



Rep. David Harris

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10000HB4217ham001

LRB100 15939 RJF 38177 a

1 AMENDMENT TO HOUSE BILL 4217

2 AMENDMENT NO. _____. Amend House Bill 4217 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 15-25 and 50-13 as follows:

6 (30 ILCS 500/15-25)

7 Sec. 15-25. Bulletin content.

8 (a) Invitations for bids. Notice of each and every contract
9 that is offered, including renegotiated contracts and change
10 orders, shall be published in the Bulletin. The applicable
11 chief procurement officer may provide by rule an organized
12 format for the publication of this information, but in any case
13 it must include at least the date first offered, the date
14 submission of offers is due, the location that offers are to be
15 submitted to, the purchasing State agency, the responsible
16 State purchasing officer, a brief purchase description, the

1 method of source selection, information of how to obtain a
2 comprehensive purchase description and any disclosure and
3 contract forms, and encouragement to potential contractors to
4 hire qualified veterans, as defined by Section 45-67 of this
5 Code, and qualified Illinois minorities, women, persons with
6 disabilities, and residents discharged from any Illinois adult
7 correctional center.

8 (a-5) All businesses listed on the Illinois Unified
9 Certification Program Disadvantaged Business Enterprise
10 Directory, the Business Enterprise Program of the Department of
11 Central Management Services, and any small business database
12 created pursuant to Section 45-45 of this Code shall be
13 furnished written instructions and information on how to
14 register for the Illinois Procurement Bulletin. This
15 information shall be provided to each business within 30
16 calendar days after the business's notice of certification or
17 qualification.

18 (b) Contracts let. Notice of each and every contract that
19 is let, including renegotiated contracts and change orders,
20 shall be issued electronically to those bidders submitting
21 responses to the solicitations, inclusive of the unsuccessful
22 bidders, immediately upon contract let. Failure of any chief
23 procurement officer to give such notice shall result in tolling
24 the time for filing a bid protest up to 7 calendar days.

25 For purposes of this subsection (b), "contracts let" means
26 a construction agency's act of advertising an invitation for

1 bids for one or more construction projects.

2 (b-5) Contracts awarded. Notice of each and every contract
3 that is awarded, including renegotiated contracts and change
4 orders, shall be issued electronically to the successful
5 responsible bidder, offeror, or contractor and published in the
6 Bulletin. The applicable chief procurement officer may provide
7 by rule an organized format for the publication of this
8 information, but in any case it must include at least all of
9 the information specified in subsection (a) as well as the name
10 of the successful responsible bidder, offeror, the contract
11 price, the number of unsuccessful bidders or offerors and any
12 other disclosure specified in any Section of this Code. This
13 notice must be posted in the online electronic Bulletin prior
14 to execution of the contract.

15 For purposes of this subsection (b-5), "contract award"
16 means the determination that a particular bidder or offeror has
17 been selected from among other bidders or offerors to receive a
18 contract, subject to the successful completion of final
19 negotiations. "Contract award" is evidenced by the posting of a
20 Notice of Award or a Notice of Intent to Award to the
21 respective volume of the Illinois Procurement Bulletin.

22 (c) Emergency purchase disclosure. Any chief procurement
23 officer or State purchasing officer exercising emergency
24 purchase authority under this Code shall publish a written
25 description and reasons and the total cost, if known, or an
26 estimate if unknown and the name of the responsible chief

1 procurement officer and State purchasing officer, and the
2 business or person contracted with for all emergency purchases
3 in the Bulletin. This notice must be posted in the online
4 electronic Bulletin no later than 5 calendar days after the
5 contract is awarded. Notice of a hearing to extend an emergency
6 contract must be posted in the online electronic Procurement
7 Bulletin no later than 14 calendar days prior to the hearing.

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

18 (c-10) Renewals. Notice of each contract renewal shall be
19 posted in the Bulletin within 14 calendar days of the
20 determination to execute a renewal of the contract. The notice
21 shall include at least all of the information required in
22 subsection (a) or (b), as applicable.

23 (c-15) Sole source procurements. Before entering into a
24 sole source contract, a chief procurement officer exercising
25 sole source procurement authority under this Code shall publish
26 a written description of intent to enter into a sole source

1 contract along with a description of the item to be procured
2 and the intended sole source contractor. This notice must be
3 posted in the online electronic Procurement Bulletin before a
4 sole source contract is awarded and at least 14 calendar days
5 before the hearing required by Section 20-25.

6 (d) Other required disclosure. The applicable chief
7 procurement officer shall provide by rule for the organized
8 publication of all other disclosure required in other Sections
9 of this Code in a timely manner, which shall include the
10 publication of any conflict of interest identified under
11 Section 50-13 or potential conflicts of interests identified
12 under Section 50-35.

13 (e) The changes to subsections (b), (c), (c-5), (c-10), and
14 (c-15) of this Section made by Public Act 96-795 ~~this~~
15 ~~amendatory Act of the 96th General Assembly~~ apply to reports
16 submitted, offers made, and notices on contracts executed on or
17 after July 1, 2010 (the ~~its~~ effective date of Public Act
18 96-795).

19 (f) Each chief procurement officer shall, in consultation
20 with the agencies under his or her jurisdiction, provide the
21 Procurement Policy Board with the information and resources
22 necessary, and in a manner, to effectuate the purpose of Public
23 Act 96-1444 ~~this amendatory Act of the 96th General Assembly~~.

24 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
25 revised 10-2-17.)

1 (30 ILCS 500/50-13)

2 Sec. 50-13. Conflicts of interest.

3 (a) Prohibition. It is unlawful for any person (1) holding
4 an elective office in this State, (2) holding a seat in the
5 General Assembly, (3) ~~or~~ appointed to or employed in any of the
6 offices or agencies of State government and who receives
7 compensation for such employment in excess of 60% of the salary
8 of the Governor of the State of Illinois, (4) serving as a
9 member of any board, commission, or authority authorized or
10 created by State law with the power to approve contracts under
11 this Code, (5) ~~or~~ who is an officer or employee of the Capital
12 Development Board or the Illinois Toll Highway Authority, or
13 (6) who is the spouse or ~~minor~~ child of any such person to have
14 or acquire any contract, or any direct pecuniary interest in
15 any contract therein, whether for stationery, printing, paper,
16 or any services, materials, or supplies, that will be wholly or
17 partially satisfied by the payment of funds appropriated by the
18 General Assembly of the State of Illinois or in any contract of
19 the Capital Development Board or the Illinois Toll Highway
20 Authority.

21 (a-5) It is unlawful for any person or business to have or
22 acquire any contract or direct pecuniary interest in any
23 contract of any State agency, if the person or anyone made a
24 disclosure as required under subsection (b) of Section 50-35 or
25 the business makes donations to any charity where a member
26 meeting the criteria specified under item (4) of subsection (a)

1 is a board member, officer, or employee of the charity. This
2 subsection (a-5) does not apply when the member meeting the
3 criteria specified under item (4) of subsection (a) recuses
4 herself or himself from any decision regarding approval of the
5 contract creating the conflict of interest.

6 (b) Interests. It is unlawful for any firm, partnership,
7 association, or corporation, in which any person listed in
8 subsection (a) is entitled to receive (i) more than 7 1/2% of
9 the total distributable income or (ii) an amount in excess of
10 the salary of the Governor, to have or acquire any such
11 contract or direct pecuniary interest therein.

12 (c) Combined interests. It is unlawful for any firm,
13 partnership, association, or corporation, in which any person
14 listed in subsection (a) together with his or her spouse or
15 minor children is entitled to receive (i) more than 15%, in the
16 aggregate, of the total distributable income or (ii) an amount
17 in excess of 2 times the salary of the Governor, to have or
18 acquire any such contract or direct pecuniary interest therein.

19 (c-5) Appointees and firms. In addition to any provisions
20 of this Code, the interests of certain appointees and their
21 firms are subject to Section 3A-35 of the Illinois Governmental
22 Ethics Act.

23 (d) Securities. Nothing in this Section invalidates the
24 provisions of any bond or other security previously offered or
25 to be offered for sale or sold by or for the State of Illinois.

26 (e) Prior interests. This Section does not affect the

1 validity of any contract made between the State and an officer
2 or employee of the State or member of the General Assembly, his
3 or her spouse, minor child, or other immediate family member
4 living in his or her residence or any combination of those
5 persons if that contract was in existence before his or her
6 election or employment as an officer, member, or employee. The
7 contract is voidable, however, if it cannot be completed within
8 365 calendar days after the officer, member, or employee takes
9 office or is employed.

10 (f) Exceptions.

11 (1) Public aid payments. This Section does not apply to
12 payments made for a public aid recipient.

13 (2) Teaching. This Section does not apply to a contract
14 for personal services as a teacher or school administrator
15 between a member of the General Assembly or his or her
16 spouse, or a State officer or employee or his or her
17 spouse, and any school district, public community college
18 district, the University of Illinois, Southern Illinois
19 University, Illinois State University, Eastern Illinois
20 University, Northern Illinois University, Western Illinois
21 University, Chicago State University, Governor State
22 University, or Northeastern Illinois University.

23 (3) Ministerial duties. This Section does not apply to
24 a contract for personal services of a wholly ministerial
25 character, including but not limited to services as a
26 laborer, clerk, typist, stenographer, page, bookkeeper,

1 receptionist, or telephone switchboard operator, made by a
2 spouse or minor child of an elective or appointive State
3 officer or employee or of a member of the General Assembly.

4 (4) Child and family services. This Section does not
5 apply to payments made to a member of the General Assembly,
6 a State officer or employee, his or her spouse or minor
7 child acting as a foster parent, homemaker, advocate, or
8 volunteer for or in behalf of a child or family served by
9 the Department of Children and Family Services.

10 (5) Licensed professionals. Contracts with licensed
11 professionals, provided they are competitively bid or part
12 of a reimbursement program for specific, customary goods
13 and services through the Department of Children and Family
14 Services, the Department of Human Services, the Department
15 of Healthcare and Family Services, the Department of Public
16 Health, or the Department on Aging.

17 (g) Penalty. A person convicted of a violation of this
18 Section is guilty of a business offense and shall be fined not
19 less than \$1,000 nor more than \$5,000.

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

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