

1 AN ACT concerning State procurement.

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 adding Section 50-10.5 as follows:

6 (30 ILCS 500/50-10.5 new)

7 Sec. 50-10.5. Prohibited bidders and contractors.

8 (a) Unless otherwise provided, no business shall bid or  
9 enter into a contract with the State of Illinois or any State  
10 agency if the business or any officer, director, partner, or  
11 other managerial agent of the business has been convicted of  
12 a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or  
13 Class 2 felony under the Illinois Securities Law of 1953 for  
14 a period of 5 years from the date of conviction.

15 (b) Every bid submitted to and contract executed by the  
16 State shall contain a certification by the bidder or  
17 contractor that the contractor is not barred from being  
18 awarded a contract under this Section and that the contractor  
19 acknowledges that the contracting State agency may declare  
20 the contract void if the certification completed pursuant to  
21 this subsection (b) is false.

22 (c) If a business is not a natural person, the  
23 prohibition in subsection (a) applies only if:

24 (1) the business itself is convicted of a felony  
25 referenced in subsection (a); or

26 (2) any officer, director, partner, or other  
27 managerial agent convicted of a felony referenced in  
28 subsection (a) was acting in the scope of his or her  
29 employment when he or she committed the felony such that  
30 the business could be found liable under the common law  
31 doctrine of corporate complicity.

1        (d) A natural person who is convicted of a felony  
2        referenced in subsection (a) remains subject to Section  
3        50-10.