



Sen. Michael E. Hastings

Filed: 3/14/2019

10100SB1951sam001

LRB101 10717 RJF 57745 a

1 AMENDMENT TO SENATE BILL 1951

2 AMENDMENT NO. _____. Amend Senate Bill 1951 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.)".