

SB1743



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1743

Introduced 2/9/2017, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-60

Amends the Illinois Procurement Code. Provides that the Department of Innovation and Technology may enter into leases for dark fiber networks for any period of time deemed to be in the best interests of the State but not exceeding 20 years inclusive. Defines "dark fiber network". Makes conforming changes.

LRB100 06108 MLM 16140 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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 20-60 as follows:

6 (30 ILCS 500/20-60)

7 Sec. 20-60. Duration of contracts.

8 (a) Maximum duration. A contract, other than a contract
9 entered into pursuant to the State University Certificates of
10 Participation Act or as provided in subsection (d) of this
11 Section, may be entered into for any period of time deemed to
12 be in the best interests of the State but not exceeding 10
13 years inclusive, beginning January 1, 2010, of proposed
14 contract renewals. The length of a lease for real property or
15 capital improvements shall be in accordance with the provisions
16 of Section 40-25. A contract for bond or mortgage insurance
17 awarded by the Illinois Housing Development Authority,
18 however, may be entered into for any period of time less than
19 or equal to the maximum period of time that the subject bond or
20 mortgage may remain outstanding.

21 (b) Subject to appropriation. All contracts made or entered
22 into shall recite that they are subject to termination and
23 cancellation in any year for which the General Assembly fails

1 to make an appropriation to make payments under the terms of
2 the contract.

3 (c) The chief procurement officer shall file a proposed
4 extension or renewal of a contract with the Procurement Policy
5 Board prior to entering into any extension or renewal if the
6 cost associated with the extension or renewal exceeds \$249,999.
7 The Procurement Policy Board may object to the proposed
8 extension or renewal within 30 calendar days and require a
9 hearing before the Board prior to entering into the extension
10 or renewal. If the Procurement Policy Board does not object
11 within 30 calendar days or takes affirmative action to
12 recommend the extension or renewal, the chief procurement
13 officer may enter into the extension or renewal of a contract.
14 This subsection does not apply to any emergency procurement,
15 any procurement under Article 40, or any procurement exempted
16 by Section 1-10(b) of this Code. If any State agency contract
17 is paid for in whole or in part with federal-aid funds, grants,
18 or loans and the provisions of this subsection would result in
19 the loss of those federal-aid funds, grants, or loans, then the
20 contract is exempt from the provisions of this subsection in
21 order to remain eligible for those federal-aid funds, grants,
22 or loans, and the State agency shall file notice of this
23 exemption with the Procurement Policy Board prior to entering
24 into the proposed extension or renewal. Nothing in this
25 subsection permits a chief procurement officer to enter into an
26 extension or renewal in violation of subsection (a). By August

1 each year, the Procurement Policy Board shall file a report
2 with the General Assembly identifying for the previous fiscal
3 year (i) the proposed extensions or renewals that were filed
4 with the Board and whether the Board objected and (ii) the
5 contracts exempt from this subsection.

6 (d) As used in this subsection (d), "dark fiber network"
7 means a network of fiber optic cables laid but currently unused
8 by a third party that the third party is leasing for use as
9 network infrastructure.

10 Notwithstanding the provisions of subsection (a) of this
11 Section, the Department of Innovation and Technology may enter
12 into leases for dark fiber networks for any period of time
13 deemed to be in the best interests of the State but not
14 exceeding 20 years inclusive. Dark fiber network lease
15 contracts shall be subject to all other provisions of this Code
16 and any applicable rules or requirements, including, but not
17 limited to, publication of lease solicitations, use of standard
18 State contracting terms and conditions, and approval of vendor
19 certifications and financial disclosures.

20 (Source: P.A. 95-344, eff. 8-21-07; 96-15, eff. 6-22-09;
21 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the
22 effective date of changes made by P.A. 96-795); 96-920, eff.
23 7-1-10; 96-1478, eff. 8-23-10.)