



Rep. Gregory Harris

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1 AMENDMENT TO SENATE BILL 1446

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1446 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Section 1-10 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

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

1 effective date of Articles 50 and 99 and July 1, 1998 shall be  
2 substantially in accordance with this Code and its intent.

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

6 (1) Contracts between the State and its political  
7 subdivisions or other governments, or between State  
8 governmental bodies except as specifically provided in  
9 this Code.

10 (2) Grants, except for the filing requirements of  
11 Section 20-80.

12 (3) Purchase of care, except as provided in Section  
13 5-30.1 of the Illinois Public Aid Code and this Section.

14 (4) Hiring of an individual as employee and not as an  
15 independent contractor, whether pursuant to an employment  
16 code or policy or by contract directly with that  
17 individual.

18 (5) Collective bargaining contracts.

19 (6) Purchase of real estate, except that notice of this  
20 type of contract with a value of more than \$25,000 must be  
21 published in the Procurement Bulletin within 10 calendar  
22 days after the deed is recorded in the county of  
23 jurisdiction. The notice shall identify the real estate  
24 purchased, the names of all parties to the contract, the  
25 value of the contract, and the effective date of the  
26 contract.

1           (7) Contracts necessary to prepare for anticipated  
2 litigation, enforcement actions, or investigations,  
3 provided that the chief legal counsel to the Governor shall  
4 give his or her prior approval when the procuring agency is  
5 one subject to the jurisdiction of the Governor, and  
6 provided that the chief legal counsel of any other  
7 procuring entity subject to this Code shall give his or her  
8 prior approval when the procuring entity is not one subject  
9 to the jurisdiction of the Governor.

10           (8) Contracts for services to Northern Illinois  
11 University by a person, acting as an independent  
12 contractor, who is qualified by education, experience, and  
13 technical ability and is selected by negotiation for the  
14 purpose of providing non-credit educational service  
15 activities or products by means of specialized programs  
16 offered by the university.

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

19           (10) Procurement expenditures by the Illinois Health  
20 Information Exchange Authority involving private funds  
21 from the Health Information Exchange Fund. "Private funds"  
22 means gifts, donations, and private grants.

23           (11) Public-private agreements entered into according  
24 to the procurement requirements of Section 20 of the  
25 Public-Private Partnerships for Transportation Act and  
26 design-build agreements entered into according to the

1 procurement requirements of Section 25 of the  
2 Public-Private Partnerships for Transportation Act.

3 (12) Contracts for legal, financial, and other  
4 professional and artistic services entered into on or  
5 before December 31, 2018 by the Illinois Finance Authority  
6 in which the State of Illinois is not obligated. Such  
7 contracts shall be awarded through a competitive process  
8 authorized by the Board of the Illinois Finance Authority  
9 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
10 50-35, and 50-37 of this Code, as well as the final  
11 approval by the Board of the Illinois Finance Authority of  
12 the terms of the contract.

13 (13) The provisions of this paragraph (13), other than  
14 this sentence, are inoperative on and after January 1, 2019  
15 or 2 years after the effective date of this amendatory Act  
16 of the 99th General Assembly, whichever is later. Contracts  
17 for services, commodities, and equipment to support the  
18 delivery of timely forensic science services in  
19 consultation with and subject to the approval of the Chief  
20 Procurement Officer as provided in subsection (d) of  
21 Section 5-4-3a of the Unified Code of Corrections, except  
22 for the requirements of Sections 20-60, 20-65, 20-70, and  
23 20-160 and Article 50 of this Code; however, the Chief  
24 Procurement Officer may, in writing with justification,  
25 waive any certification required under Article 50 of this  
26 Code. For any contracts for services which are currently

1 provided by members of a collective bargaining agreement,  
2 the applicable terms of the collective bargaining  
3 agreement concerning subcontracting shall be followed.

4 Notwithstanding any other provision of law, contracts  
5 entered into under item (12) of this subsection (b) shall be  
6 published in the Procurement Bulletin within 14 calendar days  
7 after contract execution. The chief procurement officer shall  
8 prescribe the form and content of the notice. The Illinois  
9 Finance Authority shall provide the chief procurement officer,  
10 on a monthly basis, in the form and content prescribed by the  
11 chief procurement officer, a report of contracts that are  
12 related to the procurement of goods and services identified in  
13 item (12) of this subsection (b). At a minimum, this report  
14 shall include the name of the contractor, a description of the  
15 supply or service provided, the total amount of the contract,  
16 the term of the contract, and the exception to the Code  
17 utilized. A copy of each of these contracts shall be made  
18 available to the chief procurement officer immediately upon  
19 request. The chief procurement officer shall submit a report to  
20 the Governor and General Assembly no later than November 1 of  
21 each year that shall include, at a minimum, an annual summary  
22 of the monthly information reported to the chief procurement  
23 officer.

24 The chief procurement officer appointed under paragraph  
25 (4) of subsection (a) of Section 10-20 of this Code shall have  
26 the authority to void any contract entered into in violation of

1 subsection (h) of Section 5-30.1 of the Illinois Public Aid  
2 Code. This amendatory Act of the 100th General Assembly is  
3 declarative of existing law, and is intended to remove any  
4 possible conflicts or ambiguities.

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

9 (d) Except for Section 20-160 and Article 50 of this Code,  
10 and as expressly required by Section 9.1 of the Illinois  
11 Lottery Law, the provisions of this Code do not apply to the  
12 procurement process provided for under Section 9.1 of the  
13 Illinois Lottery Law.

14 (e) This Code does not apply to the process used by the  
15 Capital Development Board to retain a person or entity to  
16 assist the Capital Development Board with its duties related to  
17 the determination of costs of a clean coal SNG brownfield  
18 facility, as defined by Section 1-10 of the Illinois Power  
19 Agency Act, as required in subsection (h-3) of Section 9-220 of  
20 the Public Utilities Act, including calculating the range of  
21 capital costs, the range of operating and maintenance costs, or  
22 the sequestration costs or monitoring the construction of clean  
23 coal SNG brownfield facility for the full duration of  
24 construction.

25 (f) This Code does not apply to the process used by the  
26 Illinois Power Agency to retain a mediator to mediate sourcing

1 agreement disputes between gas utilities and the clean coal SNG  
2 brownfield facility, as defined in Section 1-10 of the Illinois  
3 Power Agency Act, as required under subsection (h-1) of Section  
4 9-220 of the Public Utilities Act.

5 (g) This Code does not apply to the processes used by the  
6 Illinois Power Agency to retain a mediator to mediate contract  
7 disputes between gas utilities and the clean coal SNG facility  
8 and to retain an expert to assist in the review of contracts  
9 under subsection (h) of Section 9-220 of the Public Utilities  
10 Act. This Code does not apply to the process used by the  
11 Illinois Commerce Commission to retain an expert to assist in  
12 determining the actual incurred costs of the clean coal SNG  
13 facility and the reasonableness of those costs as required  
14 under subsection (h) of Section 9-220 of the Public Utilities  
15 Act.

16 (h) This Code does not apply to the process to procure or  
17 contracts entered into in accordance with Sections 11-5.2 and  
18 11-5.3 of the Illinois Public Aid Code.

19 (i) Each chief procurement officer may access records  
20 necessary to review whether a contract, purchase, or other  
21 expenditure is or is not subject to the provisions of this  
22 Code, unless such records would be subject to attorney-client  
23 privilege.

24 (j) This Code does not apply to the process used by the  
25 Capital Development Board to retain an artist or work or works  
26 of art as required in Section 14 of the Capital Development

1 Board Act.

2 (k) This Code does not apply to the process to procure  
3 contracts, or contracts entered into, by the State Board of  
4 Elections or the State Electoral Board for hearing officers  
5 appointed pursuant to the Election Code.

6 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
7 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.  
8 1-1-15; 99-801, eff. 1-1-17.)

9 Section 10. The Illinois Public Aid Code is amended by  
10 adding Section 5-30.6 as follows:

11 (305 ILCS 5/5-30.6 new)

12 Sec. 5-30.6. Managed care organization contracts;  
13 procurement requirement. Any contract the Department enters  
14 into with a managed care organization as defined in Section  
15 5-30.1 shall be procured in accordance with the Illinois  
16 Procurement Code.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."