



Rep. Naomi D. Jakobsson

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LRB097 09189 PJG 59629 a

1 AMENDMENT TO SENATE BILL 1750

2 AMENDMENT NO. _____. Amend Senate Bill 1750 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Section 1-13 as follows:

6 (30 ILCS 500/1-13 new)

7 Sec. 1-13. Applicability to public institutions of higher
8 education.

9 (a) This Code shall apply to public institutions of higher
10 education, regardless of the source of the funds with which
11 contracts are paid, except as provided in this Section.

12 (b) Except as provided in this Section, this Code shall not
13 apply to procurements made by or on behalf of public
14 institutions of higher education for any of the following.

15 (1) Memberships in professional, academic, or athletic
16 organizations on behalf of a public institution of higher

1 education, an employee of a public institution of higher
2 education, or a student at a public institution of higher
3 education.

4 (2) Procurement expenditures for events or activities
5 paid for exclusively by revenues generated by the event or
6 activity, gifts or donations for the event or activity,
7 private grants, or any combination thereof.

8 (3) Procurement expenditures for events or activities
9 for which the use of specific vendors is mandated or
10 identified by the sponsor of the event or activity,
11 provided that the sponsor is providing a majority of the
12 funding for the event or activity.

13 (4) Procurement expenditures necessary to provide
14 artistic or musical services, performances, or productions
15 held at a venue operated by a public institution of higher
16 education.

17 (5) Procurement expenditures for periodicals and books
18 procured for use by a university library or academic
19 department, except for expenditures related to procuring
20 text books for student use or materials for resale or
21 rental.

22 Notice of each contract entered into by a public institution of
23 higher education that is related to the procurement of goods
24 and services identified in items (1) through (4) of this
25 subsection shall be published in the Procurement Bulletin
26 within 14 days after contract execution. The Chief Procurement

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

17 (c) Procurements made by or on behalf of public
18 institutions of higher education for any of the following shall
19 be made in accordance with the requirements of this Code to the
20 extent practical as provided in this subsection.

21 (1) Contracts with a foreign entity necessary for
22 research or educational activities, provided that the
23 foreign entity either does not maintain an office in the
24 United States or is the sole source of the service or
25 product.

26 (2) Procurements of FDA-regulated goods, products, and

1 services necessary for the delivery of care and treatment
2 at medical, dental, or veterinary teaching facilities
3 utilized by the University of Illinois or Southern Illinois
4 University.

5 (3) Contracts for programming and broadcast license
6 rights for university-operated radio and television
7 stations.

8 (4) Procurements required for fulfillment of a grant.

9 Upon the written request of a public institution of higher
10 education, the Chief Procurement Officer may waive
11 registration, certification, and hearing requirements of this
12 Code if, based on the item to be procured or the terms of a
13 grant, compliance is impractical. The public institution of
14 higher education shall provide the Chief Procurement Officer
15 with specific reasons for the waiver, including the necessity
16 of contracting with a particular vendor, and shall certify that
17 an effort was made in good faith to comply with the provisions
18 of this Code. The Chief Procurement Officer shall provide
19 written justification for any waivers. By November 1 of each
20 year, the Chief Procurement Officer shall file a report with
21 the General Assembly identifying each contract approved with
22 waivers and providing the justification given for any waivers
23 for each of those contracts. Notice of each waiver made under
24 this subsection shall be published in the Procurement Bulletin
25 within 14 days after contract execution. The Chief Procurement
26 Officer shall prescribe the form and content of the notice.

1 (d) Notwithstanding this Section, a waiver of the
2 registration requirements of Section 20-160 does not permit a
3 business entity and any affiliated entities or affiliated
4 persons to make campaign contributions if otherwise prohibited
5 by Section 50-37. The total amount of contracts awarded in
6 accordance with this Section shall be included in determining
7 the aggregate amount of contracts or pending bids of a business
8 entity and any affiliated entities or affiliated persons.

9 (e) Notwithstanding subsection (e) of Section 50-10.5 of
10 this Code, the Chief Procurement Officer, with the approval of
11 the Executive Ethics Commission, may permit a public
12 institution of higher education to accept a bid or enter into a
13 contract with a business that assisted the public institution
14 of higher education in determining whether there is a need for
15 a contract or assisted in reviewing, drafting, or preparing
16 documents related to a bid or contract, provided that the bid
17 or contract is related to research administered by the public
18 institution of higher education and it is in the best interest
19 of the public institution of higher education to accept the bid
20 or contract. For purposes of this subsection, "business"
21 includes all individuals with whom a business is affiliated,
22 including, but not limited to, any officer, agent, employee,
23 consultant, independent contractor, director, partner,
24 manager, or shareholder of a business.

25 (f) As used in this Section:

26 "Grant" means non-appropriated funding provided by a

1 federal or private entity to support a project or program
2 administered by a public institution of higher education and
3 any non-appropriated funding provided to a sub-recipient of the
4 grant.

5 "Public institution of higher education" means Chicago
6 State University, Eastern Illinois University, Governors State
7 University, Illinois State University, Northeastern Illinois
8 University, Northern Illinois University, Southern Illinois
9 University, University of Illinois, and Western Illinois
10 University.

11 (g) This Section is repealed on December 31, 2014."

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