



Rep. Gregory Harris

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LRB100 09020 MLM 26956 a

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 (c) This Code does not apply to the electric power
25 procurement process provided for under Section 1-75 of the
26 Illinois Power Agency Act and Section 16-111.5 of the Public

1 Utilities Act.

2 (d) Except for Section 20-160 and Article 50 of this Code,
3 and as expressly required by Section 9.1 of the Illinois
4 Lottery Law, the provisions of this Code do not apply to the
5 procurement process provided for under Section 9.1 of the
6 Illinois Lottery Law.

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

18 (f) This Code does not apply to the process used by the
19 Illinois Power Agency to retain a mediator to mediate sourcing
20 agreement disputes between gas utilities and the clean coal SNG
21 brownfield facility, as defined in Section 1-10 of the Illinois
22 Power Agency Act, as required under subsection (h-1) of Section
23 9-220 of the Public Utilities Act.

24 (g) This Code does not apply to the processes used by the
25 Illinois Power Agency to retain a mediator to mediate contract
26 disputes between gas utilities and the clean coal SNG facility

1 and to retain an expert to assist in the review of contracts
2 under subsection (h) of Section 9-220 of the Public Utilities
3 Act. This Code does not apply to the process used by the
4 Illinois Commerce Commission to retain an expert to assist in
5 determining the actual incurred costs of the clean coal SNG
6 facility and the reasonableness of those costs as required
7 under subsection (h) of Section 9-220 of the Public Utilities
8 Act.

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

12 (i) Each chief procurement officer may access records
13 necessary to review whether a contract, purchase, or other
14 expenditure is or is not subject to the provisions of this
15 Code, unless such records would be subject to attorney-client
16 privilege.

17 (j) This Code does not apply to the process used by the
18 Capital Development Board to retain an artist or work or works
19 of art as required in Section 14 of the Capital Development
20 Board Act.

21 (k) This Code does not apply to the process to procure
22 contracts, or contracts entered into, by the State Board of
23 Elections or the State Electoral Board for hearing officers
24 appointed pursuant to the Election Code.

25 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
26 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.

1 1-1-15; 99-801, eff. 1-1-17.)

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

4 (305 ILCS 5/5-30.6 new)

5 Sec. 5-30.6. Managed care organization contracts;
6 procurement requirement. Beginning on the effective date of
7 this amendatory Act of the 100th General Assembly, any contract
8 executed by the Department with a managed care organization as
9 defined in Section 5-30.1 shall be procured in accordance with
10 the Illinois Procurement Code.

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