



Sen. Rachelle Crowe

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10100SB3152sam001

LRB101 17350 RJF 71063 a

1 AMENDMENT TO SENATE BILL 3152

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3152 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 40-15, 40-20, and 40-25 as follows:

6 (30 ILCS 500/40-15)

7 Sec. 40-15. Method of source selection.

8 (a) Request for information. Except as provided in  
9 subsections (b) and (c), all State contracts for leases of real  
10 property or capital improvements shall be awarded by a request  
11 for information process in accordance with Section 40-20.

12 (b) Other methods. A request for information process need  
13 not be used in procuring any of the following leases:

14 (1) Property of less than 10,000 square feet with rent  
15 of less than \$200,000 ~~\$100,000~~ per year.

16 (2) (Blank).

1           (3) Duration of less than one year that cannot be  
2 renewed.

3           (4) Specialized space available at only one location.

4           (5) Renewal or extension of a lease; provided that: (i)  
5 the chief procurement officer determines in writing that  
6 the renewal or extension is in the best interest of the  
7 State; (ii) the chief procurement officer submits his or  
8 her written determination and the renewal or extension to  
9 the Board; (iii) the Board does not object in writing to  
10 the renewal or extension within 30 calendar days after its  
11 submission; and (iv) the chief procurement officer  
12 publishes the renewal or extension in the appropriate  
13 volume of the Procurement Bulletin.

14           (c) Leases with governmental units. Leases with other  
15 governmental units may be negotiated without using the request  
16 for information process when deemed by the chief procurement  
17 officer to be in the best interest of the State.

18 (Source: P.A. 98-1076, eff. 1-1-15.)

19           (30 ILCS 500/40-20)

20           Sec. 40-20. Request for information.

21           (a) Conditions for use. Leases shall be procured by request  
22 for information except as otherwise provided in Section 40-15.

23           (b) Form. A request for information shall be issued and  
24 shall include:

25           (1) the type of property to be leased;

- 1 (2) the proposed uses of the property;
- 2 (3) the duration of the lease;
- 3 (4) the preferred location of the property; and
- 4 (5) a general description of the configuration
- 5 desired.

6 (c) Public notice. Public notice of the request for  
7 information for the availability of real property to lease  
8 shall be published in the appropriate volume of the Illinois  
9 Procurement Bulletin at least 14 calendar days before the date  
10 set forth in the request for receipt of responses and shall  
11 also be published in similar manner in a newspaper of general  
12 circulation in the community or communities where the using  
13 agency is seeking space.

14 (d) Response. The request for information response shall  
15 consist of written information sufficient to show that the  
16 respondent can meet minimum criteria set forth in the request.  
17 State purchasing officers may enter into discussions with  
18 respondents for the purpose of clarifying State needs and the  
19 information supplied by the respondents. On the basis of the  
20 information supplied and discussions, if any, a State  
21 purchasing officer shall make a written determination  
22 identifying the responses that meet the minimum criteria set  
23 forth in the request for information. Negotiations shall be  
24 entered into with all qualified respondents for the purpose of  
25 securing a lease that is in the best interest of the State. A  
26 written report of the negotiations shall be retained in the

1 lease files and shall include the reasons for the final  
2 selection. All leases shall be reduced to writing; one copy  
3 shall be filed with the Comptroller in accordance with the  
4 provisions of Section 20-80, and one copy shall be filed with  
5 the Board.

6 When the lowest response by price is not selected, the  
7 State purchasing officer shall forward to the chief procurement  
8 officer, along with the lease, notice of the identity of the  
9 lowest respondent by price and written reasons for the  
10 selection of a different response. The chief procurement  
11 officer shall publish the written reasons in the next volume of  
12 the Illinois Procurement Bulletin.

13 (e) Board review. Upon receipt of (1) any proposed lease of  
14 real property of 10,000 or more square feet or (2) any proposed  
15 lease of real property with annual rent payments of \$200,000  
16 ~~\$100,000~~ or more, the Procurement Policy Board shall have 14 ~~30~~  
17 calendar days to review the proposed lease. If the Board does  
18 not object in writing within 14 ~~30~~ calendar days, then the  
19 proposed lease shall become effective according to its terms as  
20 submitted. The leasing agency shall make any and all materials  
21 available to the Board to assist in the review process.

22 (Source: P.A. 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/40-25)

24 Sec. 40-25. Length of leases.

25 (a) Maximum term. Except as otherwise provided under

1 subsection (a-5), leases shall be for a term not to exceed 10  
2 years exclusive, beginning July 1, 2020, of proposed contract  
3 renewal options in favor of the State that shall not exceed an  
4 additional 10 years inclusive, beginning January, 1, 2010, of  
5 ~~proposed contract renewals~~ and shall include a termination  
6 option in favor of the State after 5 years. The length of  
7 energy conservation program contracts or energy savings  
8 contracts or leases shall be in accordance with the provisions  
9 of Section 25-45.

10 (a-5) Extended term. A lease for real property owned by a  
11 public institution of higher education ~~the University of~~  
12 ~~Illinois~~ to be used by a public institution of higher education  
13 for healthcare uses, academic facilities, dormitories, or  
14 other support uses ~~the University of Illinois at Chicago for an~~  
15 ~~ambulatory surgical center, which would include both clinical~~  
16 ~~services and retail space,~~ may exceed 10 years in length where:  
17 (i) the lease requires the lessor to make capital improvements  
18 in excess of \$100,000; and (ii) the Board of Trustees of the  
19 public institution of higher education ~~University of Illinois~~  
20 determines a term of more than 10 years is necessary and is in  
21 the best interest of the public institution of higher education  
22 ~~University~~. A lease under this subsection (a-5) may not exceed  
23 30 years in length.

24 For the purposes of this subsection (a-5), "public  
25 institution of higher education" means the University of  
26 Illinois, Southern Illinois University, Chicago State

1 University, Eastern Illinois University, Governors State  
2 University, Illinois State University, Northeastern Illinois  
3 University, Northern Illinois University, Western Illinois  
4 University, and any other public universities now or hereafter  
5 established or authorized by the General Assembly.

6 (b) Renewal. Leases may include a renewal option. An option  
7 to renew may be exercised only when a State purchasing officer  
8 determines in writing that renewal is in the best interest of  
9 the State and notice of the exercise of the option is published  
10 in the appropriate volume of the Procurement Bulletin at least  
11 30 calendar days prior to the exercise of the option.

12 (c) Subject to appropriation. All leases shall recite that  
13 they are subject to termination and cancellation in any year  
14 for which the General Assembly fails to make an appropriation  
15 to make payments under the terms of the lease.

16 (d) Holdover. Beginning January 1, 2010, no lease may  
17 continue on a month-to-month or other holdover basis for a  
18 total of more than 6 months. Beginning July 1, 2010, the  
19 Comptroller shall withhold payment of leases beyond this  
20 holdover period.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-1047, eff. 1-1-19;  
22 101-426, eff. 1-1-20.)".