



Rep. William Davis

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LRB101 10709 RJF 57853 a

1 AMENDMENT TO HOUSE BILL 3298

2 AMENDMENT NO. _____. Amend House Bill 3298 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Sections 20-160 and 25-35 as follows:

6 (30 ILCS 500/20-160)

7 Sec. 20-160. Business entities; certification;
8 registration with the State Board of Elections.

9 (a) For purposes of this Section, the terms "business
10 entity", "contract", "State contract", "contract with a State
11 agency", "State agency", "affiliated entity", and "affiliated
12 person" have the meanings ascribed to those terms in Section
13 50-37.

14 (b) Every bid and offer submitted to and every contract
15 executed by the State on or after January 1, 2009 (the
16 effective date of Public Act 95-971) and every submission to a

1 vendor portal shall contain (1) a certification by the bidder,
2 offeror, vendor, or contractor that either (i) the bidder,
3 offeror, vendor, or contractor is not required to register as a
4 business entity with the State Board of Elections pursuant to
5 this Section or (ii) the bidder, offeror, vendor, or contractor
6 has registered as a business entity with the State Board of
7 Elections and acknowledges a continuing duty to update the
8 registration and (2) a statement that the contract is voidable
9 under Section 50-60 for the bidder's, offeror's, vendor's, or
10 contractor's failure to comply with this Section.

11 (c) Each business entity (i) whose aggregate bids and
12 proposals on State contracts annually total more than \$50,000,
13 (ii) whose aggregate bids and proposals on State contracts
14 combined with the business entity's aggregate annual total
15 value of State contracts exceed \$50,000, or (iii) whose
16 contracts with State agencies, in the aggregate, annually total
17 more than \$50,000 shall register with the State Board of
18 Elections in accordance with Section 9-35 of the Election Code.
19 A business entity required to register under this subsection
20 due to item (i) or (ii) has a continuing duty to ensure that
21 the registration is accurate during the period beginning on the
22 date of registration and ending on the day after the date the
23 contract is awarded; any change in information must be reported
24 to the State Board of Elections 5 business days following such
25 change or no later than a day before the contract is awarded,
26 whichever date is earlier. A business entity required to

1 register under this subsection due to item (iii) has a
2 continuing duty to ensure that the registration is accurate in
3 accordance with subsection (e).

4 (d) Any business entity, not required under subsection (c)
5 to register, whose aggregate bids and proposals on State
6 contracts annually total more than \$50,000, or whose aggregate
7 bids and proposals on State contracts combined with the
8 business entity's aggregate annual total value of State
9 contracts exceed \$50,000, shall register with the State Board
10 of Elections in accordance with Section 9-35 of the Election
11 Code prior to submitting to a State agency the bid or proposal
12 whose value causes the business entity to fall within the
13 monetary description of this subsection. A business entity
14 required to register under this subsection has a continuing
15 duty to ensure that the registration is accurate during the
16 period beginning on the date of registration and ending on the
17 day after the date the contract is awarded. Any change in
18 information must be reported to the State Board of Elections
19 within 5 business days following such change or no later than a
20 day before the contract is awarded, whichever date is earlier.

21 (e) A business entity whose contracts with State agencies,
22 in the aggregate, annually total more than \$50,000 must
23 maintain its registration under this Section and has a
24 continuing duty to ensure that the registration is accurate for
25 the duration of the term of office of the incumbent
26 officeholder awarding the contracts or for a period of 2 years

1 following the expiration or termination of the contracts,
2 whichever is longer. A business entity, required to register
3 under this subsection, has a continuing duty to report any
4 changes on a quarterly basis to the State Board of Elections
5 within 14 calendar days following the last day of January,
6 April, July, and October of each year. Any update pursuant to
7 this paragraph that is received beyond that date is presumed
8 late and the civil penalty authorized by subsection (e) of
9 Section 9-35 of the Election Code ~~(10 ILCS 5/9-35)~~ may be
10 assessed.

11 Also, if a business entity required to register under this
12 subsection has a pending bid or offer, any change in
13 information shall be reported to the State Board of Elections
14 within 7 calendar days following such change or no later than a
15 day before the contract is awarded, whichever date is earlier.

16 (f) A business entity's continuing duty under this Section
17 to ensure the accuracy of its registration includes the
18 requirement that the business entity notify the State Board of
19 Elections of any change in information, including, but not
20 limited to, changes of affiliated entities or affiliated
21 persons.

22 (g) For any bid or offer for a contract with a State agency
23 by a business entity required to register under this Section,
24 the chief procurement officer shall verify that the business
25 entity is required to register under this Section and is in
26 compliance with the registration requirements on the date the

1 bid or offer is due. Vendors who submit bids or proposals who
2 are required to register under this Section and that are
3 otherwise responsive, but who failed to register, shall be
4 notified of the deficiency and shall be afforded a period not
5 to exceed 10 calendar days from the date of notification to
6 cure that deficiency in the bid or proposal. ~~A chief~~
7 ~~procurement officer shall not accept a bid or offer if the~~
8 ~~business entity is not in compliance with the registration~~
9 ~~requirements as of the date bids or offers are due. Upon~~
10 ~~discovery of noncompliance with this Section, if the bidder or~~
11 ~~offeror made a good faith effort to comply with registration~~
12 ~~efforts prior to the date the bid or offer is due, a chief~~
13 ~~procurement officer may provide the bidder or offeror 5~~
14 ~~business days to achieve compliance.~~ A chief procurement
15 officer may extend the time to prove compliance by as long as
16 necessary in the event that there is a failure within the State
17 Board of Election's registration system.

18 (h) A registration, and any changes to a registration, must
19 include the business entity's verification of accuracy and
20 subjects the business entity to the penalties of the laws of
21 this State for perjury.

22 In addition to any penalty under Section 9-35 of the
23 Election Code, intentional, willful, or material failure to
24 disclose information required for registration shall render
25 the contract, bid, offer, or other procurement relationship
26 voidable by the chief procurement officer if he or she deems it

1 to be in the best interest of the State of Illinois.

2 (i) This Section applies regardless of the method of source
3 selection used in awarding the contract.

4 (Source: P.A. 100-43, eff. 8-9-17; revised 10-11-18.)

5 (30 ILCS 500/25-35)

6 Sec. 25-35. Purchase of coal and postage stamps.

7 (a) Delivery of necessary supplies. To avoid interruption
8 or impediment of delivery of necessary supplies, commodities,
9 and coal, State purchasing officers may approve a State
10 agency's purchases of or contracts for supplies and commodities
11 after April 30 of a fiscal year when delivery of the supplies
12 and commodities is to be made after June 30 of that fiscal year
13 and payment for which is to be made from appropriations for the
14 next fiscal year.

15 (b) Postage. All postage stamps purchased from State funds
16 for use by the General Assembly must be perforated for
17 identification purposes. A General Assembly member may furnish
18 the U.S. Post Office with a warrant so as to allow for the
19 creation or continuation of a bulk rate mailing fund in the
20 name of the General Assembly member or may furnish a postage
21 meter company or post office with a warrant so as to facilitate
22 the purchase of a postage meter and its stamps. Any postage
23 meter so purchased must also contain a stamp that shall state
24 "Official State Mail".

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

1 (30 ILCS 500/25-55 rep.)

2 Section 10. The Illinois Procurement Code is amended by

3 repealing Section 25-55."