



Rep. Stephanie A. Kifowit

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LRB101 07334 AXK 57318 a

1 AMENDMENT TO HOUSE BILL 2606

2 AMENDMENT NO. _____. Amend House Bill 2606 as follows:

3 on page 1, immediately below line 3, by inserting the
4 following:

5 "Section 3. The Illinois Procurement Code is amended by
6 changing Section 1-10 as follows:

7 (30 ILCS 500/1-10)

8 Sec. 1-10. Application.

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

1 respect to any revenue bonds or similar instruments. All
2 procurements for which contracts are solicited between the
3 effective date of Articles 50 and 99 and July 1, 1998 shall be
4 substantially in accordance with this Code and its intent.

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

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

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

14 (3) Purchase of care, except as provided in Section
15 5-30.6 of the Illinois Public Aid Code and this Section.

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

20 (5) Collective bargaining contracts.

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

1 value of the contract, and the effective date of the
2 contract.

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

12 (8) (Blank).

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

15 (10) (Blank).

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 (11.5) Public-private partnership agreements entered
23 into by the Board of Trustees of the Illinois Mathematics
24 and Science Academy with private entities for purposes
25 relating to or affecting education in the school.

26 (12) Contracts for legal, financial, and other

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

10 (13) Contracts for services, commodities, and
11 equipment to support the delivery of timely forensic
12 science services in consultation with and subject to the
13 approval of the Chief Procurement Officer as provided in
14 subsection (d) of Section 5-4-3a of the Unified Code of
15 Corrections, except for the requirements of Sections
16 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
17 Code; however, the Chief Procurement Officer may, in
18 writing with justification, waive any certification
19 required under Article 50 of this Code. For any contracts
20 for services which are currently provided by members of a
21 collective bargaining agreement, the applicable terms of
22 the collective bargaining agreement concerning
23 subcontracting shall be followed.

24 On and after January 1, 2019, this paragraph (13),
25 except for this sentence, is inoperative.

26 (14) Contracts for participation expenditures required

1 by a domestic or international trade show or exhibition of
2 an exhibitor, member, or sponsor.

3 (15) Contracts with a railroad or utility that requires
4 the State to reimburse the railroad or utilities for the
5 relocation of utilities for construction or other public
6 purpose. Contracts included within this paragraph (15)
7 shall include, but not be limited to, those associated
8 with: relocations, crossings, installations, and
9 maintenance. For the purposes of this paragraph (15),
10 "railroad" means any form of non-highway ground
11 transportation that runs on rails or electromagnetic
12 guideways and "utility" means: (1) public utilities as
13 defined in Section 3-105 of the Public Utilities Act, (2)
14 telecommunications carriers as defined in Section 13-202
15 of the Public Utilities Act, (3) electric cooperatives as
16 defined in Section 3.4 of the Electric Supplier Act, (4)
17 telephone or telecommunications cooperatives as defined in
18 Section 13-212 of the Public Utilities Act, (5) rural water
19 or waste water systems with 10,000 connections or less, (6)
20 a holder as defined in Section 21-201 of the Public
21 Utilities Act, and (7) municipalities owning or operating
22 utility systems consisting of public utilities as that term
23 is defined in Section 11-117-2 of the Illinois Municipal
24 Code.

25 (16) Procurement expenditures necessary for the
26 Department of Public Health to provide the delivery of

1 timely newborn screening services in accordance with the
2 Newborn Metabolic Screening Act.

3 (17) ~~(16)~~ Procurement expenditures necessary for the
4 Department of Agriculture, the Department of Financial and
5 Professional Regulation, the Department of Human Services,
6 and the Department of Public Health to implement the
7 Compassionate Use of Medical Cannabis Pilot Program and
8 Opioid Alternative Pilot Program requirements and ensure
9 access to medical cannabis for patients with debilitating
10 medical conditions in accordance with the Compassionate
11 Use of Medical Cannabis Pilot Program Act.

12 Notwithstanding any other provision of law, for contracts
13 entered into on or after October 1, 2017 under an exemption
14 provided in any paragraph of this subsection (b), except
15 paragraph (1), (2), or (5), each State agency shall post to the
16 appropriate procurement bulletin the name of the contractor, a
17 description of the supply or service provided, the total amount
18 of the contract, the term of the contract, and the exception to
19 the Code utilized. The chief procurement officer shall submit a
20 report to the Governor and General Assembly no later than
21 November 1 of each year that shall include, at a minimum, an
22 annual summary of the monthly information reported to the chief
23 procurement 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) (Blank).

19 (g) (Blank).

20 (h) This Code does not apply to the process to procure or
21 contracts entered into in accordance with Sections 11-5.2 and
22 11-5.3 of the Illinois Public Aid Code.

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

1 privilege.

2 (j) This Code does not apply to the process used by the
3 Capital Development Board to retain an artist or work or works
4 of art as required in Section 14 of the Capital Development
5 Board Act.

6 (k) This Code does not apply to the process to procure
7 contracts, or contracts entered into, by the State Board of
8 Elections or the State Electoral Board for hearing officers
9 appointed pursuant to the Election Code.

10 (l) This Code does not apply to the processes used by the
11 Illinois Student Assistance Commission to procure supplies and
12 services paid for from the private funds of the Illinois
13 Prepaid Tuition Fund. As used in this subsection (l), "private
14 funds" means funds derived from deposits paid into the Illinois
15 Prepaid Tuition Trust Fund and the earnings thereon.

16 (Source: P.A. 99-801, eff. 1-1-17; 100-43, eff. 8-9-17;
17 100-580, eff. 3-12-18; 100-757, eff. 8-10-18; 100-1114, eff.
18 8-28-18; revised 10-18-18.)".