



Rep. William Davis

**Filed: 3/18/2019**

10100HB3285ham001

LRB101 10169 RJF 57746 a

1 AMENDMENT TO HOUSE BILL 3285

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3285 by replacing  
3 everything after the enacting clause with the following:

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

6 (30 ILCS 500/1-13)

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, research,  
16 or athletic organizations on behalf of a public institution

1 of higher education, an employee of a public institution of  
2 higher education, or a student at a public institution of  
3 higher 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 potential contractors is  
10 mandated or identified by the sponsor of the event or  
11 activity, provided that the sponsor is providing a majority  
12 of the funding for the event or activity.

13 (4) Procurement expenditures necessary to provide  
14 athletic, artistic or musical services, performances,  
15 events, or productions by or for a public institution of  
16 higher education.

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

23 (6) Procurement expenditures for placement of students  
24 in externships, practicums, field experiences, and for  
25 medical residencies and rotations.

26 (7) Contracts for programming and broadcast license

1 rights for university-operated radio and television  
2 stations.

3 (8) Procurement expenditures necessary to perform  
4 sponsored research and other sponsored activities under  
5 grants and contracts funded by the sponsor or by sources  
6 other than State appropriations.

7 (9) Contracts with a foreign entity for research or  
8 educational activities, provided that the foreign entity  
9 either does not maintain an office in the United States or  
10 is the sole source of the service or product.

11 Notice of each contract with an annual value of more than  
12 \$20,000 entered into by a public institution of higher  
13 education that is related to the procurement of goods and  
14 services identified in items (1) through (9) of this subsection  
15 shall be published in the Procurement Bulletin within 14  
16 calendar days after contract execution. The Chief Procurement  
17 Officer shall prescribe the form and content of the notice.  
18 Each public institution of higher education shall provide the  
19 Chief Procurement Officer, on a monthly basis, in the form and  
20 content prescribed by the Chief Procurement Officer, a report  
21 of contracts that are related to the procurement of goods and  
22 services identified in this subsection. At a minimum, this  
23 report shall include the name of the contractor, a description  
24 of the supply or service provided, the total amount of the  
25 contract, the term of the contract, and the exception to the  
26 Code utilized. A copy of any or all of these contracts shall be

1 made available to the Chief Procurement Officer immediately  
2 upon request. The Chief Procurement Officer shall submit a  
3 report to the Governor and General Assembly no later than  
4 November 1 of each year that shall include, at a minimum, an  
5 annual summary of the monthly information reported to the Chief  
6 Procurement Officer.

7 (b-5) Except as provided in this subsection, the provisions  
8 of this Code shall not apply to contracts for medical supplies,  
9 and to contracts for medical services necessary for the  
10 delivery of care and treatment at medical, dental, or  
11 veterinary teaching facilities utilized by Southern Illinois  
12 University or the University of Illinois and at any  
13 university-operated health care center or dispensary that  
14 provides care, treatment, and medications for students,  
15 faculty and staff. Other supplies and services needed for these  
16 teaching facilities shall be subject to the jurisdiction of the  
17 Chief Procurement Officer for Public Institutions of Higher  
18 Education who may establish expedited procurement procedures  
19 and may waive or modify certification, contract, hearing,  
20 process and registration requirements required by the Code. All  
21 procurements made under this subsection shall be documented and  
22 may require publication in the Illinois Procurement Bulletin.

23 (c) Procurements made by or on behalf of public  
24 institutions of higher education for the fulfillment of a grant  
25 shall be made in accordance with the requirements of this Code  
26 to the extent practical.

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

20           (d) Notwithstanding this Section, a waiver of the  
21 registration requirements of Section 20-160 does not permit a  
22 business entity and any affiliated entities or affiliated  
23 persons to make campaign contributions if otherwise prohibited  
24 by Section 50-37. The total amount of contracts awarded in  
25 accordance with this Section shall be included in determining  
26 the aggregate amount of contracts or pending bids of a business

1 entity and any affiliated entities or affiliated persons.

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

21 (f) As used in this Section:

22 "Grant" means non-appropriated funding provided by a  
23 federal or private entity to support a project or program  
24 administered by a public institution of higher education and  
25 any non-appropriated funding provided to a sub-recipient of the  
26 grant.

1 "Public institution of higher education" means Chicago  
2 State University, Eastern Illinois University, Governors State  
3 University, Illinois State University, Northeastern Illinois  
4 University, Northern Illinois University, Southern Illinois  
5 University, University of Illinois, Western Illinois  
6 University, and, for purposes of this Code only, the Illinois  
7 Mathematics and Science Academy.

8 (g) (Blank).

9 (h) The General Assembly finds and declares that:

10 (1) Public Act 98-1076, which took effect on January 1,  
11 2015, changed the repeal date set for this Section from  
12 December 31, 2014 to December 31, 2016.

13 (2) The Statute on Statutes sets forth general rules on  
14 the repeal of statutes and the construction of multiple  
15 amendments, but Section 1 of that Act also states that  
16 these rules will not be observed when the result would be  
17 "inconsistent with the manifest intent of the General  
18 Assembly or repugnant to the context of the statute".

19 (3) This amendatory Act of the 100th General Assembly  
20 manifests the intention of the General Assembly to remove  
21 the repeal of this Section.

22 (4) This Section was originally enacted to protect,  
23 promote, and preserve the general welfare. Any  
24 construction of this Section that results in the repeal of  
25 this Section on December 31, 2014 would be inconsistent  
26 with the manifest intent of the General Assembly and

1 repugnant to the context of this Code.

2 It is hereby declared to have been the intent of the  
3 General Assembly that this Section not be subject to repeal on  
4 December 31, 2014.

5 This Section shall be deemed to have been in continuous  
6 effect since December 20, 2011 (the effective date of Public  
7 Act 97-643), and it shall continue to be in effect henceforward  
8 until it is otherwise lawfully repealed. All previously enacted  
9 amendments to this Section taking effect on or after December  
10 31, 2014, are hereby validated.

11 All actions taken in reliance on or pursuant to this  
12 Section by any public institution of higher education, person,  
13 or entity are hereby validated.

14 In order to ensure the continuing effectiveness of this  
15 Section, it is set forth in full and re-enacted by this  
16 amendatory Act of the 100th General Assembly. This re-enactment  
17 is intended as a continuation of this Section. It is not  
18 intended to supersede any amendment to this Section that is  
19 enacted by the 100th General Assembly.

20 In this amendatory Act of the 100th General Assembly, the  
21 base text of the reenacted Section is set forth as amended by  
22 Public Act 98-1076. Striking and underscoring is used only to  
23 show changes being made to the base text.

24 This Section applies to all procurements made on or before  
25 the effective date of this amendatory Act of the 100th General  
26 Assembly.



1 (Source: P.A. 100-43, eff. 8-9-17.)".