1996, all amounts recovered
26 by the Department through subrogation in workers'

1 compensation and workers' occupational disease cases shall
2 be deposited into the Workers' Compensation Revolving Fund
3 created under this subdivision (9).

4 (10) Through December 31, 2012, establish ~~Establish~~
5 rules, procedures, and forms to be used by State agencies
6 in the administration and payment of workers' compensation
7 claims. Through December 31, 2012, the ~~The~~ Department shall
8 initially evaluate and determine the compensability of any
9 injury that is the subject of a workers' compensation claim
10 and provide for the administration and payment of such a
11 claim for all State agencies. Through December 31, 2012,
12 the ~~The~~ Director may delegate to any agency with the
13 agreement of the agency head the responsibility for
14 evaluation, administration, and payment of that agency's
15 claims.

16 (10a) ~~If the Director determines it would be in the~~
17 ~~best interests of the State and its employees, prepare and~~
18 ~~implement a plan providing for: (i) the purchase of~~
19 ~~workers' compensation insurance for workers' compensation~~
20 ~~liability; (ii) third party administration of~~
21 ~~self insurance, in whole or in part, for workers'~~
22 ~~compensation liability; or (iii) a combination of~~
23 ~~purchased insurance and self insurance for workers'~~
24 ~~compensation liability, including reinsurance or stop loss~~
25 ~~insurance. Any contract for insurance or third party~~
26 ~~administration shall be on terms consistent with State~~

1 ~~policy; awarded in compliance with the Illinois~~
2 ~~Procurement Code; and based on, but not limited to, the~~
3 ~~following criteria: administrative cost, service~~
4 ~~capabilities of the carrier or other contractor and~~
5 ~~premiums, fees, or charges.~~ By April 1 of each year prior
6 to calendar year 2013, the Director must report and provide
7 information to the State Workers' Compensation Program
8 Advisory Board concerning the status of the State workers'
9 compensation program for the next fiscal year. Information
10 that the Director must provide to the State Workers'
11 Compensation Program Advisory Board includes, but is not
12 limited to, documents, reports of negotiations, bid
13 invitations, requests for proposals, specifications,
14 copies of proposed and final contracts or agreements, and
15 any other materials concerning contracts or agreements for
16 the program. By the first of each month prior to calendar
17 year 2013 thereafter, the Director must provide updated,
18 and any new, information to the State Workers' Compensation
19 Program Advisory Board until the State workers'
20 compensation program for the next fiscal year is
21 determined.

22 (10b) No later than January 1, 2013, the chief
23 procurement officer appointed under paragraph (4) of
24 subsection (a) of Section 10-20 of the Illinois Procurement
25 Code (hereinafter "chief procurement officer"), in
26 consultation with the Department of Central Management

1 Services, shall procure one or more private vendors to
2 administer, beginning January 1, 2013, the program
3 providing payments for workers' compensation liability
4 with respect to the employees of all State agencies. The
5 chief procurement officer may procure a single contract
6 applicable to all State agencies or multiple contracts
7 applicable to one or more State agencies. If the chief
8 procurement officer procures a single contract applicable
9 to all State agencies, then the Department of Central
10 Management Services shall be designated as the agency that
11 enters into the contract and shall be responsible for the
12 contract. If the chief procurement officer procures
13 multiple contracts applicable to one or more State
14 agencies, each agency to which the contract applies shall
15 be designated as the agency that shall enter into the
16 contract and shall be responsible for the contract. If the
17 chief procurement officer procures contracts applicable to
18 an individual State agency, the agency subject to the
19 contract shall be designated as the agency responsible for
20 the contract.

21 (10c) The procurement of private vendors for the
22 administration of the workers' compensation program for
23 State employees is subject to the provisions of the
24 Illinois Procurement Code and administration by the chief
25 procurement officer.

26 (10d) Contracts for the procurement of private vendors

1 for the administration of the workers' compensation
2 program for State employees shall be based upon, but
3 limited to, the following criteria: (i) administrative
4 cost, (ii) service capabilities of the vendor, and (iii)
5 the compensation (including premiums, fees, or other
6 charges). A vendor for the administration of the workers'
7 compensation program for State employees shall provide
8 services, including, but not limited to:

9 (A) providing a web-based case management system
10 and provide access to the Office of the Attorney
11 General;

12 (B) ensuring claims adjusters are available to
13 provide testimony or information as requested by the
14 Office of the Attorney General;

15 (C) establishing a preferred provider program for
16 all State agencies and facilities; and

17 (D) authorizing the payment of medical bills at the
18 preferred provider discount rate.

19 (10e) By September 15, 2012, the Department of Central
20 Management Services shall prepare a plan to effectuate the
21 transfer of responsibility and administration of the
22 workers' compensation program for State employees to the
23 selected private vendors. The Department shall submit a
24 copy of the plan to the General Assembly.

25 (11) Any plan for public liability self-insurance
26 implemented under this Section shall provide that (i) the

1 Department shall attempt to settle and may settle any
2 public liability claim filed against the State of Illinois
3 or any public liability claim filed against a State
4 employee on the basis of an occurrence in the course of the
5 employee's State employment; (ii) any settlement of such a
6 claim is not subject to fiscal year limitations and must be
7 approved by the Director and, in cases of settlements
8 exceeding \$100,000, by the Governor; and (iii) a settlement
9 of any public liability claim against the State or a State
10 employee shall require an unqualified release of any right
11 of action against the State and the employee for acts
12 within the scope of the employee's employment giving rise
13 to the claim.

14 Whenever and to the extent that a State employee
15 operates a motor vehicle or engages in other activity
16 covered by self-insurance under this Section, the State of
17 Illinois shall defend, indemnify, and hold harmless the
18 employee against any claim in tort filed against the
19 employee for acts or omissions within the scope of the
20 employee's employment in any proper judicial forum and not
21 settled pursuant to this subdivision (11), provided that
22 this obligation of the State of Illinois shall not exceed a
23 maximum liability of \$2,000,000 for any single occurrence
24 in connection with the operation of a motor vehicle or
25 \$100,000 per person per occurrence for any other single
26 occurrence, or \$500,000 for any single occurrence in

1 connection with the provision of medical care by a licensed
2 physician employee.

3 Any claims against the State of Illinois under a
4 self-insurance plan that are not settled pursuant to this
5 subdivision (11) shall be heard and determined by the Court
6 of Claims and may not be filed or adjudicated in any other
7 forum. The Attorney General of the State of Illinois or the
8 Attorney General's designee shall be the attorney with
9 respect to all public liability self-insurance claims that
10 are not settled pursuant to this subdivision (11) and
11 therefore result in litigation. The payment of any award of
12 the Court of Claims entered against the State relating to
13 any public liability self-insurance claim shall act as a
14 release against any State employee involved in the
15 occurrence.

16 (12) Administer a plan the purpose of which is to make
17 payments on final settlements or final judgments in
18 accordance with the State Employee Indemnification Act.
19 The plan shall be funded through appropriations from the
20 General Revenue Fund specifically designated for that
21 purpose, except that indemnification expenses for
22 employees of the Department of Transportation, the
23 Illinois State Police, and the Secretary of State shall be
24 paid from the Road Fund. The term "employee" as used in
25 this subdivision (12) has the same meaning as under
26 subsection (b) of Section 1 of the State Employee

1 Indemnification Act. Subject to sufficient appropriation,
2 the Director shall approve payment of any claim, without
3 regard to fiscal year limitations, presented to the
4 Director that is supported by a final settlement or final
5 judgment when the Attorney General and the chief officer of
6 the public body against whose employee the claim or cause
7 of action is asserted certify to the Director that the
8 claim is in accordance with the State Employee
9 Indemnification Act and that they approve of the payment.
10 In no event shall an amount in excess of \$150,000 be paid
11 from this plan to or for the benefit of any claimant.

12 (13) Administer a plan the purpose of which is to make
13 payments on final settlements or final judgments for
14 employee wage claims in situations where there was an
15 appropriation relevant to the wage claim, the fiscal year
16 and lapse period have expired, and sufficient funds were
17 available to pay the claim. The plan shall be funded
18 through appropriations from the General Revenue Fund
19 specifically designated for that purpose.

20 Subject to sufficient appropriation, the Director is
21 authorized to pay any wage claim presented to the Director
22 that is supported by a final settlement or final judgment
23 when the chief officer of the State agency employing the
24 claimant certifies to the Director that the claim is a
25 valid wage claim and that the fiscal year and lapse period
26 have expired. Payment for claims that are properly

1 submitted and certified as valid by the Director shall
2 include interest accrued at the rate of 7% per annum from
3 the forty-fifth day after the claims are received by the
4 Department or 45 days from the date on which the amount of
5 payment is agreed upon, whichever is later, until the date
6 the claims are submitted to the Comptroller for payment.
7 When the Attorney General has filed an appearance in any
8 proceeding concerning a wage claim settlement or judgment,
9 the Attorney General shall certify to the Director that the
10 wage claim is valid before any payment is made. In no event
11 shall an amount in excess of \$150,000 be paid from this
12 plan to or for the benefit of any claimant.

13 Nothing in Public Act 84-961 shall be construed to
14 affect in any manner the jurisdiction of the Court of
15 Claims concerning wage claims made against the State of
16 Illinois.

17 (14) Prepare and, in the discretion of the Director,
18 implement a program for self-insurance for official
19 fidelity and surety bonds for officers and employees as
20 authorized by the Official Bond Act.

21 (Source: P.A. 96-928, eff. 6-15-10; 97-18, eff. 6-28-11.)

22 (20 ILCS 405/405-411)

23 Sec. 405-411. Consolidation of workers' compensation
24 functions.

25 (a) Notwithstanding any other law to the contrary, the

1 Director of Central Management Services, working in
2 cooperation with the Director of any other agency, department,
3 board, or commission directly responsible to the Governor, may
4 direct the consolidation, within the Department of Central
5 Management Services, of those workers' compensation functions
6 at that agency, department, board, or commission that are
7 suitable for centralization.

8 Upon receipt of the written direction to transfer workers'
9 compensation functions to the Department of Central Management
10 Services, the personnel, equipment, and property (both real and
11 personal) directly relating to the transferred functions shall
12 be transferred to the Department of Central Management
13 Services, and the relevant documents, records, and
14 correspondence shall be transferred or copied, as the Director
15 may prescribe.

16 (b) Upon receiving written direction from the Director of
17 Central Management Services, the Comptroller and Treasurer are
18 authorized to transfer the unexpended balance of any
19 appropriations related to the workers' compensation functions
20 transferred to the Department of Central Management Services
21 and shall make the necessary fund transfers from the General
22 Revenue Fund, any special fund in the State treasury, or any
23 other federal or State trust fund held by the Treasurer to the
24 Workers' Compensation Revolving Fund for use by the Department
25 of Central Management Services in support of workers'
26 compensation functions or any other related costs or expenses

1 of the Department of Central Management Services.

2 (c) The rights of employees and the State and its agencies
3 under the Personnel Code and applicable collective bargaining
4 agreements or under any pension, retirement, or annuity plan
5 shall not be affected by any transfer under this Section.

6 (d) The functions transferred to the Department of Central
7 Management Services by this Section shall be vested in and
8 shall be exercised by the Department of Central Management
9 Services. Each act done in the exercise of those functions
10 shall have the same legal effect as if done by the agencies,
11 offices, divisions, departments, bureaus, boards and
12 commissions from which they were transferred.

13 Every person or other entity shall be subject to the same
14 obligations and duties and any penalties, civil or criminal,
15 arising therefrom, and shall have the same rights arising from
16 the exercise of such rights, powers, and duties as had been
17 exercised by the agencies, offices, divisions, departments,
18 bureaus, boards, and commissions from which they were
19 transferred.

20 Whenever reports or notices are now required to be made or
21 given or papers or documents furnished or served by any person
22 in regards to the functions transferred to or upon the
23 agencies, offices, divisions, departments, bureaus, boards,
24 and commissions from which the functions were transferred, the
25 same shall be made, given, furnished or served in the same
26 manner to or upon the Department of Central Management

1 Services.

2 This Section does not affect any act done, ratified, or
3 cancelled or any right occurring or established or any action
4 or proceeding had or commenced in an administrative, civil, or
5 criminal cause regarding the functions transferred, but those
6 proceedings may be continued by the Department of Central
7 Management Services.

8 This Section does not affect the legality of any rules in
9 the Illinois Administrative Code regarding the functions
10 transferred in this Section that are in force on the effective
11 date of this Section. If necessary, however, the affected
12 agencies shall propose, adopt, or repeal rules, rule
13 amendments, and rule recodifications as appropriate to
14 effectuate this Section.

15 (e) There is hereby created within the Department of
16 Central Management Services an advisory body to be known as the
17 State Workers' Compensation Program Advisory Board to review,
18 assess, and provide recommendations to improve the State
19 workers' compensation program and to ensure that the State
20 manages the program in the interests of injured workers and
21 taxpayers. The Governor shall appoint one person to the Board,
22 who shall serve as the Chairperson. The Speaker of the House of
23 Representatives, the Minority Leader of the House of
24 Representatives, the President of the Senate, and the Minority
25 Leader of the Senate shall each appoint one person to the
26 Board. Each member initially appointed to the Board shall serve

1 a term ending December 31, 2013, and each Board member
2 appointed thereafter shall serve a 3-year term. A Board member
3 shall continue to serve on the Board until his or her successor
4 is appointed. In addition, the Director of the Department of
5 Central Management Services, the Attorney General, the
6 Director of the Department of Insurance, the Secretary of the
7 Department of Transportation, the Director of the Department of
8 Corrections, the Secretary of the Department of Human Services,
9 the Director of the Department of Revenue, and the Chairman of
10 the Illinois Workers' Compensation Commission, or their
11 designees, shall serve as ex officio, non-voting members of the
12 Board. Members of the Board shall not receive compensation but
13 shall be reimbursed from the Workers' Compensation Revolving
14 Fund for reasonable expenses incurred in the necessary
15 performance of their duties, and the Department of Central
16 Management Services shall provide administrative support to
17 the Board. The Board shall meet at least 3 times per year or
18 more often if the Board deems it necessary or proper. By
19 September 30, 2011, the Board shall issue a written report, to
20 be delivered to the Governor, the Director of the Department of
21 Central Management Services, and the General Assembly, with a
22 recommended set of best practices for the State workers'
23 compensation program. By July 1 of each year thereafter, the
24 Board shall issue a written report, to be delivered to those
25 same persons or entities, with recommendations on how to
26 improve upon such practices.

1 (f) The Director of Central Management Services shall take
2 all appropriate actions with respect to the State's workers'
3 compensation obligations necessary to transfer administration
4 of those obligations to an independent private vendor as
5 provided by Section 405-105.

6 (Source: P.A. 97-18, eff. 6-28-11.)

7 Section 10. The State Finance Act is amended by changing
8 Section 6z-64 as follows:

9 (30 ILCS 105/6z-64)

10 Sec. 6z-64. The Workers' Compensation Revolving Fund.

11 (a) The Workers' Compensation Revolving Fund is created as
12 a revolving fund, not subject to fiscal year limitations, in
13 the State treasury. The following moneys shall be deposited
14 into the Fund:

15 (1) amounts authorized for transfer to the Fund from
16 the General Revenue Fund and other State funds (except for
17 funds classified by the Comptroller as federal trust funds
18 or State trust funds) pursuant to State law or Executive
19 Order;

20 (2) federal funds received by the Department of Central
21 Management Services (the "Department") as a result of
22 expenditures from the Fund;

23 (3) interest earned on moneys in the Fund;

24 (4) receipts or inter-fund transfers resulting from

1 billings issued ~~by the Department~~ to State agencies and
2 universities for the cost of workers' compensation
3 services ~~rendered by the Department~~ that are not
4 compensated through the specific fund transfers authorized
5 by this Section, if any;

6 (5) amounts received from a State agency or university
7 for workers' compensation payments for temporary total
8 disability, as provided in Section 405-105 of the
9 Department of Central Management Services Law of the Civil
10 Administrative Code of Illinois; and

11 (6) amounts recovered through subrogation in workers'
12 compensation and workers' occupational disease cases.

13 (b) Moneys in the Fund may be used by the Department for
14 reimbursement or payment for:

15 (1) providing workers' compensation services to State
16 agencies and State universities; or

17 (2) providing for payment of administrative and other
18 expenses (and, beginning January 1, 2013, fees and charges
19 made pursuant to a contract with a private vendor) incurred
20 ~~by the Department~~ in providing workers' compensation
21 services.

22 (c) State agencies may direct the Comptroller to process
23 inter-fund transfers or make payment through the voucher and
24 warrant process to the Workers' Compensation Revolving Fund in
25 satisfaction of billings issued under subsection (a) of this
26 Section.

1 (d) Reconciliation. For the fiscal year beginning on July
 2 1, 2004 only, the Director of Central Management Services (the
 3 "Director") shall order that each State agency's payments and
 4 transfers made to the Fund be reconciled with actual Fund costs
 5 for workers' compensation services provided by the Department
 6 and attributable to the State agency and relevant fund on no
 7 less than an annual basis. The Director may require reports
 8 from State agencies as deemed necessary to perform this
 9 reconciliation.

10 (d-5) Notwithstanding any other provision of State law to
 11 the contrary, on or after July 1, 2005 and until June 30, 2006,
 12 in addition to any other transfers that may be provided for by
 13 law, at the direction of and upon notification of the Director
 14 of Central Management Services, the State Comptroller shall
 15 direct and the State Treasurer shall transfer amounts into the
 16 Workers' Compensation Revolving Fund from the designated funds
 17 not exceeding the following totals:

18	Mental Health Fund	\$17,694,000
19	Statistical Services Revolving Fund	\$1,252,600
20	Department of Corrections Reimbursement	
21	and Education Fund	\$1,198,600
22	Communications Revolving Fund	\$535,400
23	Child Support Administrative Fund	\$441,900
24	Health Insurance Reserve Fund	\$238,900
25	Fire Prevention Fund	\$234,100
26	Park and Conservation Fund	\$142,000

1	Motor Fuel Tax Fund	\$132,800
2	Illinois Workers' Compensation	
3	Commission Operations Fund	\$123,900
4	State Boating Act Fund	\$112,300
5	Public Utility Fund	\$106,500
6	State Lottery Fund	\$101,300
7	Traffic and Criminal Conviction	
8	Surcharge Fund	\$88,500
9	State Surplus Property Revolving Fund	\$82,700
10	Natural Areas Acquisition Fund	\$65,600
11	Securities Audit and Enforcement Fund	\$65,200
12	Agricultural Premium Fund	\$63,400
13	Capital Development Fund	\$57,500
14	State Gaming Fund	\$54,300
15	Underground Storage Tank Fund	\$53,700
16	Illinois State Medical Disciplinary Fund	\$53,000
17	Personal Property Tax Replacement Fund	\$53,000
18	General Professions Dedicated Fund	\$51,900
19	Total	\$23,003,100

20 (d-10) Notwithstanding any other provision of State law to
 21 the contrary and in addition to any other transfers that may be
 22 provided for by law, on the first day of each calendar quarter
 23 of the fiscal year beginning July 1, 2005, or as soon as may be
 24 practical thereafter, the State Comptroller shall direct and
 25 the State Treasurer shall transfer from each designated fund
 26 into the Workers' Compensation Revolving Fund amounts equal to

1 one-fourth of each of the following totals:

2	General Revenue Fund	\$34,000,000
3	Road Fund	\$25,987,000
4	Total	\$59,987,000

5 (d-12) Notwithstanding any other provision of State law to
6 the contrary and in addition to any other transfers that may be
7 provided for by law, on the effective date of this amendatory
8 Act of the 94th General Assembly, or as soon as may be
9 practical thereafter, the State Comptroller shall direct and
10 the State Treasurer shall transfer from each designated fund
11 into the Workers' Compensation Revolving Fund the following
12 amounts:

13	General Revenue Fund	\$10,000,000
14	Road Fund	\$5,000,000
15	Total	\$15,000,000

16 (d-15) Notwithstanding any other provision of State law to
17 the contrary and in addition to any other transfers that may be
18 provided for by law, on July 1, 2006, or as soon as may be
19 practical thereafter, the State Comptroller shall direct and
20 the State Treasurer shall transfer from each designated fund
21 into the Workers' Compensation Revolving Fund the following
22 amounts:

23	General Revenue Fund	\$44,028,200
24	Road Fund	\$28,084,000
25	Total	\$72,112,200

26 (d-20) Notwithstanding any other provision of State law to

1 the contrary, on or after July 1, 2006 and until June 30, 2007,
 2 in addition to any other transfers that may be provided for by
 3 law, at the direction of and upon notification of the Director
 4 of Central Management Services, the State Comptroller shall
 5 direct and the State Treasurer shall transfer amounts into the
 6 Workers' Compensation Revolving Fund from the designated funds
 7 not exceeding the following totals:

8	Mental Health Fund	\$19,121,800
9	Statistical Services Revolving Fund	\$1,353,700
10	Department of Corrections Reimbursement	
11	and Education Fund	\$1,295,300
12	Communications Revolving Fund	\$578,600
13	Child Support Administrative Fund	\$477,600
14	Health Insurance Reserve Fund	\$258,200
15	Fire Prevention Fund	\$253,000
16	Park and Conservation Fund	\$153,500
17	Motor Fuel Tax Fund	\$143,500
18	Illinois Workers' Compensation	
19	Commission Operations Fund	\$133,900
20	State Boating Act Fund	\$121,400
21	Public Utility Fund	\$115,100
22	State Lottery Fund	\$109,500
23	Traffic and Criminal Conviction Surcharge Fund ..	\$95,700
24	State Surplus Property Revolving Fund	\$89,400
25	Natural Areas Acquisition Fund	\$70,800
26	Securities Audit and Enforcement Fund	\$70,400

1	Agricultural Premium Fund	\$68,500
2	State Gaming Fund	\$58,600
3	Underground Storage Tank Fund	\$58,000
4	Illinois State Medical Disciplinary Fund	\$57,200
5	Personal Property Tax Replacement Fund	\$57,200
6	General Professions Dedicated Fund	\$56,100
7	Total	\$24,797,000

8 (d-25) Notwithstanding any other provision of State law to
9 the contrary and in addition to any other transfers that may be
10 provided for by law, on July 1, 2009, or as soon as may be
11 practical thereafter, the State Comptroller shall direct and
12 the State Treasurer shall transfer from each designated fund
13 into the Workers' Compensation Revolving Fund the following
14 amounts:

15	General Revenue Fund	\$55,000,000
16	Road Fund	\$34,803,000
17	Total	\$89,803,000

18 (d-30) Notwithstanding any other provision of State law to
19 the contrary, on or after July 1, 2009 and until June 30, 2010,
20 in addition to any other transfers that may be provided for by
21 law, at the direction of and upon notification of the Director
22 of Central Management Services, the State Comptroller shall
23 direct and the State Treasurer shall transfer amounts into the
24 Workers' Compensation Revolving Fund from the designated funds
25 not exceeding the following totals:

26	Food and Drug Safety Fund	\$13,900
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1	Teacher Certificate Fee Revolving Fund	\$6,500
2	Transportation Regulatory Fund	\$14,500
3	Financial Institution Fund	\$25,200
4	General Professions Dedicated Fund	\$25,300
5	Illinois Veterans' Rehabilitation Fund	\$64,600
6	State Boating Act Fund	\$177,100
7	State Parks Fund	\$104,300
8	Lobbyist Registration Administration Fund	\$14,400
9	Agricultural Premium Fund	\$79,100
10	Fire Prevention Fund	\$360,200
11	Mental Health Fund	\$9,725,200
12	Illinois State Pharmacy Disciplinary Fund	\$5,600
13	Public Utility Fund	\$40,900
14	Radiation Protection Fund	\$14,200
15	Firearm Owner's Notification Fund	\$1,300
16	Solid Waste Management Fund	\$74,100
17	Illinois Gaming Law Enforcement Fund	\$17,800
18	Subtitle D Management Fund	\$14,100
19	Illinois State Medical Disciplinary Fund	\$26,500
20	Facility Licensing Fund	\$11,700
21	Plugging and Restoration Fund	\$9,100
22	Explosives Regulatory Fund	\$2,300
23	Aggregate Operations Regulatory Fund	\$5,000
24	Coal Mining Regulatory Fund	\$1,900
25	Registered Certified Public Accountants'	
26	Administration and Disciplinary Fund	\$1,500

1	Weights and Measures Fund	\$56,100
2	Division of Corporations Registered	
3	Limited Liability Partnership Fund	\$3,900
4	Illinois School Asbestos Abatement Fund	\$14,000
5	Secretary of State Special License Plate Fund	\$30,700
6	Capital Development Board Revolving Fund	\$27,000
7	DCFS Children's Services Fund	\$69,300
8	Asbestos Abatement Fund	\$17,200
9	Illinois Health Facilities Planning Fund	\$26,800
10	Emergency Public Health Fund	\$5,600
11	Nursing Dedicated and Professional Fund	\$10,000
12	Optometric Licensing and Disciplinary	
13	Board Fund	\$1,600
14	Underground Resources Conservation	
15	Enforcement Fund	\$11,500
16	Drunk and Drugged Driving Prevention Fund	\$18,200
17	Long Term Care Monitor/Receiver Fund	\$35,400
18	Community Water Supply Laboratory Fund	\$5,600
19	Securities Investors Education Fund	\$2,000
20	Used Tire Management Fund	\$32,400
21	Natural Areas Acquisition Fund	\$101,200
22	Open Space Lands Acquisition	
23	and Development Fund	\$28,400
24	Working Capital Revolving Fund	\$489,100
25	State Garage Revolving Fund	\$791,900
26	Statistical Services Revolving Fund	\$3,984,700

1	Communications Revolving Fund	\$1,432,800
2	Facilities Management Revolving Fund	\$1,911,600
3	Professional Services Fund	\$483,600
4	Motor Vehicle Review Board Fund	\$15,000
5	Environmental Laboratory Certification Fund	\$3,000
6	Public Health Laboratory Services	
7	Revolving Fund	\$2,500
8	Lead Poisoning Screening, Prevention,	
9	and Abatement Fund	\$28,200
10	Securities Audit and Enforcement Fund	\$258,400
11	Department of Business Services	
12	Special Operations Fund	\$111,900
13	Feed Control Fund	\$20,800
14	Tanning Facility Permit Fund	\$5,400
15	Plumbing Licensure and Program Fund	\$24,400
16	Tax Compliance and Administration Fund	\$27,200
17	Appraisal Administration Fund	\$2,400
18	Small Business Environmental Assistance Fund	\$2,200
19	Illinois State Fair Fund	\$31,400
20	Secretary of State Special Services Fund	\$317,600
21	Department of Corrections Reimbursement	
22	and Education Fund	\$324,500
23	Health Facility Plan Review Fund	\$31,200
24	Illinois Historic Sites Fund	\$11,500
25	Attorney General Court Ordered and Voluntary	
26	Compliance Payment Projects Fund	\$18,500

1	Public Pension Regulation Fund	\$5,600
2	Illinois Charity Bureau Fund	\$11,400
3	Renewable Energy Resources Trust Fund	\$6,700
4	Energy Efficiency Trust Fund	\$3,600
5	Pesticide Control Fund	\$56,800
6	Attorney General Whistleblower Reward	
7	and Protection Fund	\$14,200
8	Partners for Conservation Fund	\$36,900
9	Capital Litigation Trust Fund	\$800
10	Motor Vehicle License Plate Fund	\$99,700
11	Horse Racing Fund	\$18,900
12	Death Certificate Surcharge Fund	\$12,800
13	Auction Regulation Administration Fund	\$500
14	Motor Carrier Safety Inspection Fund	\$55,800
15	Assisted Living and Shared Housing	
16	Regulatory Fund	\$900
17	Illinois Thoroughbred Breeders Fund	\$9,200
18	Illinois Clean Water Fund	\$42,300
19	Secretary of State DUI Administration Fund	\$16,100
20	Child Support Administrative Fund	\$1,037,900
21	Secretary of State Police Services Fund	\$1,200
22	Tourism Promotion Fund	\$34,400
23	IMSA Income Fund	\$12,700
24	Presidential Library and Museum Operating Fund ..	\$83,000
25	Dram Shop Fund	\$44,500
26	Illinois State Dental Disciplinary Fund	\$5,700

1	Cycle Rider Safety Training Fund	\$8,700
2	Traffic and Criminal Conviction Surcharge Fund ..	\$106,100
3	Design Professionals Administration	
4	and Investigation Fund	\$4,500
5	State Police Services Fund	\$276,100
6	Metabolic Screening and Treatment Fund	\$90,800
7	Insurance Producer Administration Fund	\$45,600
8	Coal Technology Development Assistance Fund	\$11,700
9	Hearing Instrument Dispenser Examining	
10	and Disciplinary Fund	\$1,900
11	Low-Level Radioactive Waste Facility	
12	Development and Operation Fund	\$1,000
13	Environmental Protection Permit and	
14	Inspection Fund	\$66,900
15	Park and Conservation Fund	\$199,300
16	Local Tourism Fund	\$2,400
17	Illinois Capital Revolving Loan Fund	\$10,000
18	Large Business Attraction Fund	\$100
19	Adeline Jay Geo-Karis Illinois Beach	
20	Marina Fund	\$27,200
21	Public Infrastructure Construction	
22	Loan Revolving Fund	\$1,700
23	Insurance Financial Regulation Fund	\$69,200
24	Total	\$24,197,800

25 (d-35) Notwithstanding any other provision of State law to
26 the contrary and in addition to any other transfers that may be

1 provided for by law, on July 1, 2010, or as soon as may be
 2 practical thereafter, the State Comptroller shall direct and
 3 the State Treasurer shall transfer from each designated fund
 4 into the Workers' Compensation Revolving Fund the following
 5 amounts:

6	General Revenue Fund	\$55,000,000
7	Road Fund	\$50,955,300
8	Total	\$105,955,300

9 (d-40) Notwithstanding any other provision of State law to
 10 the contrary, on or after July 1, 2010 and until June 30, 2011,
 11 in addition to any other transfers that may be provided for by
 12 law, at the direction of and upon notification of the Director
 13 of Central Management Services, the State Comptroller shall
 14 direct and the State Treasurer shall transfer amounts into the
 15 Workers' Compensation Revolving Fund from the designated funds
 16 not exceeding the following totals:

17	Food and Drug Safety Fund	\$8,700
18	Financial Institution Fund	\$44,500
19	General Professions Dedicated Fund	\$51,400
20	Live and Learn Fund	\$10,900
21	Illinois Veterans' Rehabilitation Fund	\$106,000
22	State Boating Act Fund	\$288,200
23	State Parks Fund	\$185,900
24	Wildlife and Fish Fund	\$1,550,300
25	Lobbyist Registration Administration Fund	\$18,100
26	Agricultural Premium Fund	\$176,100

1	Mental Health Fund	\$291,900
2	Firearm Owner's Notification Fund	\$2,300
3	Illinois Gaming Law Enforcement Fund	\$11,300
4	Illinois State Medical Disciplinary Fund	\$42,300
5	Facility Licensing Fund	\$14,200
6	Plugging and Restoration Fund	\$15,600
7	Explosives Regulatory Fund	\$4,800
8	Aggregate Operations Regulatory Fund	\$6,000
9	Coal Mining Regulatory Fund	\$7,200
10	Registered Certified Public Accountants'	
11	Administration and Disciplinary Fund	\$1,900
12	Weights and Measures Fund	\$105,200
13	Division of Corporations Registered	
14	Limited Liability Partnership Fund	\$5,300
15	Illinois School Asbestos Abatement Fund	\$19,900
16	Secretary of State Special License Plate Fund	\$38,700
17	DCFS Children's Services Fund	\$123,100
18	Illinois Health Facilities Planning Fund	\$29,700
19	Emergency Public Health Fund	\$6,800
20	Nursing Dedicated and Professional Fund	\$13,500
21	Optometric Licensing and Disciplinary	
22	Board Fund	\$1,800
23	Underground Resources Conservation	
24	Enforcement Fund	\$16,500
25	Mandatory Arbitration Fund	\$5,400
26	Drunk and Drugged Driving Prevention Fund	\$26,400

1	Long Term Care Monitor/Receiver Fund	\$43,800
2	Securities Investors Education Fund	\$28,500
3	Used Tire Management Fund	\$6,300
4	Natural Areas Acquisition Fund	\$185,000
5	Open Space Lands Acquisition and	
6	Development Fund	\$46,800
7	Working Capital Revolving Fund	\$741,500
8	State Garage Revolving Fund	\$356,200
9	Statistical Services Revolving Fund	\$1,775,900
10	Communications Revolving Fund	\$630,600
11	Facilities Management Revolving Fund	\$870,800
12	Professional Services Fund	\$275,500
13	Motor Vehicle Review Board Fund	\$12,900
14	Public Health Laboratory Services	
15	Revolving Fund	\$5,300
16	Lead Poisoning Screening, Prevention,	
17	and Abatement Fund	\$42,100
18	Securities Audit and Enforcement Fund	\$162,700
19	Department of Business Services	
20	Special Operations Fund	\$143,700
21	Feed Control Fund	\$32,300
22	Tanning Facility Permit Fund	\$3,900
23	Plumbing Licensure and Program Fund	\$32,600
24	Tax Compliance and Administration Fund	\$48,400
25	Appraisal Administration Fund	\$3,600
26	Illinois State Fair Fund	\$30,200

1	Secretary of State Special Services Fund	\$214,400
2	Department of Corrections Reimbursement	
3	and Education Fund	\$438,300
4	Health Facility Plan Review Fund	\$29,900
5	Public Pension Regulation Fund	\$9,900
6	Pesticide Control Fund	\$107,500
7	Partners for Conservation Fund	\$189,300
8	Motor Vehicle License Plate Fund	\$143,800
9	Horse Racing Fund	\$20,900
10	Death Certificate Surcharge Fund	\$16,800
11	Auction Regulation Administration Fund	\$1,000
12	Motor Carrier Safety Inspection Fund	\$56,800
13	Assisted Living and Shared Housing	
14	Regulatory Fund	\$2,200
15	Illinois Thoroughbred Breeders Fund	\$18,100
16	Secretary of State DUI Administration Fund	\$19,800
17	Child Support Administrative Fund	\$1,809,500
18	Secretary of State Police Services Fund	\$2,500
19	Medical Special Purposes Trust Fund	\$20,400
20	Dram Shop Fund	\$57,200
21	Illinois State Dental Disciplinary Fund	\$9,500
22	Cycle Rider Safety Training Fund	\$12,200
23	Traffic and Criminal Conviction Surcharge Fund ..	\$128,900
24	Design Professionals Administration	
25	and Investigation Fund	\$7,300
26	State Police Services Fund	\$335,700

1	Metabolic Screening and Treatment Fund	\$81,600
2	Insurance Producer Administration Fund	\$77,000
3	Hearing Instrument Dispenser Examining	
4	and Disciplinary Fund	\$1,900
5	Park and Conservation Fund	\$361,500
6	Adeline Jay Geo-Karis Illinois Beach	
7	Marina Fund	\$42,800
8	Insurance Financial Regulation Fund	\$108,000
9	Total	\$13,033,200

10 (d-45) Notwithstanding any other provision of State law to
11 the contrary and in addition to any other transfers that may be
12 provided for by law, on July 1, 2011, or as soon as may be
13 practical thereafter, the State Comptroller shall direct and
14 the State Treasurer shall transfer the sum of \$45,000,000 from
15 the General Revenue Fund into the Workers' Compensation
16 Revolving Fund.

17 (e) The term "workers' compensation services" means
18 services, claims expenses, and related administrative costs
19 incurred in performing the duties under Sections 405-105 and
20 405-411 of the Department of Central Management Services Law of
21 the Civil Administrative Code of Illinois.

22 (Source: P.A. 96-45, eff. 7-15-09; 96-959, eff. 7-1-10; 97-641,
23 eff. 12-19-11.)

24 Section 15. The Illinois Procurement Code is amended by
25 changing Sections 1-10, 1-13, 1-15.107, 1-15.108, 5-5, 10-10,

1 10-15, 15-1, 15-25, 15-30, 20-10, 20-25, 20-120, 20-155,
2 20-160, 45-35, 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14,
3 50-35, 50-39, and 50-60 and by adding Sections 1-12 and 15-35
4 as follows:

5 (30 ILCS 500/1-10)

6 Sec. 1-10. Application.

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

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

21 (1) Contracts between the State and its political
22 subdivisions or other governments, or between State
23 governmental bodies except as specifically provided in
24 this Code.

25 (2) Grants, except for the filing requirements of

1 Section 20-80.

2 (3) Purchase of care.

3 (4) Hiring of an individual as employee and not as an
4 independent contractor, whether pursuant to an employment
5 code or policy or by contract directly with that
6 individual.

7 (5) Collective bargaining contracts.

8 (6) Purchase of real estate, except that notice of this
9 type of contract with a value of more than \$25,000 must be
10 published in the Procurement Bulletin within 7 days after
11 the deed is recorded in the county of jurisdiction. The
12 notice shall identify the real estate purchased, the names
13 of all parties to the contract, the value of the contract,
14 and the effective date of the contract.

15 (7) Contracts necessary to prepare for anticipated
16 litigation, enforcement actions, or investigations,
17 provided that the chief legal counsel to the Governor shall
18 give his or her prior approval when the procuring agency is
19 one subject to the jurisdiction of the Governor, and
20 provided that the chief legal counsel of any other
21 procuring entity subject to this Code shall give his or her
22 prior approval when the procuring entity is not one subject
23 to the jurisdiction of the Governor.

24 (8) Contracts for services to Northern Illinois
25 University by a person, acting as an independent
26 contractor, who is qualified by education, experience, and

1 technical ability and is selected by negotiation for the
2 purpose of providing non-credit educational service
3 activities or products by means of specialized programs
4 offered by the university.

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

7 (10) Procurement expenditures by the Illinois Health
8 Information Exchange Authority involving private funds
9 from the Health Information Exchange Fund. "Private funds"
10 means gifts, donations, and private grants.

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

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

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

26 (e) This Code does not apply to the process used by the

1 Capital Development Board to retain a person or entity to
2 assist the Capital Development Board with its duties related to
3 the determination of costs of a clean coal SNG brownfield
4 facility, as defined by Section 1-10 of the Illinois Power
5 Agency Act, as required in subsection (h-3) of Section 9-220 of
6 the Public Utilities Act, including calculating the range of
7 capital costs, the range of operating and maintenance costs, or
8 the sequestration costs or monitoring the construction of clean
9 coal SNG brownfield facility for the full duration of
10 construction.

11 (f) This Code does not apply to the process used by the
12 Illinois Power Agency to retain a mediator to mediate sourcing
13 agreement disputes between gas utilities and the clean coal SNG
14 brownfield facility, as defined in Section 1-10 of the Illinois
15 Power Agency Act, as required under subsection (h-1) of Section
16 9-220 of the Public Utilities Act.

17 (g) ~~(e)~~ This Code does not apply to the processes used by
18 the Illinois Power Agency to retain a mediator to mediate
19 contract disputes between gas utilities and the clean coal SNG
20 facility and to retain an expert to assist in the review of
21 contracts under subsection (h) of Section 9-220 of the Public
22 Utilities Act. This Code does not apply to the process used by
23 the Illinois Commerce Commission to retain an expert to assist
24 in determining the actual incurred costs of the clean coal SNG
25 facility and the reasonableness of those costs as required
26 under subsection (h) of Section 9-220 of the Public Utilities

1 Act.

2 (h) Each chief procurement officer may access records
3 necessary to review whether a contract, purchase, or other
4 expenditure is or is not subject to the provisions of this
5 Code, unless such records would be subject to attorney-client
6 privilege.

7 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;
8 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;
9 revised 9-7-11.)

10 (30 ILCS 500/1-12 new)

11 Sec. 1-12. Applicability to artistic or musical services.

12 (a) This Code shall not apply to procurement expenditures
13 necessary to provide artistic or musical services,
14 performances, or theatrical productions held at a venue
15 operated or leased by a State agency.

16 (b) Notice of each contract entered into by a State agency
17 that is related to the procurement of goods and services
18 identified in this Section shall be published in the Illinois
19 Procurement Bulletin within 14 days after contract execution.
20 The chief procurement officer shall prescribe the form and
21 content of the notice. Each State agency 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 Section. At a minimum, this report

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

11 (c) This Section is repealed December 31, 2016.

12 (30 ILCS 500/1-13)

13 (Section scheduled to be repealed on December 31, 2014)

14 Sec. 1-13. Applicability to public institutions of higher
15 education.

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

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

22 (1) Memberships in professional, academic, or athletic
23 organizations on behalf of a public institution of higher
24 education, an employee of a public institution of higher
25 education, or a student at a public institution of higher

1 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 vendors is mandated or
8 identified by the sponsor of the event or activity,
9 provided that the sponsor is providing a majority of the
10 funding for the event or activity.

11 (4) Procurement expenditures necessary to provide
12 artistic or musical services, performances, or productions
13 held at a venue operated by a public institution of higher
14 education.

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

20 Notice of each contract entered into by a public institution of
21 higher education that is related to the procurement of goods
22 and services identified in items (1) through (5) of this
23 subsection shall be published in the Procurement Bulletin
24 within 14 days after contract execution. The Chief Procurement
25 Officer shall prescribe the form and content of the notice.
26 Each public institution of higher education shall provide the

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

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

19 (1) Contracts with a foreign entity necessary for
20 research or educational activities, provided that the
21 foreign entity either does not maintain an office in the
22 United States or is the sole source of the service or
23 product.

24 (2) Procurements of FDA-regulated goods, products, and
25 services necessary for the delivery of care and treatment
26 at medical, dental, or veterinary teaching facilities

1 utilized by the University of Illinois or Southern Illinois
2 University.

3 (3) Contracts for programming and broadcast license
4 rights for university-operated radio and television
5 stations.

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

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

25 (d) Notwithstanding this Section, a waiver of the
26 registration requirements of Section 20-160 does not permit a

1 business entity and any affiliated entities or affiliated
2 persons to make campaign contributions if otherwise prohibited
3 by Section 50-37. The total amount of contracts awarded in
4 accordance with this Section shall be included in determining
5 the aggregate amount of contracts or pending bids of a business
6 entity and any affiliated entities or affiliated 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 public
16 institution of higher education and it is in the best interest
17 of the public institution of higher education to accept the bid
18 or contract. For purposes of this subsection, "business"
19 includes all individuals with whom a business is affiliated,
20 including, but not limited to, any officer, agent, employee,
21 consultant, independent contractor, director, partner,
22 manager, or shareholder of a business. The Executive Ethics
23 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 the
5 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, ~~and~~ Western Illinois
11 University, and, for purposes of this Code only, the Illinois
12 Mathematics and Science Academy.

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

14 (Source: P.A. 97-643, eff. 12-20-11.)

15 (30 ILCS 500/1-15.107)

16 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
17 between a person and a person who has ~~or is seeking~~ a contract
18 subject to this Code, pursuant to which the subcontractor
19 provides to the contractor, or, if the contract price exceeds
20 \$50,000, another subcontractor, some or all of the goods,
21 services, real property, remuneration, or other monetary forms
22 of consideration that are the subject of the primary contract
23 and includes, among other things, subleases from a lessee of a
24 State agency.

25 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of P.A. 96-795).)

2 (30 ILCS 500/1-15.108)

3 Sec. 1-15.108. Subcontractor. "Subcontractor" means a
4 person or entity that enters into a contractual agreement with
5 a total value of \$50,000 ~~\$25,000~~ or more with a person or
6 entity who has ~~or is seeking~~ a contract subject to this Code
7 pursuant to which the person or entity provides some or all of
8 the goods, services, real property, remuneration, or other
9 monetary forms of consideration that are the subject of the
10 primary State contract, including subleases from a lessee of a
11 State contract.

12 (Source: P.A. 96-920, eff. 7-1-10.)

13 (30 ILCS 500/5-5)

14 Sec. 5-5. Procurement Policy Board.

15 (a) Creation. There is created a Procurement Policy Board,
16 an agency of the State of Illinois.

17 (b) Authority and duties. The Board shall have the
18 authority and responsibility to review, comment upon, and
19 recommend, consistent with this Code, rules and practices
20 governing the procurement, management, control, and disposal
21 of supplies, services, professional or artistic services,
22 construction, and real property and capital improvement leases
23 procured by the State. The Board shall also have the authority
24 to recommend a program for professional development and provide

1 opportunities for training in procurement practices and
2 policies to chief procurement officers and their staffs in
3 order to ensure that all procurement is conducted in an
4 efficient, professional, and appropriately transparent manner.

5 Upon a three-fifths vote of its members, the Board may
6 review a contract. Upon a three-fifths vote of its members, the
7 Board may propose procurement rules for consideration by chief
8 procurement officers. These proposals shall be published in
9 each volume of the Procurement Bulletin. Except as otherwise
10 provided by law, the Board shall act upon the vote of a
11 majority of its members who have been appointed and are
12 serving.

13 (b-5) Reviews, studies, and hearings. The Board may review,
14 study, and hold public hearings concerning the implementation
15 and administration of this Code. Each chief procurement
16 officer, State purchasing officer, procurement compliance
17 monitor, and State agency shall cooperate with the Board,
18 provide information to the Board, and be responsive to the
19 Board in the Board's conduct of its reviews, studies, and
20 hearings.

21 (c) Members. The Board shall consist of 5 members appointed
22 one each by the 4 legislative leaders and the Governor. Each
23 member shall have demonstrated sufficient business or
24 professional experience in the area of procurement to perform
25 the functions of the Board. No member may be a member of the
26 General Assembly.

1 (d) Terms. Of the initial appointees, the Governor shall
2 designate one member, as Chairman, to serve a one-year term,
3 the President of the Senate and the Speaker of the House shall
4 each appoint one member to serve 3-year terms, and the Minority
5 Leader of the House and the Minority Leader of the Senate shall
6 each appoint one member to serve 2-year terms. Subsequent terms
7 shall be 4 years. Members may be reappointed for succeeding
8 terms.

9 (e) Reimbursement. Members shall receive no compensation
10 but shall be reimbursed for any expenses reasonably incurred in
11 the performance of their duties.

12 (f) Staff support. Upon a three-fifths vote of its members,
13 the Board may employ an executive director. Subject to
14 appropriation, the Board also may employ a reasonable and
15 necessary number of staff persons.

16 (g) Meetings. Meetings of the Board may be conducted
17 telephonically, electronically, or through the use of other
18 telecommunications. Written minutes of such meetings shall be
19 created and available for public inspection and copying.

20 (h) Procurement recommendations. Upon a three-fifths vote
21 of its members, the Board may review a proposal, bid, or
22 contract and issue a recommendation to void a contract or
23 reject a proposal or bid based on any violation of this Code or
24 the existence of a conflict of interest as described in
25 subsections (b) and (d) of Section 50-35. A chief procurement
26 officer or State purchasing officer shall notify the Board if

1 an alleged a conflict of interest or violation of the Code is
2 identified, discovered, or reasonably suspected to exist. Any
3 person or entity may notify the Board of an alleged a conflict
4 of interest or violation of the Code. A recommendation of the
5 Board shall be delivered to the appropriate chief procurement
6 officer and Executive Ethics Commission within 5 days and must
7 be published in the next volume of the Procurement Bulletin. In
8 the event that an alleged conflict of interest or violation of
9 the Code that was not originally disclosed with the bid, offer,
10 or proposal is identified and filed with the Board, the Board
11 shall provide written notice of the alleged conflict of
12 interest or violation to the contractor or subcontractor on
13 that contract. If the alleged conflict of interest or violation
14 is by the subcontractor, written notice shall also be provided
15 to the contractor. The contractor or subcontractor shall have
16 15 days to provide a written response to the notice, and a
17 hearing before the Board on the alleged conflict of interest or
18 violation shall be held upon request by the contractor or
19 subcontractor. The requested hearing date and time shall be
20 determined by the Board, but in no event shall the hearing
21 occur later than 15 days after the date of the request.

22 (i) After providing notice and a hearing as required by
23 subsection (h), the ~~The~~ Board shall refer any alleged
24 violations of this Code to the Executive Inspector General in
25 addition to or instead of issuing a recommendation to void a
26 contract.

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

3 (30 ILCS 500/10-10)

4 Sec. 10-10. Independent State purchasing officers.

5 (a) The chief procurement officer shall appoint a State
6 purchasing officer for each agency that the chief procurement
7 officer is responsible for under Section 1-15.15. A State
8 purchasing officer shall be located in the State agency that
9 the officer serves but shall report to his or her respective
10 chief procurement officer. The State purchasing officer shall
11 have direct communication with agency staff assigned to assist
12 with any procurement process. At the direction of his or her
13 respective chief procurement officer, a State purchasing
14 officer shall have the authority to approve or reject ~~enter~~
15 ~~into~~ contracts for a purchasing agency. If the State purchasing
16 officer provides written approval of the contract, the head of
17 the applicable State agency shall have the authority to sign
18 and enter into that contract. All actions of a State purchasing
19 officer are subject to review by a chief procurement officer in
20 accordance with procedures and policies established by the
21 chief procurement officer.

22 (b) In addition to any other requirement or qualification
23 required by State law, within 30 ~~18~~ months after appointment, a
24 State purchasing officer must be a Certified Professional
25 Public Buyer or a Certified Public Purchasing Officer, pursuant

1 to certification by the Universal Public Purchasing
2 Certification Council. A State purchasing officer shall serve a
3 term of 5 years beginning on the date of the officer's
4 appointment. A State purchasing officer shall have an office
5 located in the State agency that the officer serves but shall
6 report to the chief procurement officer. A State purchasing
7 officer may be removed by a chief procurement officer for cause
8 after a hearing by the Executive Ethics Commission. The chief
9 procurement officer or executive officer of the State agency
10 housing the State purchasing officer may institute a complaint
11 against the State purchasing officer by filing such a complaint
12 with the Commission and the Commission shall have a public
13 hearing based on the complaint. The State purchasing officer,
14 chief procurement officer, and executive officer of the State
15 agency shall receive notice of the hearing and shall be
16 permitted to present their respective arguments on the
17 complaint. After the hearing, the Commission shall make a
18 non-binding recommendation on whether the State purchasing
19 officer shall be removed. The salary of a State purchasing
20 officer shall be established by the chief procurement officer
21 and may not be diminished during the officer's term. In the
22 absence of an appointed State purchasing officer, the
23 applicable chief procurement officer shall exercise the
24 procurement authority created by this Code and may appoint a
25 temporary acting State purchasing officer.

26 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of changes made by P.A. 96-795).)

2 (30 ILCS 500/10-15)

3 Sec. 10-15. Procurement compliance monitors.

4 (a) The Executive Ethics Commission shall appoint
5 procurement compliance monitors to oversee and review the
6 procurement processes. Each procurement compliance monitor
7 shall serve a term of 5 years beginning on the date of the
8 officer's appointment. Each procurement compliance monitor
9 shall have an office located in the State agency that the
10 monitor serves but shall report to the appropriate chief
11 procurement officer. The compliance monitor shall have direct
12 communications with the executive officer of a State agency in
13 exercising duties. A procurement compliance monitor may be
14 removed only for cause after a hearing by the Executive Ethics
15 Commission. The appropriate chief procurement officer or
16 executive officer of the State agency housing the procurement
17 compliance monitor may institute a complaint against the
18 procurement compliance monitor with the Commission and the
19 Commission shall hold a public hearing based on the complaint.
20 The procurement compliance monitor, State purchasing officer,
21 appropriate chief procurement officer, and executive officer
22 of the State agency shall receive notice of the hearing and
23 shall be permitted to present their respective arguments on the
24 complaint. After the hearing, the Commission shall determine
25 whether the procurement compliance monitor shall be removed.

1 The salary of a procurement compliance monitor shall be
2 established by the Executive Ethics Commission and may not be
3 diminished during the officer's term.

4 (b) The procurement compliance monitor shall: (i) review
5 any procurement, contract, or contract amendment as directed by
6 the Executive Ethics Commission or a chief procurement officer;
7 and (ii) report any findings of the review, in writing, to the
8 Commission, the affected agency, the chief procurement officer
9 responsible for the affected agency, and any entity requesting
10 the review. The procurement compliance monitor may: (i) review
11 each contract or contract amendment prior to execution to
12 ensure that applicable procurement and contracting standards
13 were followed; (ii) attend any procurement meetings; (iii)
14 access any records or files related to procurement; (iv) issue
15 reports to the chief procurement officer on procurement issues
16 that present issues or that have not been corrected after
17 consultation with appropriate State officials; (v) ensure the
18 State agency is maintaining appropriate records; and (vi)
19 ensure transparency of the procurement process.

20 (c) If the procurement compliance monitor is aware of
21 misconduct, waste, or inefficiency with respect to State
22 procurement, the procurement compliance monitor shall advise
23 the State agency of the issue in writing. If the State agency
24 does not correct the issue, the monitor shall report the
25 problem, in writing, to the chief procurement officer and
26 Inspector General.

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

3 (30 ILCS 500/15-1)

4 Sec. 15-1. Publisher. Each chief procurement officer, in
5 consultation with the agencies under his or her jurisdiction,
6 possesses the rights to and is the authority ~~The Department of~~
7 ~~Central Management Services is the State agency~~ responsible for
8 publishing its volume ~~volumes~~ of the Illinois Procurement
9 Bulletin. ~~The Capital Development Board is responsible for~~
10 ~~publishing its volumes of the Illinois Procurement Bulletin.~~
11 ~~The Department of Transportation is responsible for publishing~~
12 ~~its volumes of the Illinois Procurement Bulletin. The higher~~
13 ~~education chief procurement officer is responsible for~~
14 ~~publishing the higher education volumes of the Illinois~~
15 ~~Procurement Bulletin. The Illinois Power Agency is the State~~
16 ~~agency responsible for publishing its volumes of the Illinois~~
17 ~~Procurement Bulletin.~~

18 Each volume of the Illinois Procurement Bulletin shall be
19 available electronically and may be available in print.
20 References in this Code to the publication and distribution of
21 the Illinois Procurement Bulletin include both its print and
22 electronic formats.

23 (Source: P.A. 95-481, eff. 8-28-07.)

24 (30 ILCS 500/15-25)

1 Sec. 15-25. Bulletin content.

2 (a) Invitations for bids. Notice of each and every contract
3 that is offered, including renegotiated contracts and change
4 orders, shall be published in the Bulletin, and all businesses
5 listed on the Department of Transportation Disadvantaged
6 Business Enterprise Directory, the Department of Central
7 Management Services Business Enterprise Program and Small
8 Business Vendors Directory, and the Capital Development
9 Board's Directory of Certified Minority and Female Business
10 Enterprises shall be furnished written instructions and
11 information on how to register on each Procurement Bulletin
12 maintained by the State. Such information shall be provided to
13 each business within 30 days after the business' notice of
14 certification. The applicable chief procurement officer may
15 provide by rule an organized format for the publication of this
16 information, but in any case it must include at least the date
17 first offered, the date submission of offers is due, the
18 location that offers are to be submitted to, the purchasing
19 State agency, the responsible State purchasing officer, a brief
20 purchase description, the method of source selection,
21 information of how to obtain a comprehensive purchase
22 description and any disclosure and contract forms, and
23 encouragement to prospective vendors to hire qualified
24 veterans, as defined by Section 45-67 of this Code, and
25 qualified Illinois minorities, women, persons with
26 disabilities, and residents discharged from any Illinois adult

1 correctional center.

2 (b) Contracts let. Notice of each and every contract that
3 is let, including renegotiated contracts and change orders,
4 shall be issued electronically to those bidders or offerors
5 submitting responses to the solicitations, inclusive of the
6 unsuccessful bidders, immediately upon contract let. Failure
7 of any chief procurement officer to give such notice shall
8 result in tolling the time for filing a bid protest up to 5
9 business days. The apparent low bidder's award and all other
10 bids from bidders responding to solicitations shall be posted
11 on the agency's website the next business day.

12 (b-5) Contracts awarded. Notice of each and every contract
13 that is awarded, including renegotiated contracts and change
14 orders, shall be issued electronically to the successful
15 responsible bidder or offeror, posted on the agency's website
16 the next business day, and published in the next available
17 subsequent Bulletin. The applicable chief procurement officer
18 may provide by rule an organized format for the publication of
19 this information, but in any case it must include at least all
20 of the information specified in subsection (a) as well as the
21 name of the successful responsible bidder or offeror, the
22 contract price, the number of unsuccessful responsive bidders,
23 and any other disclosure specified in any Section of this Code.
24 This notice must be posted in the online electronic Bulletin
25 prior to execution of the contract.

26 (c) Emergency purchase disclosure. Any chief procurement

1 officer or State purchasing officer exercising emergency
2 purchase authority under this Code shall publish a written
3 description and reasons and the total cost, if known, or an
4 estimate if unknown and the name of the responsible chief
5 procurement officer and State purchasing officer, and the
6 business or person contracted with for all emergency purchases
7 in the next timely, practicable Bulletin. This notice must be
8 posted in the online electronic Bulletin no later than 3
9 business days after the contract is awarded. Notice of a
10 hearing to extend an emergency contract must be posted in the
11 online electronic Procurement Bulletin no later than 5 business
12 days prior to the hearing.

13 (c-5) Business Enterprise Program report. Each purchasing
14 agency shall, with the assistance of the applicable chief
15 procurement officer, post in the online electronic Bulletin a
16 copy of its annual report of utilization of businesses owned by
17 minorities, females, and persons with disabilities as
18 submitted to the Business Enterprise Council for Minorities,
19 Females, and Persons with Disabilities pursuant to Section 6(c)
20 of the Business Enterprise for Minorities, Females, and Persons
21 with Disabilities Act within 10 business days after its
22 submission of its report to the Council.

23 (c-10) Renewals. Notice of each contract renewal shall be
24 posted in the online electronic Bulletin within 10 business
25 days of the determination to renew the contract and the next
26 available subsequent Bulletin. The notice shall include at

1 least all of the information required in subsection (b).

2 (c-15) Sole source procurements. Before entering into a
3 sole source contract, a chief procurement officer exercising
4 sole source procurement authority under this Code shall publish
5 a written description of intent to enter into a sole source
6 contract along with a description of the item to be procured
7 and the intended sole source contractor. This notice must be
8 posted in the online electronic Procurement Bulletin before a
9 sole source contract is awarded and at least 14 days before the
10 hearing required by Section 20-25.

11 (d) Other required disclosure. The applicable chief
12 procurement officer shall provide by rule for the organized
13 publication of all other disclosure required in other Sections
14 of this Code in a timely manner.

15 (e) The changes to subsections (b), (c), (c-5), (c-10), and
16 (c-15) of this Section made by this amendatory Act of the 96th
17 General Assembly apply to reports submitted, offers made, and
18 notices on contracts executed on or after its effective date.

19 (f) ~~Each The Department of Central Management Services, the~~
20 ~~Capital Development Board, the Department of Transportation,~~
21 ~~and the higher education~~ chief procurement officer shall, in
22 consultation with the agencies under his or her jurisdiction,
23 provide the Procurement Policy Board with the information and
24 resources necessary, and in a manner, to effectuate the purpose
25 of this amendatory Act of the 96th General Assembly.

26 (Source: P.A. 95-536, eff. 1-1-08; 96-795, eff. 7-1-10 (see

1 Section 5 of P.A. 96-793 for the effective date of changes made
2 by P.A. 96-795); 96-1444, eff. 8-20-10.)

3 (30 ILCS 500/15-30)

4 Sec. 15-30. Electronic Bulletin clearinghouse.

5 (a) The Procurement Policy Board shall maintain on its
6 official website a searchable database containing all
7 information required to be included in the Illinois Procurement
8 Bulletin under subsections (b), (c), (c-10), and (c-15) of
9 Section 15-25 and all information required to be disclosed
10 under Section 50-41. The posting of procurement information on
11 the website is subject to the same posting requirements as the
12 online electronic Bulletin.

13 (b) For the purposes of this Section, searchable means
14 searchable and sortable by successful responsible bidder or
15 offeror or, for emergency purchases, business or person
16 contracted with; the contract price or total cost; the service
17 or good; the purchasing State agency; and the date first
18 offered or announced.

19 (c) The applicable chief procurement officer shall provide
20 the Procurement Policy Board the information and resources
21 necessary, and in a manner, to effectuate the purpose of this
22 Section.

23 (Source: P.A. 95-536, eff. 1-1-08; 96-795, eff. 7-1-10 (see
24 Section 5 of P.A. 96-793 for the effective date of changes made
25 by P.A. 96-795).)

1 (30 ILCS 500/15-35 new)

2 Sec. 15-35. Vendor portal. Each chief procurement officer
3 may, in consultation with the agencies under his or her
4 jurisdiction and the Procurement Policy Board, establish a
5 vendor portal. The vendor portal shall allow a prospective
6 vendor to provide certifications, disclosures, registrations,
7 and other documentation needed to do business with a State
8 agency in advance of any particular procurement. A prospective
9 vendor who registers with the vendor portal and provides this
10 information may submit its registration number, with a
11 confirmation that the portal information remains current, as
12 part of its response to a competitive selection or a
13 contracting process, rather than submit the same information in
14 full. One or more chief procurement officers may jointly
15 operate a vendor portal if a single portal would better serve
16 the needs of the State agencies and the vendor community. A
17 chief procurement officer may accept, for use on procurements
18 and contracts under his or her jurisdiction, the registration
19 from another chief procurement officer's vendor portal. This
20 Section applies notwithstanding any laws to the contrary except
21 for later enacted laws that specifically refer to this Section.

22 Nothing in this Section shall preclude a State agency from
23 implementing its own pre-qualification, certification,
24 disclosure, and registration requirements necessary to conduct
25 and manage its program operation.

1 This Section does not apply to any contract for any project
2 as to which federal funds are available for expenditure when
3 its provisions may be in conflict with federal law or federal
4 regulation.

5 (30 ILCS 500/20-10)

6 (Text of Section from P.A. 96-159, 96-588, 97-96, and
7 97-198)

8 Sec. 20-10. Competitive sealed bidding; reverse auction.

9 (a) Conditions for use. All contracts shall be awarded by
10 competitive sealed bidding except as otherwise provided in
11 Section 20-5.

12 (b) Invitation for bids. An invitation for bids shall be
13 issued and shall include a purchase description and the
14 material contractual terms and conditions applicable to the
15 procurement.

16 (c) Public notice. Public notice of the invitation for bids
17 shall be published in the Illinois Procurement Bulletin at
18 least 14 days before the date set in the invitation for the
19 opening of bids.

20 (d) Bid opening. Bids shall be opened publicly in the
21 presence of one or more witnesses at the time and place
22 designated in the invitation for bids. The name of each bidder,
23 the amount of each bid, and other relevant information as may
24 be specified by rule shall be recorded. After the award of the
25 contract, the winning bid and the record of each unsuccessful

1 bid shall be open to public inspection.

2 (e) Bid acceptance and bid evaluation. Bids shall be
3 unconditionally accepted without alteration or correction,
4 except as authorized in this Code. Bids shall be evaluated
5 based on the requirements set forth in the invitation for bids,
6 which may include criteria to determine acceptability such as
7 inspection, testing, quality, workmanship, delivery, and
8 suitability for a particular purpose. Those criteria that will
9 affect the bid price and be considered in evaluation for award,
10 such as discounts, transportation costs, and total or life
11 cycle costs, shall be objectively measurable. The invitation
12 for bids shall set forth the evaluation criteria to be used.

13 (f) Correction or withdrawal of bids. Correction or
14 withdrawal of inadvertently erroneous bids before or after
15 award, or cancellation of awards of contracts based on bid
16 mistakes, shall be permitted in accordance with rules. After
17 bid opening, no changes in bid prices or other provisions of
18 bids prejudicial to the interest of the State or fair
19 competition shall be permitted. All decisions to permit the
20 correction or withdrawal of bids based on bid mistakes shall be
21 supported by written determination made by a State purchasing
22 officer.

23 (g) Award. The contract shall be awarded with reasonable
24 promptness by written notice to the lowest responsible and
25 responsive bidder whose bid meets the requirements and criteria
26 set forth in the invitation for bids, except when a State

1 purchasing officer determines it is not in the best interest of
2 the State and by written explanation determines another bidder
3 shall receive the award. The explanation shall appear in the
4 appropriate volume of the Illinois Procurement Bulletin. The
5 written explanation must include:

6 (1) a description of the agency's needs;

7 (2) a determination that the anticipated cost will be
8 fair and reasonable;

9 (3) a listing of all responsible and responsive
10 bidders; and

11 (4) the name of the bidder selected, the total contract
12 price, and the reasons for selecting that bidder.

13 Each chief procurement officer may adopt guidelines to
14 implement the requirements of this subsection (g).

15 The written explanation shall be filed with the Legislative
16 Audit Commission and the Procurement Policy Board, and be made
17 available for inspection by the public, within 30 days after
18 the agency's decision to award the contract.

19 (h) Multi-step sealed bidding. When it is considered
20 impracticable to initially prepare a purchase description to
21 support an award based on price, an invitation for bids may be
22 issued requesting the submission of unpriced offers to be
23 followed by an invitation for bids limited to those bidders
24 whose offers have been qualified under the criteria set forth
25 in the first solicitation.

26 (i) Alternative procedures. Notwithstanding any other

1 provision of this Act to the contrary, the Director of the
2 Illinois Power Agency may create alternative bidding
3 procedures to be used in procuring professional services under
4 subsection (a) of Section 1-75 and subsection (d) of Section
5 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
6 of the Public Utilities Act and to procure renewable energy
7 resources under Section 1-56 of the Illinois Power Agency Act.
8 These alternative procedures shall be set forth together with
9 the other criteria contained in the invitation for bids, and
10 shall appear in the appropriate volume of the Illinois
11 Procurement Bulletin.

12 (j) Reverse auction. Notwithstanding any other provision
13 of this Section and in accordance with rules adopted by the
14 ~~Director of Central Management Services as~~ chief procurement
15 officer, ~~a State purchasing officer under~~ that chief
16 procurement officer ~~officer's jurisdiction~~ may procure
17 supplies or services through a competitive electronic auction
18 bidding process after the ~~purchasing officer explains in~~
19 ~~writing to the~~ chief procurement officer determines ~~his or her~~
20 ~~determination~~ that the use of such a process will be in the
21 best interest of the State. The chief procurement officer shall
22 publish that determination in his or her next volume of the
23 Illinois Procurement Bulletin.

24 An invitation for bids shall be issued and shall include
25 (i) a procurement description, (ii) all contractual terms,
26 whenever practical, and (iii) conditions applicable to the

1 procurement, including a notice that bids will be received in
2 an electronic auction manner.

3 Public notice of the invitation for bids shall be given in
4 the same manner as provided in subsection (c).

5 Bids shall be accepted electronically at the time and in
6 the manner designated in the invitation for bids. During the
7 auction, a bidder's price shall be disclosed to other bidders.
8 Bidders shall have the opportunity to reduce their bid prices
9 during the auction. At the conclusion of the auction, the
10 record of the bid prices received and the name of each bidder
11 shall be open to public inspection.

12 After the auction period has terminated, withdrawal of bids
13 shall be permitted as provided in subsection (f).

14 The contract shall be awarded within 60 days after the
15 auction by written notice to the lowest responsible bidder, or
16 all bids shall be rejected except as otherwise provided in this
17 Code. Extensions of the date for the award may be made by
18 mutual written consent of the State purchasing officer and the
19 lowest responsible bidder.

20 This subsection does not apply to (i) procurements of
21 professional and artistic services, (ii) ~~including but not~~
22 ~~limited to~~ telecommunications services, communication
23 ~~communications~~ services, ~~Internet services,~~ and information
24 services, and (iii) ~~(ii)~~ contracts for construction projects,
25 including design professional services.

26 (Source: P.A. 95-481, eff. 8-28-07; 96-159, eff. 8-10-09;

1 96-588, eff. 8-18-09; 97-96, eff. 7-13-11.)

2 (Text of Section from P.A. 96-159, 96-795, 97-96, and
3 97-198)

4 Sec. 20-10. Competitive sealed bidding; reverse auction.

5 (a) Conditions for use. All contracts shall be awarded by
6 competitive sealed bidding except as otherwise provided in
7 Section 20-5.

8 (b) Invitation for bids. An invitation for bids shall be
9 issued and shall include a purchase description and the
10 material contractual terms and conditions applicable to the
11 procurement.

12 (c) Public notice. Public notice of the invitation for bids
13 shall be published in the Illinois Procurement Bulletin at
14 least 14 days before the date set in the invitation for the
15 opening of bids.

16 (d) Bid opening. Bids shall be opened publicly in the
17 presence of one or more witnesses at the time and place
18 designated in the invitation for bids. The name of each bidder,
19 the amount of each bid, and other relevant information as may
20 be specified by rule shall be recorded. After the award of the
21 contract, the winning bid and the record of each unsuccessful
22 bid shall be open to public inspection.

23 (e) Bid acceptance and bid evaluation. Bids shall be
24 unconditionally accepted without alteration or correction,
25 except as authorized in this Code. Bids shall be evaluated

1 based on the requirements set forth in the invitation for bids,
2 which may include criteria to determine acceptability such as
3 inspection, testing, quality, workmanship, delivery, and
4 suitability for a particular purpose. Those criteria that will
5 affect the bid price and be considered in evaluation for award,
6 such as discounts, transportation costs, and total or life
7 cycle costs, shall be objectively measurable. The invitation
8 for bids shall set forth the evaluation criteria to be used.

9 (f) Correction or withdrawal of bids. Correction or
10 withdrawal of inadvertently erroneous bids before or after
11 award, or cancellation of awards of contracts based on bid
12 mistakes, shall be permitted in accordance with rules. After
13 bid opening, no changes in bid prices or other provisions of
14 bids prejudicial to the interest of the State or fair
15 competition shall be permitted. All decisions to permit the
16 correction or withdrawal of bids based on bid mistakes shall be
17 supported by written determination made by a State purchasing
18 officer.

19 (g) Award. The contract shall be awarded with reasonable
20 promptness by written notice to the lowest responsible and
21 responsive bidder whose bid meets the requirements and criteria
22 set forth in the invitation for bids, except when a State
23 purchasing officer determines it is not in the best interest of
24 the State and by written explanation determines another bidder
25 shall receive the award. The explanation shall appear in the
26 appropriate volume of the Illinois Procurement Bulletin. The

1 written explanation must include:

2 (1) a description of the agency's needs;

3 (2) a determination that the anticipated cost will be
4 fair and reasonable;

5 (3) a listing of all responsible and responsive
6 bidders; and

7 (4) the name of the bidder selected, the total contract
8 price pricing, and the reasons for selecting that bidder.

9 Each chief procurement officer may adopt guidelines to
10 implement the requirements of this subsection (g).

11 The written explanation shall be filed with the Legislative
12 Audit Commission and the Procurement Policy Board, and be made
13 available for inspection by the public, within 30 days after
14 the agency's decision to award the contract.

15 (h) Multi-step sealed bidding. When it is considered
16 impracticable to initially prepare a purchase description to
17 support an award based on price, an invitation for bids may be
18 issued requesting the submission of unpriced offers to be
19 followed by an invitation for bids limited to those bidders
20 whose offers have been qualified under the criteria set forth
21 in the first solicitation.

22 (i) Alternative procedures. Notwithstanding any other
23 provision of this Act to the contrary, the Director of the
24 Illinois Power Agency may create alternative bidding
25 procedures to be used in procuring professional services under
26 subsection (a) of Section 1-75 and subsection (d) of Section

1 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
2 of the Public Utilities Act and to procure renewable energy
3 resources under Section 1-56 of the Illinois Power Agency Act.
4 These alternative procedures shall be set forth together with
5 the other criteria contained in the invitation for bids, and
6 shall appear in the appropriate volume of the Illinois
7 Procurement Bulletin.

8 (j) Reverse auction. Notwithstanding any other provision
9 of this Section and in accordance with rules adopted by the
10 chief procurement officer, that chief procurement officer may
11 procure supplies or services through a competitive electronic
12 auction bidding process after the chief procurement officer
13 determines that the use of such a process will be in the best
14 interest of the State. The chief procurement officer shall
15 publish that determination in his or her next volume of the
16 Illinois Procurement Bulletin.

17 An invitation for bids shall be issued and shall include
18 (i) a procurement description, (ii) all contractual terms,
19 whenever practical, and (iii) conditions applicable to the
20 procurement, including a notice that bids will be received in
21 an electronic auction manner.

22 Public notice of the invitation for bids shall be given in
23 the same manner as provided in subsection (c).

24 Bids shall be accepted electronically at the time and in
25 the manner designated in the invitation for bids. During the
26 auction, a bidder's price shall be disclosed to other bidders.

1 Bidders shall have the opportunity to reduce their bid prices
2 during the auction. At the conclusion of the auction, the
3 record of the bid prices received and the name of each bidder
4 shall be open to public inspection.

5 After the auction period has terminated, withdrawal of bids
6 shall be permitted as provided in subsection (f).

7 The contract shall be awarded within 60 days after the
8 auction by written notice to the lowest responsible bidder, or
9 all bids shall be rejected except as otherwise provided in this
10 Code. Extensions of the date for the award may be made by
11 mutual written consent of the State purchasing officer and the
12 lowest responsible bidder.

13 This subsection does not apply to (i) procurements of
14 professional and artistic services, (ii) telecommunications
15 services, communication services, and information services,
16 and (iii) contracts for construction projects, including
17 design professional services.

18 (Source: P.A. 96-159, eff. 8-10-09; 96-795, eff. 7-1-10 (see
19 Section 5 of P.A. 96-793 for the effective date of changes made
20 by P.A. 96-795); 97-96, eff. 7-13-11.)

21 (30 ILCS 500/20-25)

22 Sec. 20-25. Sole source procurements.

23 (a) In accordance with standards set by rule, contracts may
24 be awarded without use of the specified method of source
25 selection when there is only one economically feasible source

1 for the item. A State contract may ~~not~~ be awarded as a sole
2 source procurement unless an interested party submits a written
3 request for ~~approved by the chief procurement officer following~~
4 a public hearing at which the chief procurement officer and
5 purchasing agency present written justification for the
6 procurement method. Any interested party ~~The Procurement~~
7 ~~Policy Board and the public~~ may present testimony. A sole
8 source contract where a hearing was requested by an interested
9 party may be awarded after the hearing is conducted with the
10 approval of the chief procurement officer.

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

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

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

6 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
7 for the effective date of changes made by P.A. 96-795); 96-920,
8 eff. 7-1-10.)

9 (30 ILCS 500/20-120)

10 Sec. 20-120. Subcontractors.

11 (a) Any contract granted under this Code shall state
12 whether the services of a subcontractor will ~~or may~~ be used.
13 The contract shall include the names and addresses of all known
14 subcontractors with subcontracts with an annual value of more
15 than \$50,000, \$25,000 ~~and~~ the general type of work to be
16 performed by these subcontractors, and the expected amount of
17 money each will receive under the contract. Upon the request of
18 the chief procurement officer appointed pursuant to paragraph
19 (2) of subsection (a) of Section 10-20, the ~~For procurements~~
20 ~~subject to the authority of the chief procurement officer~~
21 ~~appointed pursuant to subsection (a) (2) of Section 10-20, the~~
22 ~~contract shall include only the names and addresses of all~~
23 ~~known subcontractors of the primary contractor with~~
24 ~~subcontracts with an annual value of more than \$25,000. The~~
25 contractor shall provide the chief procurement officer ~~or State~~

1 ~~purchasing officer~~ a copy of a ~~any~~ subcontract ~~with an annual~~
2 ~~value of more than \$25,000~~ so identified within 15 ~~20~~ days
3 after the request is made ~~execution of the State contract or~~
4 ~~after execution of the subcontract, whichever is later.~~ A
5 subcontractor, or contractor on behalf of a subcontractor, may
6 identify information that is deemed proprietary or
7 confidential. If the chief procurement officer determines the
8 information is not relevant to the primary contract, the chief
9 procurement officer may excuse the inclusion of the
10 information. If the chief procurement officer determines the
11 information is proprietary or could harm the business interest
12 of the subcontractor, the chief procurement officer may, in his
13 or her discretion, redact the information. Redacted
14 information shall not become part of the public record.

15 (b) If at any time during the term of a contract, a
16 contractor adds or changes any subcontractors, he or she shall
17 promptly notify, in writing, the chief procurement officer,
18 State purchasing officer, or their designee of the names and
19 addresses of ~~and the expected amount of money~~ each new or
20 replaced subcontractor and the general type of work to be
21 performed. Upon the request of the chief procurement officer
22 appointed pursuant to paragraph (2) of subsection (a) of
23 Section 10-20, the contractor shall provide the chief
24 procurement officer a copy of any new or amended subcontract so
25 identified within 15 days after the request is made. ~~will~~
26 ~~receive.~~ The contractor shall provide to the responsible chief

1 ~~procurement officer a copy of the subcontract within 20 days~~
2 ~~after the execution of the subcontract.~~

3 (c) In addition to any other requirements of this Code, a
4 subcontract subject to this Section must include all of the
5 subcontractor's certifications required by Article 50 of the
6 Code.

7 (d) This Section applies to procurements solicited on or
8 after the effective date of this amendatory Act of the 96th
9 General Assembly. The changes made to this Section by this
10 amendatory Act of the 97th General Assembly apply to
11 procurements solicited on or after the effective date of this
12 amendatory Act of the 97th General Assembly.

13 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
14 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

15 (30 ILCS 500/20-155)

16 Sec. 20-155. Solicitation and contract documents.

17 (a) After award of a contract and subject to provisions of
18 the Freedom of Information Act, the procuring agency shall make
19 available for public inspection and copying all pre-award,
20 post-award, administration, and close-out documents relating
21 to that particular contract.

22 (b) A procurement file shall be maintained for all
23 contracts, regardless of the method of procurement. The
24 procurement file shall contain the basis on which the award is
25 made, all submitted bids and proposals, all evaluation

1 materials, score sheets and all other documentation related to
2 or prepared in conjunction with evaluation, negotiation, and
3 the award process. The procurement file shall contain a written
4 determination, signed by the chief procurement officer or State
5 purchasing officer, setting forth the reasoning for the
6 contract award decision. The procurement file shall not include
7 trade secrets or other competitively sensitive, confidential,
8 or proprietary information. The procurement file shall be open
9 to public inspection within 7 business days following award of
10 the contract.

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

13 (30 ILCS 500/20-160)

14 Sec. 20-160. Business entities; certification;
15 registration with the State Board of Elections.

16 (a) For purposes of this Section, the terms "business
17 entity", "contract", "State contract", "contract with a State
18 agency", "State agency", "affiliated entity", and "affiliated
19 person" have the meanings ascribed to those terms in Section
20 50-37.

21 (b) Every bid submitted to and every contract executed by
22 the State on or after January 1, 2009 (the effective date of
23 Public Act 95-971) shall contain (1) a certification by the
24 bidder or contractor that either (i) the bidder or contractor
25 is not required to register as a business entity with the State

1 Board of Elections pursuant to this Section or (ii) the bidder
2 or contractor has registered as a business entity with the
3 State Board of Elections and acknowledges a continuing duty to
4 update the registration and (2) a statement that the contract
5 is voidable under Section 50-60 for the bidder's or
6 contractor's failure to comply with this Section.

7 (c) Within 30 days after the effective date of this
8 amendatory Act of the 95th General Assembly, each business
9 entity (i) whose aggregate bids and proposals on State
10 contracts annually total more than \$50,000, (ii) whose
11 aggregate bids and proposals on State contracts combined with
12 the business entity's aggregate annual total value of State
13 contracts exceed \$50,000, or (iii) whose contracts with State
14 agencies, in the aggregate, annually total more than \$50,000
15 shall register with the State Board of Elections in accordance
16 with Section 9-35 of the Election Code. A business entity
17 required to register under this subsection shall submit a copy
18 of the certificate of registration to the applicable chief
19 procurement officer within 90 days after the effective date of
20 this amendatory Act of the 95th General Assembly. A business
21 entity required to register under this subsection due to item
22 (i) or (ii) has a continuing duty to ensure that the
23 registration is accurate during the period beginning on the
24 date of registration and ending on the day after the date the
25 contract is awarded; any change in information must be reported
26 to the State Board of Elections 5 business days following such

1 change or no later than a day before the contract is awarded,
2 whichever date is earlier. A business entity required to
3 register under this subsection due to item (iii) has a
4 continuing duty to ensure that the registration is accurate in
5 accordance with subsection (e).

6 (d) Any business entity, not required under subsection (c)
7 to register within 30 days after the effective date of this
8 amendatory Act of the 95th General Assembly, whose aggregate
9 bids and proposals on State contracts annually total more than
10 \$50,000, or whose aggregate bids and proposals on State
11 contracts combined with the business entity's aggregate annual
12 total value of State contracts exceed \$50,000, shall register
13 with the State Board of Elections in accordance with Section
14 9-35 of the Election Code prior to submitting to a State agency
15 the bid or proposal whose value causes the business entity to
16 fall within the monetary description of this subsection. A
17 business entity required to register under this subsection has
18 a continuing duty to ensure that the registration is accurate
19 during the period beginning on the date of registration and
20 ending on the day after the date the contract is awarded. Any
21 change in information must be reported to the State Board of
22 Elections within 5 business days following such change or no
23 later than a day before the contract is awarded, whichever date
24 is earlier.

25 (e) A business entity whose contracts with State agencies,
26 in the aggregate, annually total more than \$50,000 must

1 maintain its registration under this Section and has a
2 continuing duty to ensure that the registration is accurate for
3 the duration of the term of office of the incumbent
4 officeholder awarding the contracts or for a period of 2 years
5 following the expiration or termination of the contracts,
6 whichever is longer. A business entity, required to register
7 under this subsection, has a continuing duty to report any
8 changes on a quarterly basis to the State Board of Elections
9 within 10 business days following the last day of January,
10 April, July, and October of each year. Any update pursuant to
11 this paragraph that is received beyond that date is presumed
12 late and the civil penalty authorized by subsection (e) of
13 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be
14 assessed.

15 Also, if a business entity required to register under this
16 subsection has a pending bid or proposal, any change in
17 information shall be reported to the State Board of Elections
18 within 5 business days following such change or no later than a
19 day before the contract is awarded, whichever date is earlier.

20 (f) A business entity's continuing duty under this Section
21 to ensure the accuracy of its registration includes the
22 requirement that the business entity notify the State Board of
23 Elections of any change in information, including but not
24 limited to changes of affiliated entities or affiliated
25 persons.

26 (g) For ~~A copy of a certificate of registration must~~

1 ~~accompany~~ any bid or proposal for a contract with a State
2 agency by a business entity required to register under this
3 Section, the chief procurement officer shall verify that the
4 business entity is required to register under this Section and
5 is in compliance with the registration requirements on the date
6 the bid or proposal is due. A chief procurement officer shall
7 not accept a bid or proposal if the business entity is not in
8 compliance with the registration requirements as of the date
9 bids or proposals are due ~~unless the certificate is submitted~~
10 ~~to the agency with the bid or proposal.~~

11 (h) A registration, and any changes to a registration, must
12 include the business entity's verification of accuracy and
13 subjects the business entity to the penalties of the laws of
14 this State for perjury.

15 In addition to any penalty under Section 9-35 of the
16 Election Code, intentional, willful, or material failure to
17 disclose information required for registration shall render
18 the contract, bid, proposal, or other procurement relationship
19 voidable by the chief procurement officer if he or she deems it
20 to be in the best interest of the State of Illinois.

21 (i) This Section applies regardless of the method of source
22 selection used in awarding the contract.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
24 for the effective date of changes made by P.A. 96-795); 96-848,
25 eff. 1-1-10; 97-333, eff. 8-12-11.)

1 (30 ILCS 500/45-35)

2 Sec. 45-35. Facilities for persons with severe
3 disabilities.

4 (a) Qualification. Supplies and services may be procured
5 without advertising or calling for bids from any qualified
6 not-for-profit agency for persons with severe disabilities
7 that:

8 (1) complies with Illinois laws governing private
9 not-for-profit organizations;

10 (2) is certified as a sheltered workshop by the Wage
11 and Hour Division of the United States Department of Labor
12 or is an accredited vocational program that provides
13 transition services to youth between the ages of 14 1/2 and
14 22 in accordance with individualized education plans under
15 Section 14-8.03 of the School Code and that provides
16 residential services at a child care institution, as
17 defined under Section 2.06 of the Child Care Act of 1969,
18 or at a group home, as defined under Section 2.16 of the
19 Child Care Act of 1969; and

20 (3) meets the applicable Illinois Department of Human
21 Services just standards.

22 (b) Participation. To participate, the not-for-profit
23 agency must have indicated an interest in providing the
24 supplies and services, must meet the specifications and needs
25 of the using agency, and must set a fair market price.

26 (c) Committee. There is created within the Department of

1 Central Management Services a committee to facilitate the
2 purchase of products and services of persons so severely
3 disabled by a physical, developmental, or mental disability or
4 a combination of any of those disabilities that they cannot
5 engage in normal competitive employment. This committee is
6 called the State Use Committee. The committee shall consist of
7 the Director of the Department of Central Management Services
8 or his or her designee, the Director of the Department of Human
9 Services or his or her designee, one public member representing
10 private business who is knowledgeable of the employment needs
11 and concerns of persons with developmental disabilities, one
12 public member representing private business who is
13 knowledgeable of the needs and concerns of rehabilitation
14 facilities, one public member who is knowledgeable of the
15 employment needs and concerns of persons with developmental
16 disabilities, one public member who is knowledgeable of the
17 needs and concerns of rehabilitation facilities, and 2 public
18 members from a statewide association that represents
19 community-based rehabilitation facilities, all appointed by
20 the Governor. The public members shall serve 2 year terms,
21 commencing upon appointment and every 2 years thereafter. A
22 public member may be reappointed, and vacancies shall be filled
23 by appointment for the completion of the term. In the event
24 there is a vacancy on the Committee, the Governor must make an
25 appointment to fill that vacancy within 30 calendar days after
26 the notice of vacancy. The members shall serve without

1 compensation but shall be reimbursed for expenses at a rate
2 equal to that of State employees on a per diem basis by the
3 Department of Central Management Services. All members shall be
4 entitled to vote on issues before the committee.

5 The committee shall have the following powers and duties:

6 (1) To request from any State agency information as to
7 product specification and service requirements in order to
8 carry out its purpose.

9 (2) To meet quarterly or more often as necessary to
10 carry out its purposes.

11 (3) To request a quarterly report from each
12 participating qualified not-for-profit agency for persons
13 with severe disabilities describing the volume of sales for
14 each product or service sold under this Section.

15 (4) To prepare a report for the Governor annually.

16 (5) To prepare a publication that lists all supplies
17 and services currently available from any qualified
18 not-for-profit agency for persons with severe
19 disabilities. This list and any revisions shall be
20 distributed to all purchasing agencies.

21 (6) To encourage diversity in supplies and services
22 provided by qualified not-for-profit agencies for persons
23 with severe disabilities and discourage unnecessary
24 duplication or competition among facilities.

25 (7) To develop guidelines to be followed by qualifying
26 agencies for participation under the provisions of this

1 Section. The guidelines shall be developed within 6 months
2 after the effective date of this Code and made available on
3 a nondiscriminatory basis to all qualifying agencies.

4 (8) To review all bids submitted under the provisions
5 of this Section and reject any bid for any purchase that is
6 determined to be substantially more than the purchase would
7 have cost had it been competitively bid.

8 (9) To develop a 5-year plan for increasing the number
9 of products and services purchased from qualified
10 not-for-profit agencies for persons with severe
11 disabilities, including the feasibility of developing
12 mandatory set-aside contracts. This 5-year plan must be
13 developed no later than 180 calendar days after the
14 effective date of this amendatory Act of the 96th General
15 Assembly.

16 (c-5) Conditions for Use. Each chief procurement officer
17 shall, in consultation with the State Use Committee, determine
18 which articles, materials, services, food stuffs, and supplies
19 that are produced, manufactured, or provided by persons with
20 severe disabilities in qualified not-for-profit agencies shall
21 be given preference by purchasing agencies procuring those
22 items.

23 (d) Former committee. The committee created under
24 subsection (c) shall replace the committee created under
25 Section 7-2 of the Illinois Purchasing Act, which shall
26 continue to operate until the appointments under subsection (c)

1 are made.

2 (Source: P.A. 96-634, eff. 8-24-09.)

3 (30 ILCS 500/50-5)

4 Sec. 50-5. Bribery.

5 (a) Prohibition. No person or business shall be awarded a
6 contract or subcontract under this Code who:

7 (1) has been convicted under the laws of Illinois or
8 any other state of bribery or attempting to bribe an
9 officer or employee of the State of Illinois or any other
10 state in that officer's or employee's official capacity; or

11 (2) has made an admission of guilt of that conduct that
12 is a matter of record but has not been prosecuted for that
13 conduct.

14 (b) Businesses. No business shall be barred from
15 contracting with any unit of State or local government, or
16 subcontracting under such a contract, as a result of a
17 conviction under this Section of any employee or agent of the
18 business if the employee or agent is no longer employed by the
19 business and:

20 (1) the business has been finally adjudicated not
21 guilty; or

22 (2) the business demonstrates to the governmental
23 entity with which it seeks to contract or which is a
24 signatory to the contract to which the subcontract relates,
25 and that entity finds that the commission of the offense

1 was not authorized, requested, commanded, or performed by a
2 director, officer, or high managerial agent on behalf of
3 the business as provided in paragraph (2) of subsection (a)
4 of Section 5-4 of the Criminal Code of 1961.

5 (c) Conduct on behalf of business. For purposes of this
6 Section, when an official, agent, or employee of a business
7 committed the bribery or attempted bribery on behalf of the
8 business and in accordance with the direction or authorization
9 of a responsible official of the business, the business shall
10 be chargeable with the conduct.

11 (d) Certification. Every bid submitted to and contract
12 executed by the State and every subcontract subject to Section
13 20-120 of this Code shall contain a certification by the
14 contractor or the subcontractor, respectively, that the
15 contractor or subcontractor is not barred from being awarded a
16 contract or subcontract under this Section and acknowledges
17 that the chief procurement officer may declare the related
18 contract void if any certifications required by this Section
19 are false. If the false certification is made by a
20 subcontractor, then the contractor's submitted bid and the
21 executed contract may not be declared void, unless the
22 contractor refuses to terminate the subcontract upon the
23 State's request after a finding that the subcontract's
24 certification was false. A contractor or subcontractor who
25 makes a false statement, material to the certification, commits
26 a Class 3 felony.

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

3 (30 ILCS 500/50-10)

4 Sec. 50-10. Felons.

5 (a) Unless otherwise provided, no person or business
6 convicted of a felony shall do business with the State of
7 Illinois or any State agency, or enter into a subcontract, from
8 the date of conviction until 5 years after the date of
9 completion of the sentence for that felony, unless no person
10 held responsible by a prosecutorial office for the facts upon
11 which the conviction was based continues to have any
12 involvement with the business.

13 (b) Every bid submitted to and contract executed by the
14 State and every subcontract subject to Section 20-120 of this
15 Code shall contain a certification by the bidder or contractor
16 or subcontractor, respectively, that the bidder, contractor,
17 or subcontractor is not barred from being awarded a contract or
18 subcontract under this Section and acknowledges that the chief
19 procurement officer may declare the related contract void if
20 any of the certifications required by this Section are false.
21 If the false certification is made by a subcontractor, then the
22 contractor's submitted bid and the executed contract may not be
23 declared void, unless the contractor refuses to terminate the
24 subcontract upon the State's request after a finding that the
25 subcontract's certification was false.

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

3 (30 ILCS 500/50-10.5)

4 Sec. 50-10.5. Prohibited bidders and contractors.

5 (a) Unless otherwise provided, no business shall bid or
6 enter into a contract or subcontract under this Code if the
7 business or any officer, director, partner, or other managerial
8 agent of the business has been convicted of a felony under the
9 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
10 the Illinois Securities Law of 1953 for a period of 5 years
11 from the date of conviction.

12 (b) Every bid submitted to and contract executed by the
13 State and every subcontract subject to Section 20-120 of this
14 Code shall contain a certification by the bidder, contractor,
15 or subcontractor, respectively, that the bidder, contractor,
16 or subcontractor is not barred from being awarded a contract or
17 subcontract under this Section and acknowledges that the chief
18 procurement officer shall declare the related contract void if
19 any of the certifications completed pursuant to this subsection
20 (b) are false. If the false certification is made by a
21 subcontractor, then the contractor's submitted bid and the
22 executed contract may not be declared void, unless the
23 contractor refuses to terminate the subcontract upon the
24 State's request after a finding that the subcontract's
25 certification was false.

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

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

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

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

11 (e) No person or business shall bid or enter into a
12 contract under this Code if the person or business+

13 ~~(1) assisted the State of Illinois or a State agency in~~
14 ~~determining whether there is a need for a contract except~~
15 ~~as part of a response to a publicly issued request for~~
16 ~~information; or~~

17 ~~(2)~~ assisted an employee of the State of Illinois, who,
18 by the nature of his or her duties, has the authority to
19 participate personally and substantially in the decision
20 to award a State contract, or a State agency by reviewing,
21 drafting, directing, or preparing any invitation for bids,
22 a request for proposal, or request for information or
23 provided similar assistance except as part of a publicly
24 issued opportunity to review drafts of all or part of these
25 documents.

26 This subsection does not prohibit a person or business from

1 submitting a bid or proposal or entering into a contract if the
2 person or business: (i) initiates a communication with an
3 employee to provide general information about products,
4 services, or industry best practices and, if applicable, that
5 communication is documented in accordance with Section 50-39 or
6 (ii) responds to a communication initiated by an employee of
7 the State for the purposes of providing information to evaluate
8 new products, trends, services, or technologies.

9 Nothing in this Section prohibits a vendor developing
10 technology, goods, or services from bidding or offering to
11 supply that technology or those goods or services if the
12 subject demonstrated to the State represents industry trends
13 and innovation and is not specifically designed to meet the
14 State's needs.

15 For purposes of this subsection (e), "business" includes
16 all individuals with whom a business is affiliated, including,
17 but not limited to, any officer, agent, employee, consultant,
18 independent contractor, director, partner, manager, or
19 shareholder of a business.

20 No person or business shall submit specifications to a
21 State agency unless requested to do so by an employee of the
22 State. No person or business who contracts with a State agency
23 to write specifications for a particular procurement need shall
24 submit a bid or proposal or receive a contract for that
25 procurement need.

26 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of changes made by P.A. 96-795); 96-920,
2 eff. 7-1-10.)

3 (30 ILCS 500/50-11)

4 Sec. 50-11. Debt delinquency.

5 (a) No person shall submit a bid for or enter into a
6 contract or subcontract under this Code if that person knows or
7 should know that he or she or any affiliate is delinquent in
8 the payment of any debt to the State, unless the person or
9 affiliate has entered into a deferred payment plan to pay off
10 the debt. For purposes of this Section, the phrase "delinquent
11 in the payment of any debt" shall be determined by the Debt
12 Collection Bureau. For purposes of this Section, the term
13 "affiliate" means any entity that (1) directly, indirectly, or
14 constructively controls another entity, (2) is directly,
15 indirectly, or constructively controlled by another entity, or
16 (3) is subject to the control of a common entity. For purposes
17 of this subsection (a), a person controls an entity if the
18 person owns, directly or individually, more than 10% of the
19 voting securities of that entity. As used in this subsection
20 (a), the term "voting security" means a security that (1)
21 confers upon the holder the right to vote for the election of
22 members of the board of directors or similar governing body of
23 the business or (2) is convertible into, or entitles the holder
24 to receive upon its exercise, a security that confers such a
25 right to vote. A general partnership interest is a voting

1 security.

2 (b) Every bid submitted to and contract executed by the
3 State and every subcontract subject to Section 20-120 of this
4 Code shall contain a certification by the bidder, contractor,
5 or subcontractor, respectively, that the contractor or the
6 subcontractor and its affiliate is not barred from being
7 awarded a contract or subcontract under this Section and
8 acknowledges that the chief procurement officer may declare the
9 related contract void if any of the certifications completed
10 pursuant to this subsection (b) are false. If the false
11 certification is made by a subcontractor, then the contractor's
12 submitted bid and the executed contract may not be declared
13 void, unless the contractor refuses to terminate the
14 subcontract upon the State's request after a finding that the
15 subcontract's certification was false.

16 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see
17 Section 5 of P.A. 96-793 for effective date of changes made by
18 P.A. 96-795); 96-1000, eff. 7-2-10.)

19 (30 ILCS 500/50-12)

20 Sec. 50-12. Collection and remittance of Illinois Use Tax.

21 (a) No person shall enter into a contract with a State
22 agency or enter into a subcontract under this Code unless the
23 person and all affiliates of the person collect and remit
24 Illinois Use Tax on all sales of tangible personal property
25 into the State of Illinois in accordance with the provisions of

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

18 (b) Every bid submitted and contract executed by the State
19 and every subcontract subject to Section 20-120 of this Code
20 shall contain a certification by the bidder, contractor, or
21 subcontractor, respectively, that the bidder, contractor, or
22 subcontractor is not barred from bidding for or entering into a
23 contract under subsection (a) of this Section and acknowledges
24 that the chief procurement officer may declare the related
25 contract void if any of the certifications completed pursuant
26 to this subsection (b) are false. If the false certification is

1 made by a subcontractor, then the contractor's submitted bid
2 and the executed contract may not be declared void, unless the
3 contractor refuses to terminate the subcontract upon the
4 State's request after a finding that the subcontract's
5 certification was false.

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

8 (30 ILCS 500/50-14)

9 Sec. 50-14. Environmental Protection Act violations.

10 (a) Unless otherwise provided, no person or business found
11 by a court or the Pollution Control Board to have committed a
12 willful or knowing violation of the Environmental Protection
13 Act shall do business with the State of Illinois or any State
14 agency or enter into a subcontract that is subject to this Code
15 from the date of the order containing the finding of violation
16 until 5 years after that date, unless the person or business
17 can show that no person involved in the violation continues to
18 have any involvement with the business.

19 (b) A person or business otherwise barred from doing
20 business with the State of Illinois or any State agency or
21 subcontracting under this Code by subsection (a) may be allowed
22 to do business with the State of Illinois or any State agency
23 if it is shown that there is no practicable alternative to the
24 State to contracting with that person or business.

25 (c) Every bid submitted to and contract executed by the

1 State and every subcontract subject to Section 20-120 of this
2 Code shall contain a certification by the bidder, contractor,
3 or subcontractor, respectively, that the bidder, contractor,
4 or subcontractor is not barred from being awarded a contract or
5 subcontract under this Section and acknowledges that the
6 contracting State agency may declare the related contract void
7 if any of the certifications completed pursuant to this
8 subsection (c) are false. If the false certification is made by
9 a subcontractor, then the contractor's submitted bid and the
10 executed contract may not be declared void, unless the
11 contractor refuses to terminate the subcontract upon the
12 State's request after a finding that the subcontract's
13 certification was false.

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

16 (30 ILCS 500/50-35)

17 Sec. 50-35. Financial disclosure and potential conflicts
18 of interest.

19 (a) All offers from responsive bidders or offerors with an
20 annual value of more than \$25,000, ~~and all subcontracts~~
21 ~~identified as provided by Section 20-120 of this Code,~~ shall be
22 accompanied by disclosure of the financial interests of the
23 contractor, bidder, or proposer and each subcontractor to be
24 used. In addition, all subcontracts identified as provided by
25 Section 20-120 of this Code with an annual value of more than

1 \$50,000 shall be accompanied by disclosure of the financial
2 interests of each subcontractor. The financial disclosure of
3 each successful bidder or offeror and its subcontractors shall
4 be incorporated as a material term of the contract and shall
5 become part of the publicly available contract or procurement
6 file maintained by the appropriate chief procurement officer.
7 Each disclosure under this Section ~~and Section 50-34~~ shall be
8 signed and made under penalty of perjury by an authorized
9 officer or employee on behalf of the bidder or offeror, and
10 must be filed with the Procurement Policy Board.

11 (b) Disclosure shall include any ownership or distributive
12 income share that is in excess of 5%, or an amount greater than
13 60% of the annual salary of the Governor, of the disclosing
14 entity or its parent entity, whichever is less, unless the
15 contractor, bidder, or subcontractor (i) is a publicly traded
16 entity subject to Federal 10K reporting, in which case it may
17 submit its 10K disclosure in place of the prescribed
18 disclosure, or (ii) is a privately held entity that is exempt
19 from Federal 10k reporting but has more than 200 shareholders,
20 in which case it may submit the information that Federal 10k
21 reporting companies are required to report under 17 CFR 229.401
22 and list the names of any person or entity holding any
23 ownership share that is in excess of 5% in place of the
24 prescribed disclosure. The form of disclosure shall be
25 prescribed by the applicable chief procurement officer and must
26 include at least the names, addresses, and dollar or

1 proportionate share of ownership of each person identified in
2 this Section, their instrument of ownership or beneficial
3 relationship, and notice of any potential conflict of interest
4 resulting from the current ownership or beneficial
5 relationship of each person identified in this Section having
6 in addition any of the following relationships:

7 (1) State employment, currently or in the previous 3
8 years, including contractual employment of services.

9 (2) State employment of spouse, father, mother, son, or
10 daughter, including contractual employment for services in
11 the previous 2 years.

12 (3) Elective status; the holding of elective office of
13 the State of Illinois, the government of the United States,
14 any unit of local government authorized by the Constitution
15 of the State of Illinois or the statutes of the State of
16 Illinois currently or in the previous 3 years.

17 (4) Relationship to anyone holding elective office
18 currently or in the previous 2 years; spouse, father,
19 mother, son, or daughter.

20 (5) Appointive office; the holding of any appointive
21 government office of the State of Illinois, the United
22 States of America, or any unit of local government
23 authorized by the Constitution of the State of Illinois or
24 the statutes of the State of Illinois, which office
25 entitles the holder to compensation in excess of expenses
26 incurred in the discharge of that office currently or in

1 the previous 3 years.

2 (6) Relationship to anyone holding appointive office
3 currently or in the previous 2 years; spouse, father,
4 mother, son, or daughter.

5 (7) Employment, currently or in the previous 3 years,
6 as or by any registered lobbyist of the State government.

7 (8) Relationship to anyone who is or was a registered
8 lobbyist in the previous 2 years; spouse, father, mother,
9 son, or daughter.

10 (9) Compensated employment, currently or in the
11 previous 3 years, by any registered election or re-election
12 committee registered with the Secretary of State or any
13 county clerk in the State of Illinois, or any political
14 action committee registered with either the Secretary of
15 State or the Federal Board of Elections.

16 (10) Relationship to anyone; spouse, father, mother,
17 son, or daughter; who is or was a compensated employee in
18 the last 2 years of any registered election or re-election
19 committee registered with the Secretary of State or any
20 county clerk in the State of Illinois, or any political
21 action committee registered with either the Secretary of
22 State or the Federal Board of Elections.

23 (b-1) The disclosure required under this Section must also
24 include the name and address of each lobbyist required to
25 register under the Lobbyist Registration Act and other agent of
26 the bidder or offeror who is not identified under subsections

1 (a) and (b) and who has communicated, is communicating, or may
2 communicate with any State officer or employee concerning the
3 bid or offer. The disclosure under this subsection is a
4 continuing obligation and must be promptly supplemented for
5 accuracy throughout the process and throughout the term of the
6 contract if the bid or offer is successful.

7 (b-2) The disclosure required under this Section must also
8 include, for each of the persons identified in subsection (b)
9 or (b-1), each of the following that occurred within the
10 previous 10 years: debarment from contracting with any
11 governmental entity; professional licensure discipline;
12 bankruptcies; adverse civil judgments and administrative
13 findings; and criminal felony convictions. The disclosure
14 under this subsection is a continuing obligation and must be
15 promptly supplemented for accuracy throughout the process and
16 throughout the term of the contract if the bid or offer is
17 successful.

18 (c) The disclosure in subsection (b) is not intended to
19 prohibit or prevent any contract. The disclosure is meant to
20 fully and publicly disclose any potential conflict to the chief
21 procurement officers, State purchasing officers, their
22 designees, and executive officers so they may adequately
23 discharge their duty to protect the State.

24 (d) When a potential for a conflict of interest is
25 identified, discovered, or reasonably suspected, the chief
26 procurement officer or State procurement officer shall send the

1 contract to the Procurement Policy Board. In accordance with
2 the objectives of subsection (c), if the Procurement Policy
3 Board finds evidence of a potential conflict of interest not
4 originally disclosed by the contractor or subcontractor, the
5 Board shall provide written notice to the contractor or
6 subcontractor that is identified, discovered, or reasonably
7 suspected of having a potential conflict of interest. The
8 contractor or subcontractor shall have 15 days to respond in
9 writing to the Board, and a hearing before the Board will be
10 granted upon the contractor's or subcontractor's request, at a
11 date and time to be determined by the Board, but which in no
12 event shall occur later than 15 days after the date of the
13 request. Upon consideration, the ~~The~~ Board shall recommend, in
14 writing, whether to allow or void the contract, bid, offer, or
15 subcontract weighing the best interest of the State of
16 Illinois. All recommendations shall be submitted to the
17 Executive Ethics Commission ~~chief procurement officer~~. The
18 Executive Ethics Commission ~~chief procurement officer~~ must
19 hold a public hearing within 30 days after receiving the
20 Board's recommendation if the Procurement Policy Board makes a
21 recommendation to (i) void a contract or (ii) void a bid or
22 offer and the chief procurement officer selected or intends to
23 award the contract to the bidder or offeror. A chief
24 procurement officer is prohibited from awarding a contract
25 before a hearing if the Board recommendation does not support a
26 bid or offer. The recommendation and proceedings of any

1 hearing, if applicable, ~~shall become part of the contract, bid,~~
2 ~~or proposal file and~~ shall be available to the public.

3 (e) These thresholds and disclosure do not relieve the
4 chief procurement officer, the State purchasing officer, or
5 their designees from reasonable care and diligence for any
6 contract, bid, offer, or proposal. The chief procurement
7 officer, the State purchasing officer, or their designees shall
8 be responsible for using any reasonably known and publicly
9 available information to discover any undisclosed potential
10 conflict of interest and act to protect the best interest of
11 the State of Illinois.

12 (f) Inadvertent or accidental failure to fully disclose
13 shall render the contract, bid, proposal, subcontract, or
14 relationship voidable by the chief procurement officer if he or
15 she deems it in the best interest of the State of Illinois and,
16 at his or her discretion, may be cause for barring from future
17 contracts, bids, proposals, subcontracts, or relationships
18 with the State for a period of up to 2 years.

19 (g) Intentional, willful, or material failure to disclose
20 shall render the contract, bid, proposal, subcontract, or
21 relationship voidable by the chief procurement officer if he or
22 she deems it in the best interest of the State of Illinois and
23 shall result in debarment from future contracts, bids,
24 proposals, subcontracts, or relationships for a period of not
25 less than 2 years and not more than 10 years. Reinstatement
26 after 2 years and before 10 years must be reviewed and

1 commented on in writing by the Governor of the State of
2 Illinois, or by an executive ethics board or commission he or
3 she might designate. The comment shall be returned to the
4 responsible chief procurement officer who must rule in writing
5 whether and when to reinstate.

6 (h) In addition, all disclosures shall note any other
7 current or pending contracts, proposals, subcontracts, leases,
8 or other ongoing procurement relationships the bidding,
9 proposing, offering, or subcontracting entity has with any
10 other unit of State government and shall clearly identify the
11 unit and the contract, proposal, lease, or other relationship.

12 (i) The contractor or bidder has a continuing obligation to
13 supplement the disclosure required by this Section throughout
14 the bidding process or during the term of any contract.

15 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
16 for the effective date of changes made by P.A. 96-795); 96-920,
17 eff. 7-1-10; 97-490, eff. 8-22-11.)

18 (30 ILCS 500/50-39)

19 Sec. 50-39. Procurement communications reporting
20 requirement.

21 (a) Any written or oral communication received by a State
22 employee who, by the nature of his or her duties, has the
23 authority to participate personally and substantially in the
24 decision to award a State contract and that imparts or requests
25 material information or makes a material argument regarding

1 potential action concerning an active a procurement matter,
2 including, but not limited to, an application, a contract, or a
3 project, shall be reported to the Procurement Policy Board,
4 and, with respect to the Illinois Power Agency, by the
5 initiator of the communication, and may be reported also by the
6 recipient.

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

17 (1) The names of any party to the communication.

18 (2) The date on which the communication occurred.

19 (3) The time at which the communication occurred.

20 (4) The duration of the communication.

21 (5) The method (written, oral, etc.) of the
22 communication.

23 (6) A summary of the substantive content of the
24 communication.

25 These communications do not include the following: (i)
26 statements by a person publicly made in a public forum; (ii)

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

1 communications that are privileged, protected, or confidential
2 under law; and (vii) communications that are part of a formal
3 procurement process as set out by statute, rule, or the
4 solicitation, guidelines, or procedures, including, but not
5 limited to, the posting of procurement opportunities, the
6 process for approving a procurement business case or its
7 equivalent, fiscal approval, submission of bids, the
8 finalizing of contract terms and conditions with an awardee or
9 apparent awardee, and similar formal procurement processes.

10 The provisions of this Section shall not apply to
11 communications regarding the administration and implementation
12 of an existing contract, except communications regarding
13 change orders or the renewal or extension of a contract.

14 (b) The report required by subsection (a) shall be
15 submitted monthly and include at least the following: (i) the
16 date and time of each communication; (ii) the identity of each
17 person from whom the written or oral communication was
18 received, the individual or entity represented by that person,
19 and any action the person requested or recommended; (iii) the
20 identity and job title of the person to whom each communication
21 was made; (iv) if a response is made, the identity and job
22 title of the person making each response; (v) a detailed
23 summary of the points made by each person involved in the
24 communication; (vi) the duration of the communication; (vii)
25 the location or locations of all persons involved in the
26 communication and, if the communication occurred by telephone,

1 the telephone numbers for the callers and recipients of the
2 communication; and (viii) any other pertinent information. No
3 trade secrets or other proprietary or confidential information
4 shall be included in any communication reported to the
5 Procurement Policy Board.

6 (c) Additionally, when an oral communication made by a
7 person required to register under the Lobbyist Registration Act
8 is received by a State employee that is covered under this
9 Section, all individuals who initiate or participate in the
10 oral communication shall submit a written report to that State
11 employee that memorializes the communication and includes, but
12 is not limited to, the items listed in subsection (b).

13 (d) The Procurement Policy Board shall make each report
14 submitted pursuant to this Section available on its website
15 within 7 days after its receipt of the report. The Procurement
16 Policy Board may promulgate rules to ensure compliance with
17 this Section.

18 (e) The reporting requirements shall also be conveyed
19 through ethics training under the State Officials and Employees
20 Ethics Act. An employee who knowingly and intentionally
21 violates this Section shall be subject to suspension or
22 discharge. The Executive Ethics Commission shall promulgate
23 rules, including emergency rules, to implement this Section.

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

25 (g) For purposes of this Section:

26 "Active procurement matter" means a procurement process

1 beginning with requisition or determination of need by an
2 agency and continuing through the publication of an award
3 notice or other completion of a final procurement action, the
4 resolution of any protests, and the expiration of any protest
5 or Procurement Policy Board review period, if applicable.
6 "Active procurement matter" also includes communications
7 relating to change orders, renewals, or extensions.

8 "Material information" means information that a reasonable
9 person would deem important in determining his or her course of
10 action and pertains to significant issues, including, but not
11 limited to, price, quantity, and terms of payment or
12 performance.

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

16 "Material argument" does not include general information about
17 products, services, or industry best practices or a response to
18 a communication initiated by an employee of the State for the
19 purposes of providing information to evaluate new products,
20 trends, services, or technologies.

21 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
22 for the effective date of changes made by P.A. 96-795); 96-920,
23 eff. 7-1-10; 97-333, eff. 8-12-11; 97-618, eff. 10-26-11.)

24 (30 ILCS 500/50-60)

25 Sec. 50-60. Voidable contracts.

1 (a) If any contract or amendment thereto is entered into or
2 purchase or expenditure of funds is made at any time in
3 violation of this Code or any other law, the contract or
4 amendment thereto may be declared void by the chief procurement
5 officer or may be ratified and affirmed, provided the chief
6 procurement officer determines that ratification is in the best
7 interests of the State. If the contract is ratified and
8 affirmed, it shall be without prejudice to the State's rights
9 to any appropriate damages.

10 (b) If, during the term of a contract, the chief
11 procurement officer determines that the contractor is
12 delinquent in the payment of debt as set forth in Section 50-11
13 of this Code, the chief procurement officer may declare the
14 contract void if it determines that voiding the contract is in
15 the best interests of the State. The Debt Collection Bureau
16 shall adopt rules for the implementation of this subsection
17 (b).

18 (c) If, during the term of a contract, the chief
19 procurement officer determines that the contractor is in
20 violation of Section 50-10.5 of this Code, the chief
21 procurement officer shall declare the contract void.

22 (d) If, during the term of a contract, the contracting
23 agency learns from an annual certification or otherwise
24 determines that the contractor no longer qualifies to enter
25 into State contracts by reason of Section 50-5, 50-10, 50-12,
26 50-14, or 50-14.5 of this Article, the chief procurement

1 officer may declare the contract void if it determines that
2 voiding the contract is in the best interests of the State.

3 (e) If, during the term of a contract, the chief
4 procurement officer learns from an annual certification or
5 otherwise determines that a subcontractor subject to Section
6 20-120 no longer qualifies to enter into State contracts by
7 reason of Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or
8 50-14.5 of this Article, the chief procurement officer may
9 declare the related contract void if it determines that voiding
10 the contract is in the best interests of the State. However,
11 the related contract shall not be declared void unless the
12 contractor refuses to terminate the subcontract upon the
13 State's request after a finding that the subcontractor no
14 longer qualifies to enter into State contracts by reason of one
15 of the Sections listed in this subsection.

16 (f) The changes to this Section made by Public Act 96-795
17 apply to actions taken by the chief procurement officer on or
18 after July 1, 2010.

19 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see
20 Section 5 of P.A. 96-793 for the effective date of changes made
21 by P.A. 96-795); 96-1000, eff. 7-2-10.)

22 Section 20. The Governmental Joint Purchasing Act is
23 amended by changing Sections 2, 3, 4, and 4.2 as follows:

24 (30 ILCS 525/2) (from Ch. 85, par. 1602)

1 Sec. 2. Joint purchasing authority.

2 (a) Any governmental unit may purchase personal property,
3 supplies and services jointly with one or more other
4 governmental units. All such joint purchases shall be by
5 competitive solicitation bids as provided in Section 4 of this
6 Act. The provisions of any other acts under which a
7 governmental unit operates which refer to purchases and
8 procedures in connection therewith shall be superseded by the
9 provisions of this Act when the governmental units are
10 exercising the joint powers created by this Act.

11 (a-5) A chief procurement officer established in Section
12 10-20 of the Illinois Procurement Code ~~The Department of~~
13 ~~Central Management Services~~ may authorize the purchase of
14 personal property, supplies, and services jointly with a
15 governmental entity of this or another state or with a
16 consortium of governmental entities of one or more other
17 states. Subject to provisions of the joint purchasing
18 solicitation, the appropriate chief procurement officer
19 ~~Department of Central Management Services~~ may designate the
20 resulting contract as available to governmental units in
21 Illinois.

22 (b) Any not-for-profit agency that qualifies under Section
23 45-35 of the Illinois Procurement Code and that either (1) acts
24 pursuant to a board established by or controlled by a unit of
25 local government or (2) receives grant funds from the State or
26 from a unit of local government, shall be eligible to

1 participate in contracts established by the State.

2 (Source: P.A. 96-584, eff. 1-1-10.)

3 (30 ILCS 525/3) (from Ch. 85, par. 1603)

4 Sec. 3. Conduct of competitive selection ~~bid letting~~.

5 Under any agreement of governmental units that desire to make
6 joint purchases pursuant to subsection (a) of Section 2, one of
7 the governmental units shall conduct the competitive selection
8 process ~~letting of bids~~. Where the State of Illinois is a party
9 to the joint purchase agreement, the appropriate chief
10 procurement officer ~~Department of Central Management Services~~
11 shall conduct or authorize the competitive selection process
12 ~~letting of bids~~. Expenses of such competitive selection process
13 ~~bid letting~~ may be shared by the participating governmental
14 units in proportion to the amount of personal property,
15 supplies or services each unit purchases.

16 When the State of Illinois is a party to the joint purchase
17 agreement pursuant to subsection (a) of Section 2, the
18 acceptance of responses to the competitive selection process
19 ~~bids~~ shall be in accordance with the Illinois Procurement Code
20 and rules promulgated under that Code. When the State of
21 Illinois is not a party to the joint purchase agreement, the
22 acceptance of responses to the competitive selection process
23 ~~bids~~ shall be governed by the agreement.

24 When the State of Illinois is a party to a joint purchase
25 agreement pursuant to subsection (a-5) of Section 2, the State

1 may act as the lead state or as a participant state. When the
2 State of Illinois is the lead state, all such joint purchases
3 shall be conducted in accordance with the Illinois Procurement
4 Code. When Illinois is a participant state, all such joint
5 purchases shall be conducted in accordance with the procurement
6 laws of the lead state; provided that all such joint
7 procurements must be by competitive solicitation process
8 ~~sealed bid~~. All resulting awards shall be published in the
9 appropriate volume of the Illinois Procurement Bulletin as may
10 be required by Illinois law governing publication of the
11 solicitation, protest, and award of Illinois State contracts.
12 Contracts resulting from a joint purchase shall contain all
13 provisions required by Illinois law and rule.

14 The personal property, supplies or services involved shall
15 be distributed or rendered directly to each governmental unit
16 taking part in the purchase. The person selling the personal
17 property, supplies or services may bill each governmental unit
18 separately for its proportionate share of the cost of the
19 personal property, supplies or services purchased.

20 The credit or liability of each governmental unit shall
21 remain separate and distinct. Disputes between bidders and
22 governmental units shall be resolved between the immediate
23 parties.

24 (Source: P.A. 96-584, eff. 1-1-10.)

25 (30 ILCS 525/4) (from Ch. 85, par. 1604)

1 Sec. 4. Bids and proposals. The purchases of all personal
2 property, supplies and services under this Act shall be based
3 on competitive solicitations ~~, sealed bids~~. For purchases
4 pursuant to subsection (a) of Section 2, bids and proposals
5 shall be solicited by public notice inserted at least once in a
6 newspaper of general circulation in one of the counties where
7 the materials are to be used and at least 5 calendar days
8 before the final date of submitting bids or proposals. Where
9 the State of Illinois is a party to the joint purchase
10 agreement, public notice soliciting the bids shall be published
11 ~~inserted~~ in the appropriate volume of the Illinois Procurement
12 Bulletin. Such notice shall include a general description of
13 the personal property, supplies or services to be purchased and
14 shall state where all blanks and specifications may be obtained
15 and the time and place for the opening of bids and proposals.
16 The governmental unit conducting the competitive selection
17 process ~~bid-letting~~ may also solicit sealed bids or proposals
18 by sending requests by mail to prospective suppliers and by
19 posting notices on a public bulletin board in its office.

20 All purchases, orders or contracts shall be awarded to the
21 lowest responsible bidder or highest-ranked proposer, taking
22 into consideration the qualities of the articles or services
23 supplied, their conformity with the specifications, their
24 suitability to the requirements of the participating
25 governmental units and the delivery terms.

26 Where the State of Illinois is not a party, all bids or

1 proposals may be rejected and new bids or proposals solicited
2 if one or more of the participating governmental units believes
3 the public interest may be served thereby. Each bid or
4 proposal, with the name of the bidder or proposer, shall be
5 entered on a record, which record with the successful bid or
6 proposal indicated thereon shall, after the award of the
7 purchase or order or contract, be open to public inspection. A
8 copy of all contracts shall be filed with the purchasing office
9 ~~agent~~ or clerk or secretary of each participating governmental
10 unit.

11 (Source: P.A. 96-584, eff. 1-1-10.)

12 (30 ILCS 525/4.2) (from Ch. 85, par. 1604.2)

13 Sec. 4.2. Any governmental unit may, without violating any
14 bidding requirement otherwise applicable to it, procure
15 personal property, supplies and services under any contract let
16 by the State pursuant to lawful procurement procedures.
17 Purchases made by the State of Illinois must be approved or
18 authorized by the appropriate chief procurement officer.

19 (Source: P.A. 87-960.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.