

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Procurement Code is amended by
5 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
17 effective date of Articles 50 and 99 and July 1, 1998 shall be
18 substantially in accordance with this Code and its intent.

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

22 (1) Contracts between the State and its political
23 subdivisions or other governments, or between State

1 governmental bodies except as specifically provided in
2 this Code.

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

5 (3) Purchase of care, except as provided in Section
6 5-30.1 of the Illinois Public Aid Code and this Section.

7 (4) Hiring of an individual as employee and not as an
8 independent contractor, whether pursuant to an employment
9 code or policy or by contract directly with that
10 individual.

11 (5) Collective bargaining contracts.

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

20 (7) Contracts necessary to prepare for anticipated
21 litigation, enforcement actions, or investigations,
22 provided that the chief legal counsel to the Governor shall
23 give his or her prior approval when the procuring agency is
24 one subject to the jurisdiction of the Governor, and
25 provided that the chief legal counsel of any other
26 procuring entity subject to this Code shall give his or her

1 prior approval when the procuring entity is not one subject
2 to the jurisdiction of the Governor.

3 (8) Contracts for services to Northern Illinois
4 University by a person, acting as an independent
5 contractor, who is qualified by education, experience, and
6 technical ability and is selected by negotiation for the
7 purpose of providing non-credit educational service
8 activities or products by means of specialized programs
9 offered by the university.

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

12 (10) Procurement expenditures by the Illinois Health
13 Information Exchange Authority involving private funds
14 from the Health Information Exchange Fund. "Private funds"
15 means gifts, donations, and private grants.

16 (11) Public-private agreements entered into according
17 to the procurement requirements of Section 20 of the
18 Public-Private Partnerships for Transportation Act and
19 design-build agreements entered into according to the
20 procurement requirements of Section 25 of the
21 Public-Private Partnerships for Transportation Act.

22 (12) Contracts for legal, financial, and other
23 professional and artistic services entered into on or
24 before December 31, 2018 by the Illinois Finance Authority
25 in which the State of Illinois is not obligated. Such
26 contracts shall be awarded through a competitive process

1 authorized by the Board of the Illinois Finance Authority
2 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
3 50-35, and 50-37 of this Code, as well as the final
4 approval by the Board of the Illinois Finance Authority of
5 the terms of the contract.

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

23 Notwithstanding any other provision of law, contracts
24 entered into under item (12) of this subsection (b) shall be
25 published in the Procurement Bulletin within 14 calendar days
26 after contract execution. The chief procurement officer shall

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

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) This Code does not apply to the processes used by the
18 Illinois Power Agency to retain a mediator to mediate contract
19 disputes between gas utilities and the clean coal SNG facility
20 and to retain an expert to assist in the review of contracts
21 under subsection (h) of Section 9-220 of the Public Utilities
22 Act. This Code does not apply to the process used by the
23 Illinois Commerce Commission to retain an expert to assist in
24 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) This Code does not apply to the process to procure or
3 contracts entered into in accordance with Sections 11-5.2 and
4 11-5.3 of the Illinois Public Aid Code.

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

10 (j) This Code does not apply to the process used by the
11 Capital Development Board to retain an artist or work or works
12 of art as required in Section 14 of the Capital Development
13 Board Act.

14 (k) This Code does not apply to the process to procure
15 contracts, or contracts entered into, by the State Board of
16 Elections or the State Electoral Board for hearing officers
17 appointed pursuant to the Election Code.

18 (Source: P.A. 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
19 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
20 1-1-15; 99-801, eff. 1-1-17.)

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

23 (305 ILCS 5/5-30.6 new)

24 Sec. 5-30.6. Managed care organization contracts;

1 procurement requirement. Beginning on the effective date of
2 this amendatory Act of the 100th General Assembly, any contract
3 executed by the Department with a managed care organization as
4 defined in Section 5-30.1 shall be procured in accordance with
5 the Illinois Procurement Code.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.