

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 may be entered into for
9 any period of time deemed to be in the best interests of the
10 State but not exceeding 10 years inclusive, beginning January
11 1, 2010, of proposed contract renewals. Third parties may
12 lease State-owned dark fiber networks for any period of time
13 deemed to be in the best interest of the State, but not
14 exceeding 20 years. The length of a lease for real property or
15 capital improvements shall be in accordance with the
16 provisions of Section 40-25. The length of energy conservation
17 program contracts or energy savings contracts or leases shall
18 be in accordance with the provisions of Section 25-45. A
19 contract for bond or mortgage insurance awarded by the
20 Illinois Housing Development Authority, however, may be
21 entered into for any period of time less than or equal to the
22 maximum period of time that the subject bond or mortgage may
23 remain outstanding.

1 (b) Subject to appropriation. All contracts made or
2 entered into shall recite that they are subject to termination
3 and cancellation in any year for which the General Assembly
4 fails to make an appropriation to make payments under the
5 terms of the contract.

6 (c) The chief procurement officer shall file a proposed
7 extension or renewal of a contract with the Procurement Policy
8 Board prior to entering into any extension or renewal if the
9 cost associated with the extension or renewal exceeds
10 \$249,999. The Procurement Policy Board may object to the
11 proposed extension or renewal within 14 ~~30~~ calendar days and
12 require a hearing before the Board prior to entering into the
13 extension or renewal. If the Procurement Policy Board does not
14 object within 14 ~~30~~ calendar days or takes affirmative action
15 to recommend the extension or renewal, the chief procurement
16 officer may enter into the extension or renewal of a contract.
17 This subsection does not apply to any emergency procurement,
18 any procurement under Article 40, or any procurement exempted
19 by Section 1-10(b) of this Code. If any State agency contract
20 is paid for in whole or in part with federal-aid funds, grants,
21 or loans and the provisions of this subsection would result in
22 the loss of those federal-aid funds, grants, or loans, then
23 the contract is exempt from the provisions of this subsection
24 in order to remain eligible for those federal-aid funds,
25 grants, or loans, and the State agency shall file notice of
26 this exemption with the Procurement Policy Board prior to

1 entering into the proposed extension or renewal. Nothing in
2 this subsection permits a chief procurement officer to enter
3 into an extension or renewal in violation of subsection (a).
4 By August 1 each year, the Procurement Policy Board shall file
5 a report with the General Assembly identifying for the
6 previous fiscal year (i) the proposed extensions or renewals
7 that were filed with the Board and whether the Board objected
8 and (ii) the contracts exempt from this subsection.

9 (d) Notwithstanding the provisions of subsection (a) of
10 this Section, the Department of Innovation and Technology may
11 enter into leases for dark fiber networks for any period of
12 time deemed to be in the best interests of the State but not
13 exceeding 20 years inclusive. The Department of Innovation and
14 Technology may lease dark fiber networks from third parties
15 only for the primary purpose of providing services (i) to the
16 offices of Governor, Lieutenant Governor, Attorney General,
17 Secretary of State, Comptroller, or Treasurer and State
18 agencies, as defined under Section 5-15 of the Civil
19 Administrative Code of Illinois or (ii) for anchor
20 institutions, as defined in Section 7 of the Illinois Century
21 Network Act. Dark fiber network lease contracts shall be
22 subject to all other provisions of this Code and any
23 applicable rules or requirements, including, but not limited
24 to, publication of lease solicitations, use of standard State
25 contracting terms and conditions, and approval of vendor
26 certifications and financial disclosures.

1 (e) As used in this Section, "dark fiber network" means a
2 network of fiber optic cables laid but currently unused by a
3 third party that the third party is leasing for use as network
4 infrastructure.

5 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
6 101-81, eff. 7-12-19.)