



Sen. Cristina Castro

**Filed: 5/30/2021**

10200HB2567sam002

LRB102 13430 RJF 27383 a

1 AMENDMENT TO HOUSE BILL 2567

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2567, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Commission to End Hunger Act is amended by  
6 changing Section 15 as follows:

7 (20 ILCS 5015/15)

8 Sec. 15. Members. The Commission to End Hunger shall be  
9 composed of no more than 21 voting members including 2 members  
10 of the Illinois House of Representatives, one appointed by the  
11 Speaker of the House and one appointed by the House Minority  
12 Leader; 2 members of the Illinois Senate, one appointed by the  
13 Senate President and one appointed by the Senate Minority  
14 Leader; one representative of the Office of the Governor  
15 appointed by the Governor; one representative of the Office of  
16 the Lieutenant Governor appointed by the Lieutenant Governor;

1 and 15 public members, who shall be appointed by the Governor.

2 The public members shall include 2 representatives of food  
3 banks; 2 representatives from other community food assistance  
4 programs; a representative of a statewide organization focused  
5 on responding to hunger; a representative from an anti-poverty  
6 organization; a representative of an organization that serves  
7 or advocates for children and youth; a representative of an  
8 organization that serves or advocates for older adults; a  
9 representative of an organization that advocates for people  
10 who are homeless; a representative of an organization that  
11 serves or advocates for persons with disabilities; a  
12 representative of an organization that advocates for  
13 immigrants; a representative of a municipal or county  
14 government; and 3 at-large members. The appointed members  
15 shall reflect the racial, gender, and geographic diversity of  
16 the State and shall include representation from regions of the  
17 State.

18 The following officials shall serve as ex-officio members:  
19 the Secretary of Human Services or his or her designee; the  
20 State Superintendent of Education or his or her designee; the  
21 Director of Healthcare and Family Services or his or her  
22 designee; the Director of Children and Family Services or his  
23 or her designee; the Director of Aging or his or her designee;  
24 the Director of Natural Resources or his or her designee; and  
25 the Director of Agriculture or his or her designee. The  
26 African-American Family Commission and the Latino Family

1 ~~Commission, and the Local Food, Farms, and Jobs Council~~ shall  
2 each designate a liaison to serve ex-officio on the  
3 Commission.

4 Members shall serve without compensation and are  
5 responsible for the cost of all reasonable and necessary  
6 travel expenses connected to Commission business, as the State  
7 of Illinois will not reimburse Commission members for these  
8 costs.

9 Commission members shall be appointed within 60 days after  
10 the effective date of this Act. The Commission shall hold  
11 their initial meetings within 60 days after at least 50% of the  
12 members have been appointed.

13 The representative of the Office of the Governor and a  
14 representative of a food bank shall serve as co-chairs of the  
15 Commission.

16 At the first meeting of the Commission, the members shall  
17 select a 5-person Steering Committee that includes the  
18 co-chairs.

19 The Commission may establish committees that address  
20 specific issues or populations and may appoint individuals  
21 with relevant expertise who are not appointed members of the  
22 Commission to serve on committees as needed.

23 The Office of the Governor, or a designee of the  
24 Governor's choosing, shall provide guidance to the Commission.  
25 Under the leadership of the Office of the Governor, subject to  
26 appropriation, the Department of Human Services shall also

1 provide leadership to support the Commission. The Department  
2 of Human Services and the State of Illinois shall not incur any  
3 costs as a result of the creation of the Commission to End  
4 Hunger as the coordination of meetings, report preparation,  
5 and other related duties will be completed by a representative  
6 of a food bank that is serving as a co-chair of the Commission.  
7 (Source: P.A. 96-1119, eff. 7-20-10; 97-419, eff. 8-16-11.)

8 Section 10. The Illinois Procurement Code is amended by  
9 changing Sections 1-10, 1-12, 1-13, 1-15.93, 20-20, 20-60,  
10 30-30, and 55-20 and by adding Section 50-90 as follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which  
14 bidders, offerors, potential contractors, or contractors were  
15 first solicited on or after July 1, 1998. This Code shall not  
16 be construed to affect or impair any contract, or any  
17 provision of a contract, entered into based on a solicitation  
18 prior to the implementation date of this Code as described in  
19 Article 99, including, but not limited to, any covenant  
20 entered into with respect to any revenue bonds or similar  
21 instruments. All procurements for which contracts are  
22 solicited between the effective date of Articles 50 and 99 and  
23 July 1, 1998 shall be substantially in accordance with this  
24 Code and its intent.

1 (b) This Code shall apply regardless of the source of the  
2 funds with which the contracts are paid, including federal  
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political  
5 subdivisions or other governments, or between State  
6 governmental bodies, except as specifically provided in  
7 this Code.

8 (2) Grants, except for the filing requirements of  
9 Section 20-80.

10 (3) Purchase of care, except as provided in Section  
11 5-30.6 of the Illinois Public Aid Code and this Section.

12 (4) Hiring of an individual as employee and not as an  
13 independent contractor, whether pursuant to an employment  
14 code or policy or by contract directly with that  
15 individual.

16 (5) Collective bargaining contracts.

17 (6) Purchase of real estate, except that notice of  
18 this type of contract with a value of more than \$25,000  
19 must be published in the Procurement Bulletin within 10  
20 calendar days after the deed is recorded in the county of  
21 jurisdiction. The notice shall identify the real estate  
22 purchased, the names of all parties to the contract, the  
23 value of the contract, and the effective date of the  
24 contract.

25 (7) Contracts necessary to prepare for anticipated  
26 litigation, enforcement actions, or investigations,

1 provided that the chief legal counsel to the Governor  
2 shall give his or her prior approval when the procuring  
3 agency is one subject to the jurisdiction of the Governor,  
4 and provided that the chief legal counsel of any other  
5 procuring entity subject to this Code shall give his or  
6 her prior approval when the procuring entity is not one  
7 subject to the jurisdiction of the Governor.

8 (8) (Blank).

9 (9) Procurement expenditures by the Illinois  
10 Conservation Foundation when only private funds are used.

11 (10) (Blank).

12 (11) Public-private agreements entered into according  
13 to the procurement requirements of Section 20 of the  
14 Public-Private Partnerships for Transportation Act and  
15 design-build agreements entered into according to the  
16 procurement requirements of Section 25 of the  
17 Public-Private Partnerships for Transportation Act.

18 (12) Contracts for legal, financial, and other  
19 professional and artistic services entered into on or  
20 before December 31, 2018 by the Illinois Finance Authority  
21 in which the State of Illinois is not obligated. Such  
22 contracts shall be awarded through a competitive process  
23 authorized by the Board of the Illinois Finance Authority  
24 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
25 50-35, and 50-37 of this Code, as well as the final  
26 approval by the Board of the Illinois Finance Authority of

1 the terms of the contract.

2 (13) Contracts for services, commodities, and  
3 equipment to support the delivery of timely forensic  
4 science services in consultation with and subject to the  
5 approval of the Chief Procurement Officer as provided in  
6 subsection (d) of Section 5-4-3a of the Unified Code of  
7 Corrections, except for the requirements of Sections  
8 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
9 Code; however, the Chief Procurement Officer may, in  
10 writing with justification, waive any certification  
11 required under Article 50 of this Code. For any contracts  
12 for services which are currently provided by members of a  
13 collective bargaining agreement, the applicable terms of  
14 the collective bargaining agreement concerning  
15 subcontracting shall be followed.

16 On and after January 1, 2019, this paragraph (13),  
17 except for this sentence, is inoperative.

18 (14) Contracts for participation expenditures required  
19 by a domestic or international trade show or exhibition of  
20 an exhibitor, member, or sponsor.

21 (15) Contracts with a railroad or utility that  
22 requires the State to reimburse the railroad or utilities  
23 for the relocation of utilities for construction or other  
24 public purpose. Contracts included within this paragraph  
25 (15) shall include, but not be limited to, those  
26 associated with: relocations, crossings, installations,

1 and maintenance. For the purposes of this paragraph (15),  
2 "railroad" means any form of non-highway ground  
3 transportation that runs on rails or electromagnetic  
4 guideways and "utility" means: (1) public utilities as  
5 defined in Section 3-105 of the Public Utilities Act, (2)  
6 telecommunications carriers as defined in Section 13-202  
7 of the Public Utilities Act, (3) electric cooperatives as  
8 defined in Section 3.4 of the Electric Supplier Act, (4)  
9 telephone or telecommunications cooperatives as defined in  
10 Section 13-212 of the Public Utilities Act, (5) rural  
11 water or waste water systems with 10,000 connections or  
12 less, (6) a holder as defined in Section 21-201 of the  
13 Public Utilities Act, and (7) municipalities owning or  
14 operating utility systems consisting of public utilities  
15 as that term is defined in Section 11-117-2 of the  
16 Illinois Municipal Code.

17 (16) Procurement expenditures necessary for the  
18 Department of Public Health to provide the delivery of  
19 timely newborn screening services in accordance with the  
20 Newborn Metabolic Screening Act.

21 (17) Procurement expenditures necessary for the  
22 Department of Agriculture, the Department of Financial and  
23 Professional Regulation, the Department of Human Services,  
24 and the Department of Public Health to implement the  
25 Compassionate Use of Medical Cannabis Program and Opioid  
26 Alternative Pilot Program requirements and ensure access



1 to medical cannabis for patients with debilitating medical  
2 conditions in accordance with the Compassionate Use of  
3 Medical Cannabis Program Act.

4 (18) This Code does not apply to any procurements  
5 necessary for the Department of Agriculture, the  
6 Department of Financial and Professional Regulation, the  
7 Department of Human Services, the Department of Commerce  
8 and Economic Opportunity, and the Department of Public  
9 Health to implement the Cannabis Regulation and Tax Act if  
10 the applicable agency has made a good faith determination  
11 that it is necessary and appropriate for the expenditure  
12 to fall within this exemption and if the process is  
13 conducted in a manner substantially in accordance with the  
14 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
15 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
16 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
17 Section 50-35, compliance applies only to contracts or  
18 subcontracts over \$100,000. Notice of each contract  
19 entered into under this paragraph (18) that is related to  
20 the procurement of goods and services identified in  
21 paragraph (1) through (9) of this subsection shall be  
22 published in the Procurement Bulletin within 14 calendar  
23 days after contract execution. The Chief Procurement  
24 Officer shall prescribe the form and content of the  
25 notice. Each agency shall provide the Chief Procurement  
26 Officer, on a monthly basis, in the form and content

1 prescribed by the Chief Procurement Officer, a report of  
2 contracts that are related to the procurement of goods and  
3 services identified in this subsection. At a minimum, this  
4 report shall include the name of the contractor, a  
5 description of the supply or service provided, the total  
6 amount of the contract, the term of the contract, and the  
7 exception to this Code utilized. A copy of any or all of  
8 these contracts shall be made available to the Chief  
9 Procurement Officer immediately upon request. The Chief  
10 Procurement Officer shall submit a report to the Governor  
11 and General Assembly no later than November 1 of each year  
12 that includes, at a minimum, an annual summary of the  
13 monthly information reported to the Chief Procurement  
14 Officer. This exemption becomes inoperative 5 years after  
15 June 25, 2019 (the effective date of Public Act 101-27)  
16 ~~this amendatory Act of the 101st General Assembly.~~

17 Notwithstanding any other provision of law, for contracts  
18 with an annual value of more than \$100,000 entered into on or  
19 after October 1, 2017 under an exemption provided in any  
20 paragraph of this subsection (b), except paragraph (1), (2),  
21 or (5), each State agency shall post to the appropriate  
22 procurement bulletin the name of the contractor, a description  
23 of the supply or service provided, the total amount of the  
24 contract, the term of the contract, and the exception to the  
25 Code utilized. The chief procurement officer shall submit a  
26 report to the Governor and General Assembly no later than

1 November 1 of each year that shall include, at a minimum, an  
2 annual summary of the monthly information reported to the  
3 chief procurement officer.

4 (c) This Code does not apply to the electric power  
5 procurement process provided for under Section 1-75 of the  
6 Illinois Power Agency Act and Section 16-111.5 of the Public  
7 Utilities Act.

8 (d) Except for Section 20-160 and Article 50 of this Code,  
9 and as expressly required by Section 9.1 of the Illinois  
10 Lottery Law, the provisions of this Code do not apply to the  
11 procurement process provided for under Section 9.1 of the  
12 Illinois Lottery Law.

13 (e) This Code does not apply to the process used by the  
14 Capital Development Board to retain a person or entity to  
15 assist the Capital Development Board with its duties related  
16 to the determination of costs of a clean coal SNG brownfield  
17 facility, as defined by Section 1-10 of the Illinois Power  
18 Agency Act, as required in subsection (h-3) of Section 9-220  
19 of the Public Utilities Act, including calculating the range  
20 of capital costs, the range of operating and maintenance  
21 costs, or the sequestration costs or monitoring the  
22 construction of clean coal SNG brownfield facility for the  
23 full duration of construction.

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and  
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records  
4 necessary to review whether a contract, purchase, or other  
5 expenditure is or is not subject to the provisions of this  
6 Code, unless such records would be subject to attorney-client  
7 privilege.

8 (j) This Code does not apply to the process used by the  
9 Capital Development Board to retain an artist or work or works  
10 of art as required in Section 14 of the Capital Development  
11 Board Act.

12 (k) This Code does not apply to the process to procure  
13 contracts, or contracts entered into, by the State Board of  
14 Elections or the State Electoral Board for hearing officers  
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the  
17 Illinois Student Assistance Commission to procure supplies and  
18 services paid for from the private funds of the Illinois  
19 Prepaid Tuition Fund. As used in this subsection (l), "private  
20 funds" means funds derived from deposits paid into the  
21 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

22 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;  
23 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.  
24 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised  
25 9-17-19.)

1 (30 ILCS 500/1-12)

2 Sec. 1-12. Applicability to artistic or musical services.

3 (a) This Code shall not apply to procurement expenditures  
4 necessary to provide artistic or musical services,  
5 performances, or theatrical productions held at a venue  
6 operated or leased by a State agency.

7 (b) Notice of each contract with an annual value of more  
8 than \$100,000 entered into by a State agency that is related to  
9 the procurement of goods and services identified in this  
10 Section shall be published in the Illinois Procurement  
11 Bulletin within 14 calendar days after contract execution. The  
12 chief procurement officer shall prescribe the form and content  
13 of the notice. Each State agency shall provide the chief  
14 procurement officer, on a monthly basis, in the form and  
15 content prescribed by the chief procurement officer, a report  
16 of contracts that are related to the procurement of supplies  
17 and services identified in this Section. At a minimum, this  
18 report shall include the name of the contractor, a description  
19 of the supply or service provided, the total amount of the  
20 contract, the term of the contract, and the exception to the  
21 Code utilized. A copy of any or all of these contracts shall be  
22 made available to the chief procurement officer immediately  
23 upon request. The chief procurement officer shall submit a  
24 report to the Governor and General Assembly no later than  
25 November 1 of each year that shall include, at a minimum, an  
26 annual summary of the monthly information reported to the

1 chief procurement officer.

2 (c) (Blank).

3 (d) The General Assembly finds and declares that:

4 (1) This amendatory Act of the 100th General Assembly  
5 manifests the intention of the General Assembly to remove  
6 the repeal of this Section.

7 (2) This Section was originally enacted to protect,  
8 promote, and preserve the general welfare. Any  
9 construction of this Section that results in the repeal of  
10 this Section on December 31, 2016 would be inconsistent  
11 with the manifest intent of the General Assembly and  
12 repugnant to the context of this Code.

13 It is hereby declared to have been the intent of the  
14 General Assembly that this Section not be subject to repeal on  
15 December 31, 2016.

16 This Section shall be deemed to have been in continuous  
17 effect since August 3, 2012 (the effective date of Public Act  
18 97-895), and it shall continue to be in effect henceforward  
19 until it is otherwise lawfully repealed. All previously  
20 enacted amendments to this Section taking effect on or after  
21 December 31, 2016, are hereby validated.

22 All actions taken in reliance on or pursuant to this  
23 Section in the procurement of artistic or musical services are  
24 hereby validated.

25 In order to ensure the continuing effectiveness of this  
26 Section, it is set forth in full and re-enacted by this

1 amendatory Act of the 100th General Assembly. This  
2 re-enactment is intended as a continuation of this Section. It  
3 is not intended to supersede any amendment to this Section  
4 that is enacted by the 100th General Assembly.

5 In this amendatory Act of the 100th General Assembly, the  
6 base text of this Section is set forth as amended by Public Act  
7 98-1076. Striking and underscoring is used only to show  
8 changes being made to the base text.

9 This Section applies to all procurements made on or before  
10 the effective date of this amendatory Act of the 100th General  
11 Assembly.

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

13 (30 ILCS 500/1-13)

14 Sec. 1-13. Applicability to public institutions of higher  
15 education.

16 (a) This Code shall apply to public institutions of higher  
17 education, regardless of the source of the funds with which  
18 contracts are paid, except as provided in this Section.

19 (b) Except as provided in this Section, this Code shall  
20 not apply to procurements made by or on behalf of public  
21 institutions of higher education for any of the following:

22 (1) Memberships in professional, academic, research,  
23 or athletic organizations on behalf of a public  
24 institution of higher education, an employee of a public  
25 institution of higher education, or a student at a public

1 institution of higher education.

2 (2) Procurement expenditures for events or activities  
3 paid for exclusively by revenues generated by the event or  
4 activity, gifts or donations for the event or activity,  
5 private grants, or any combination thereof.

6 (3) Procurement expenditures for events or activities  
7 for which the use of specific potential contractors is  
8 mandated or identified by the sponsor of the event or  
9 activity, provided that the sponsor is providing a  
10 majority of the funding for the event or activity.

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

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

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

24 (7) Contracts for programming and broadcast license  
25 rights for university-operated radio and television  
26 stations.



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

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

9 Notice of each contract with an annual value of more than  
10 \$100,000 entered into by a public institution of higher  
11 education that is related to the procurement of goods and  
12 services identified in items (1) through (9) of this  
13 subsection shall be published in the Procurement Bulletin  
14 within 14 calendar days after contract execution. The Chief  
15 Procurement Officer shall prescribe the form and content of  
16 the notice. Each public institution of higher education shall  
17 provide the Chief Procurement Officer, on a monthly basis, in  
18 the form and content prescribed by the Chief Procurement  
19 Officer, a report of contracts that are related to the  
20 procurement of goods and services identified in this  
21 subsection. At a minimum, this report shall include the name  
22 of the contractor, a description of the supply or service  
23 provided, the total amount of the contract, the term of the  
24 contract, and the exception to the Code utilized. A copy of any  
25 or all of these contracts shall be made available to the Chief  
26 Procurement Officer immediately upon request. The Chief

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

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

22 (b-10) Procurements made by or on behalf of the University  
23 of Illinois for investment services scheduled to expire June  
24 2020 may be extended through June 2021 without being subject  
25 to the requirements of this Code. Any contract extended,  
26 renewed, or entered pursuant to this exception shall be

1 published on the Executive Ethics Commission's website within  
2 5 days of contract execution. This subsection is inoperative  
3 on and after July 1, 2021.

4 (c) Procurements made by or on behalf of public  
5 institutions of higher education for the fulfillment of a  
6 grant shall be made in accordance with the requirements of  
7 this Code to the extent practical.

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

1           (d) Notwithstanding this Section, a waiver of the  
2 registration requirements of Section 20-160 does not permit a  
3 business entity and any affiliated entities or affiliated  
4 persons to make campaign contributions if otherwise prohibited  
5 by Section 50-37. The total amount of contracts awarded in  
6 accordance with this Section shall be included in determining  
7 the aggregate amount of contracts or pending bids of a  
8 business entity and any affiliated entities or affiliated  
9 persons.

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

1 implementation and administration of the provisions of this  
2 subsection (e).

3 (f) As used in this Section:

4 "Grant" means non-appropriated funding provided by a  
5 federal or private entity to support a project or program  
6 administered by a public institution of higher education and  
7 any non-appropriated funding provided to a sub-recipient of  
8 the grant.

9 "Public institution of higher education" means Chicago  
10 State University, Eastern Illinois University, Governors State  
11 University, Illinois State University, Northeastern Illinois  
12 University, Northern Illinois University, Southern Illinois  
13 University, University of Illinois, Western Illinois  
14 University, and, for purposes of this Code only, the Illinois  
15 Mathematics and Science Academy.

16 (g) (Blank).

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

18 (1) Public Act 98-1076, which took effect on January  
19 1, 2015, changed the repeal date set for this Section from  
20 December 31, 2014 to December 31, 2016.

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

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

4           (4) This Section was originally enacted to protect,  
5 promote, and preserve the general welfare. Any  
6 construction of this Section that results in the repeal of  
7 this Section on December 31, 2014 would be inconsistent  
8 with the manifest intent of the General Assembly and  
9 repugnant to the context of this Code.

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

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

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

22          In order to ensure the continuing effectiveness of this  
23 Section, it is set forth in full and re-enacted by this  
24 amendatory Act of the 100th General Assembly. This  
25 re-enactment is intended as a continuation of this Section. It  
26 is not intended to supersede any amendment to this Section

1 that is enacted by the 100th General Assembly.

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

6 This Section applies to all procurements made on or before  
7 the effective date of this amendatory Act of the 100th General  
8 Assembly.

9 (Source: P.A. 100-43, eff. 8-9-17; 101-640, eff. 6-12-20.)

10 (30 ILCS 500/1-15.93)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 1-15.93. Single prime. "Single prime" means the  
13 design-bid-build procurement delivery method for a building  
14 construction project in which the Capital Development Board is  
15 the construction agency procuring 2 or more subdivisions of  
16 work enumerated in paragraphs (1) through (5) of subsection  
17 (a) of Section 30-30 of this Code under a single contract. This  
18 Section is repealed on January 1, 2024 ~~2022~~.

19 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20.)

20 (30 ILCS 500/20-20)

21 Sec. 20-20. Small purchases.

22 (a) Amount. Any individual procurement of supplies or  
23 services not exceeding \$100,000 and any procurement of  
24 construction not exceeding \$100,000, or any individual

1 procurement of professional or artistic services not exceeding  
2 \$100,000 may be made without competitive source selection.  
3 Procurements shall not be artificially divided so as to  
4 constitute a small purchase under this Section. Any  
5 procurement of construction not exceeding \$100,000 may be made  
6 by an alternative competitive source selection. The  
7 construction agency shall establish rules for an alternative  
8 competitive source selection process. This Section does not  
9 apply to construction-related professional services contracts  
10 awarded in accordance with the provisions of the  
11 Architectural, Engineering, and Land Surveying Qualifications  
12 Based Selection Act.

13 (b) Adjustment. Each July 1, the small purchase maximum  
14 established in subsection (a) shall be adjusted for inflation  
15 as determined by the Consumer Price Index for All Urban  
16 Consumers as determined by the United States Department of  
17 Labor and rounded to the nearest \$100.

18 (c) Based upon rules proposed by the Board and rules  
19 promulgated by the chief procurement officers, the small  
20 purchase maximum established in subsection (a) may be  
21 modified.

22 (d) Certification. All small purchases with an annual  
23 value of more than \$50,000 shall be accompanied by Standard  
24 Illinois Certifications in a form prescribed by each Chief  
25 Procurement Officer.

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



1 (30 ILCS 500/20-60)

2 (Text of Section before amendment by P.A. 101-657, Article  
3 40, Section 40-125)

4 Sec. 20-60. Duration of contracts.

5 (a) Maximum duration. A contract may be entered into for  
6 any period of time deemed to be in the best interests of the  
7 State but not exceeding 10 years inclusive, beginning January  
8 1, 2010, of proposed contract renewals. Third parties may  
9 lease State-owned dark fiber networks for any period of time  
10 deemed to be in the best interest of the State, but not  
11 exceeding 20 years. The length of a lease for real property or  
12 capital improvements shall be in accordance with the  
13 provisions of Section 40-25. The length of energy conservation  
14 program contracts or energy savings contracts or leases shall  
15 be in accordance with the provisions of Section 25-45. A  
16 contract for bond or mortgage insurance awarded by the  
17 Illinois Housing Development Authority, however, may be  
18 entered into for any period of time less than or equal to the  
19 maximum period of time that the subject bond or mortgage may  
20 remain outstanding.

21 (b) Subject to appropriation. All contracts made or  
22 entered into shall recite that they are subject to termination  
23 and cancellation in any year for which the General Assembly  
24 fails to make an appropriation to make payments under the  
25 terms of the contract.

1 (c) The chief procurement officer shall file a proposed  
2 extension or renewal of a contract with the Procurement Policy  
3 Board prior to entering into any extension or renewal if the  
4 cost associated with the extension or renewal exceeds  
5 \$249,999. The Procurement Policy Board may object to the  
6 proposed extension or renewal within 30 calendar days and  
7 require a hearing before the Board prior to entering into the  
8 extension or renewal. If the Procurement Policy Board does not  
9 object within 30 calendar days or takes affirmative action to  
10 recommend the extension or renewal, the chief procurement  
11 officer may enter into the extension or renewal of a contract.  
12 This subsection does not apply to any emergency procurement,  
13 any procurement under Article 40, or any procurement exempted  
14 by Section 1-10(b) of this Code. If any State agency contract  
15 is paid for in whole or in part with federal-aid funds, grants,  
16 or loans and the provisions of this subsection would result in  
17 the loss of those federal-aid funds, grants, or loans, then  
18 the contract is exempt from the provisions of this subsection  
19 in order to remain eligible for those federal-aid funds,  
20 grants, or loans, and the State agency shall file notice of  
21 this exemption with the Procurement Policy Board prior to  
22 entering into the proposed extension or renewal. Nothing in  
23 this subsection permits a chief procurement officer to enter  
24 into an extension or renewal in violation of subsection (a).  
25 By August 1 each year, the Procurement Policy Board shall file  
26 a report with the General Assembly identifying for the

1 previous fiscal year (i) the proposed extensions or renewals  
2 that were filed with the Board and whether the Board objected  
3 and (ii) the contracts exempt from this subsection.

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

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

26 (f) No vendor shall be eligible for renewal of a contract

1 when that vendor has failed to meet the goals agreed to in the  
2 vendor's utilization plan unless the State agency or public  
3 institution of higher education has determined that the vendor  
4 made good faith efforts toward meeting the contract goals and  
5 has issued a waiver ~~or that vendor is not otherwise excused~~  
6 ~~from compliance by the chief procurement officer in~~  
7 ~~consultation with the purchasing State agency.~~ The form and  
8 content of the waiver shall be prescribed by each chief  
9 procurement officer, but shall not impair the State agency or  
10 public institutions of higher education determination to  
11 execute the renewal. The chief procurement officer shall post  
12 the completed form on his or her official website within 5  
13 business days after receipt from the State agency or public  
14 institution of higher education. The chief procurement officer  
15 ~~who~~ shall maintain on his or her official website a database of  
16 waivers granted under this Section with respect to contracts  
17 under his or her jurisdiction. The database shall be updated  
18 periodically and shall be searchable by contractor name and by  
19 contracting State agency or public institution of higher  
20 education.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;  
22 101-81, eff. 7-12-19; 101-657, Article 5, Section 5-5, eff.  
23 3-23-21.)

24 (Text of Section after amendment by P.A. 101-657, Article  
25 40, Section 40-125)

1           Sec. 20-60. Duration of contracts.

2           (a) Maximum duration. A contract may be entered into for  
3 any period of time deemed to be in the best interests of the  
4 State but not exceeding 10 years inclusive, beginning January  
5 1, 2010, of proposed contract renewals. Third parties may  
6 lease State-owned dark fiber networks for any period of time  
7 deemed to be in the best interest of the State, but not  
8 exceeding 20 years. The length of a lease for real property or  
9 capital improvements shall be in accordance with the  
10 provisions of Section 40-25. The length of energy conservation  
11 program contracts or energy savings contracts or leases shall  
12 be in accordance with the provisions of Section 25-45. A  
13 contract for bond or mortgage insurance awarded by the  
14 Illinois Housing Development Authority, however, may be  
15 entered into for any period of time less than or equal to the  
16 maximum period of time that the subject bond or mortgage may  
17 remain outstanding.

18           (b) Subject to appropriation. All contracts made or  
19 entered into shall recite that they are subject to termination  
20 and cancellation in any year for which the General Assembly  
21 fails to make an appropriation to make payments under the  
22 terms of the contract.

23           (c) The chief procurement officer shall file a proposed  
24 extension or renewal of a contract with the Procurement Policy  
25 Board and the Commission on Equity and Inclusion prior to  
26 entering into any extension or renewal if the cost associated

1 with the extension or renewal exceeds \$249,999. The  
2 Procurement Policy Board or the Commission on Equity and  
3 Inclusion may object to the proposed extension or renewal  
4 within 30 calendar days and require a hearing before the Board  
5 or the Commission on Equity and Inclusion prior to entering  
6 into the extension or renewal. If the Procurement Policy Board  
7 or the Commission on Equity and Inclusion does not object  
8 within 30 calendar days or takes affirmative action to  
9 recommend the extension or renewal, the chief procurement  
10 officer may enter into the extension or renewal of a contract.  
11 This subsection does not apply to any emergency procurement,  
12 any procurement under Article 40, or any procurement exempted  
13 by Section 1-10(b) of this Code. If any State agency contract  
14 is paid for in whole or in part with federal-aid funds, grants,  
15 or loans and the provisions of this subsection would result in  
16 the loss of those federal-aid funds, grants, or loans, then  
17 the contract is exempt from the provisions of this subsection  
18 in order to remain eligible for those federal-aid funds,  
19 grants, or loans, and the State agency shall file notice of  
20 this exemption with the Procurement Policy Board or the  
21 Commission on Equity and Inclusion prior to entering into the  
22 proposed extension or renewal. Nothing in this subsection  
23 permits a chief procurement officer to enter into an extension  
24 or renewal in violation of subsection (a). By August 1 each  
25 year, the Procurement Policy Board and the Commission on  
26 Equity and Inclusion shall each file a report with the General

1 Assembly identifying for the previous fiscal year (i) the  
2 proposed extensions or renewals that were filed and whether  
3 such extensions and renewals were objected to and (ii) the  
4 contracts exempt from this subsection.

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

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

1 (f) No vendor shall be eligible for renewal of a contract  
2 when that vendor has failed to meet the goals agreed to in the  
3 vendor's utilization plan unless the State agency or public  
4 institution of higher education has determined that the vendor  
5 made good faith efforts toward meeting the contract goals and  
6 has issued a waiver ~~or that vendor is not otherwise excused~~  
7 ~~from compliance by the chief procurement officer in~~  
8 ~~consultation with the purchasing State agency.~~ The form and  
9 content of the waiver shall be prescribed by each chief  
10 procurement officer, but shall not impair the State agency or  
11 public institution of higher education determination to  
12 execute the renewal. The chief procurement officer shall post  
13 the completed form on his or her official website within 5  
14 business days after receipt from the State agency or public  
15 institution of higher education. The chief procurement officer  
16 ~~who~~ shall maintain on his or her official website a database of  
17 waivers granted under this Section with respect to contracts  
18 under his or her jurisdiction. The database shall be updated  
19 periodically and shall be searchable by contractor name and by  
20 contracting State agency or public institution of higher  
21 education.

22 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;  
23 101-81, eff. 7-12-19; 101-657, Article 5, Section 5-5, eff.  
24 3-23-21; 101-657, Article 40, Section 40-125, eff. 1-1-22;  
25 revised 5-18-21.)



1 (30 ILCS 500/30-30)

2 Sec. 30-30. Design-bid-build construction.

3 (a) The provisions of this subsection are operative  
4 through December 31, 2023 ~~2021~~.

5 For building construction contracts in excess of \$250,000,  
6 separate specifications may be prepared for all equipment,  
7 labor, and materials in connection with the following 5  
8 subdivisions of the work to be performed:

9 (1) plumbing;

10 (2) heating, piping, refrigeration, and automatic  
11 temperature control systems, including the testing and  
12 balancing of those systems;

13 (3) ventilating and distribution systems for  
14 conditioned air, including the testing and balancing of  
15 those systems;

16 (4) electric wiring; and

17 (5) general contract work.

18 The specifications may be so drawn as to permit separate  
19 and independent bidding upon each of the 5 subdivisions of  
20 work. All contracts awarded for any part thereof may award the  
21 5 subdivisions of work separately to responsible and reliable  
22 persons, firms, or corporations engaged in these classes of  
23 work. The contracts, at the discretion of the construction  
24 agency, may be assigned to the successful bidder on the  
25 general contract work or to the successful bidder on the  
26 subdivision of work designated by the construction agency

1 before the bidding as the prime subdivision of work, provided  
2 that all payments will be made directly to the contractors for  
3 the 5 subdivisions of work upon compliance with the conditions  
4 of the contract.

5 Beginning on the effective date of this amendatory Act of  
6 the 101st General Assembly and through December 31, 2023 ~~2020~~,  
7 for single prime projects: (i) the bid of the successful low  
8 bidder shall identify the name of the subcontractor, if any,  
9 and the bid proposal costs for each of the 5 subdivisions of  
10 work set forth in this Section; (ii) the contract entered into  
11 with the successful bidder shall provide that no identified  
12 subcontractor may be terminated without the written consent of  
13 the Capital Development Board; (iii) the contract shall comply  
14 with the disadvantaged business practices of the Business  
15 Enterprise for Minorities, Women, and Persons with  
16 Disabilities Act and the equal employment practices of Section  
17 2-105 of the Illinois Human Rights Act; and (iv) the Capital  
18 Development Board shall submit an annual report to the General  
19 Assembly and Governor on the bidding, award, and performance  
20 of all single prime projects.

21 For building construction projects with a total  
22 construction cost valued at \$5,000,000 or less, the Capital  
23 Development Board shall not use the single prime procurement  
24 delivery method for more than 50% of the total number of  
25 projects bid for each fiscal year. Any project with a total  
26 construction cost valued greater than \$5,000,000 may be bid

1 using single prime at the discretion of the Executive Director  
2 of the Capital Development Board.

3 (b) The provisions of this subsection are operative on and  
4 after January 1, 2024 ~~2022~~. For building construction  
5 contracts in excess of \$250,000, separate specifications shall  
6 be prepared for all equipment, labor, and materials in  
7 connection with the following 5 subdivisions of the work to be  
8 performed:

9 (1) plumbing;

10 (2) heating, piping, refrigeration, and automatic  
11 temperature control systems, including the testing and  
12 balancing of those systems;

13 (3) ventilating and distribution systems for  
14 conditioned air, including the testing and balancing of  
15 those systems;

16 (4) electric wiring; and

17 (5) general contract work.

18 The specifications must be so drawn as to permit separate  
19 and independent bidding upon each of the 5 subdivisions of  
20 work. All contracts awarded for any part thereof shall award  
21 the 5 subdivisions of work separately to responsible and  
22 reliable persons, firms, or corporations engaged in these  
23 classes of work. The contracts, at the discretion of the  
24 construction agency, may be assigned to the successful bidder  
25 on the general contract work or to the successful bidder on the  
26 subdivision of work designated by the construction agency

1 before the bidding as the prime subdivision of work, provided  
2 that all payments will be made directly to the contractors for  
3 the 5 subdivisions of work upon compliance with the conditions  
4 of the contract.

5 (Source: P.A. 100-391, eff. 8-25-17; 101-369, eff. 12-15-19;  
6 101-645, eff. 6-26-20.)

7 (30 ILCS 500/50-90 new)

8 Sec. 50-90. Certifications. All contracts under this Code  
9 with an annual value of more than \$50,000 annually shall be  
10 accompanied by Standard Illinois Certifications in a form  
11 prescribed by each Chief Procurement Officer.

12 (30 ILCS 500/55-20)

13 Sec. 55-20. Contracts for food donation; food donation  
14 policy.

15 (a) After the effective date of this amendatory Act of the  
16 99th General Assembly, a public entity shall not enter into a  
17 contract to purchase food with a bidder or offeror if the  
18 bidder's or offeror's contract terms prohibit the public  
19 entity from donating food to food banks, including, but not  
20 limited to, homeless shelters, food pantries, and soup  
21 kitchens.

22 (b) Each State agency that purchases food through a  
23 contract procured in accordance with ~~entering into or~~  
24 ~~maintaining a contract for the purchase of food under this~~

1 Code shall adopt a policy that permits the donation of  
2 leftover food purchased with ~~procured by~~ State funds. The  
3 policy shall address any daily food operations run by the  
4 agency, including one-time events, and shall contain a list of  
5 nearby soup kitchens, food pantries, and other non-profit  
6 organizations where leftover food can be donated. Each State  
7 agency shall circulate its policy to all agency employees, and  
8 submit its food donation policy to the Department of Central  
9 Management Services on an annual basis beginning December 31,  
10 2018.

11 (Source: P.A. 99-552, eff. 7-15-16; 100-709, eff. 8-3-18.)

12 Section 15. The Design-Build Procurement Act is amended by  
13 changing Section 90 as follows:

14 (30 ILCS 537/90)

15 (Section scheduled to be repealed on July 1, 2022)

16 Sec. 90. Repealer. This Act is repealed on January 1, 2024  
17 ~~July 1, 2022~~.

18 (Source: P.A. 100-1189, eff. 4-5-19.)

19 Section 20. The Local Food, Farms, and Jobs Act is amended  
20 by changing Section 10 as follows:

21 (30 ILCS 595/10)

22 Sec. 10. Procurement goals for local farm or food

1 products.

2 (a) In order to create, strengthen, and expand local farm  
3 and food economies throughout Illinois, it shall be the goal  
4 of this State that 20% of all food and food products purchased  
5 by State agencies and State-owned facilities, including,  
6 without limitation, facilities for persons with mental health  
7 and developmental disabilities, correctional facilities, and  
8 public universities, shall, by 2020, be local farm or food  
9 products.

10 (b) The State ~~Local Food, Farms, and Jobs Council~~  
11 ~~established under this Act~~ shall support and encourage that  
12 10% of food and food products purchased by entities funded in  
13 part or in whole by State dollars, which spend more than  
14 \$25,000 per year on food or food products for its students,  
15 residents, or clients, including, without limitation, public  
16 schools, child care facilities, after-school programs, and  
17 hospitals, shall, by 2020, be local farm or food products.

18 (c) To meet the goals set forth in this Section, when a  
19 State contract for purchase of food or food products is to be  
20 awarded to the lowest responsible bidder, an otherwise  
21 qualified bidder who will fulfill the contract through the use  
22 of local farm or food products may be given preference over  
23 other bidders, provided that the cost included in the bid of  
24 local farm or food products is not more than 10% greater than  
25 the cost included in a bid that is not for local farm or food  
26 products.

1 (d) All State agencies and State-owned facilities that  
2 purchase food and food products shall, ~~with the assistance of~~  
3 ~~the Local Food, Farms, and Jobs Council,~~ develop a system for  
4 (i) identifying the percentage of local farm or food products  
5 purchased for fiscal year 2020 ~~2011~~ as the baseline; and (ii)  
6 tracking and reporting local farm or food products purchases  
7 on an annual basis.

8 (e) All State agencies and State-owned facilities that  
9 purchase food and food products shall publish on their  
10 applicable procurement bulletin their farm or food purchases  
11 for the recently completed fiscal year. The first published  
12 report shall be due no later than January 1, 2022 and represent  
13 fiscal year 2021 purchases. A report shall be due each January  
14 1 thereafter and be published on a form prescribed by each  
15 applicable Chief Procurement Officer.

16 (Source: P.A. 96-579, eff. 8-18-09.)

17 (30 ILCS 595/15 rep.)

18 (30 ILCS 595/20 rep.)

19 (30 ILCS 595/25 rep.)

20 Section 25. The Local Food, Farms, and Jobs Act is amended  
21 by repealing Sections 15, 20, and 25.

22 Section 30. The Illinois Human Rights Act is amended by  
23 changing Section 2-105 as follows:

1 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

2 Sec. 2-105. Equal Employment Opportunities; Affirmative  
3 Action.

4 (A) Public Contracts. Every party to a public contract and  
5 every eligible bidder shall:

6 (1) Refrain from unlawful discrimination and  
7 discrimination based on citizenship status in employment  
8 and undertake affirmative action to assure equality of  
9 employment opportunity and eliminate the effects of past  
10 discrimination;

11 (2) Comply with the procedures and requirements of the  
12 Department's regulations concerning equal employment  
13 opportunities and affirmative action;

14 (3) Provide such information, with respect to its  
15 employees and applicants for employment, and assistance as  
16 the Department may reasonably request;

17 (4) Have written sexual harassment policies that shall  
18 include, at a minimum, the following information: (i) the  
19 illegality of sexual harassment; (ii) the definition of  
20 sexual harassment under State law; (iii) a description of  
21 sexual harassment, utilizing examples; (iv) the vendor's  
22 internal complaint process including penalties; (v) the  
23 legal recourse, investigative and complaint process  
24 available through the Department and the Commission; (vi)  
25 directions on how to contact the Department and  
26 Commission; and (vii) protection against retaliation as



1 provided by Section 6-101 of this Act. A copy of the  
2 policies shall be provided to the Department upon request.  
3 Additionally, each bidder who submits a bid or offer for a  
4 State contract under the Illinois Procurement Code shall  
5 have a written copy of the bidder's sexual harassment  
6 policy as required under this paragraph (4). A copy of the  
7 policy shall be provided to the State agency entering into  
8 the contract upon request.

9 The Department, by rule, shall establish a reasonable  
10 opportunity to cure any noncompliance with this subsection by  
11 a bidder prior to the awarding of a contract.

12 (B) State Agencies. Every State executive department,  
13 State agency, board, commission, and instrumentality shall:

14 (1) Comply with the procedures and requirements of the  
15 Department's regulations concerning equal employment  
16 opportunities and affirmative action;

17 (2) Provide such information and assistance as the  
18 Department may request.

19 (3) Establish, maintain, and carry out a continuing  
20 affirmative action plan consistent with this Act and the  
21 regulations of the Department designed to promote equal  
22 opportunity for all State residents in every aspect of  
23 agency personnel policy and practice. For purposes of  
24 these affirmative action plans, the race and national  
25 origin categories to be included in the plans are:  
26 American Indian or Alaska Native, Asian, Black or African

1 American, Hispanic or Latino, Native Hawaiian or Other  
2 Pacific Islander.

3 This plan shall include a current detailed status  
4 report:

5 (a) indicating, by each position in State service,  
6 the number, percentage, and average salary of  
7 individuals employed by race, national origin, sex and  
8 disability, and any other category that the Department  
9 may require by rule;

10 (b) identifying all positions in which the  
11 percentage of the people employed by race, national  
12 origin, sex and disability, and any other category  
13 that the Department may require by rule, is less than  
14 four-fifths of the percentage of each of those  
15 components in the State work force;

16 (c) specifying the goals and methods for  
17 increasing the percentage by race, national origin,  
18 sex and disability, and any other category that the  
19 Department may require by rule, in State positions;

20 (d) indicating progress and problems toward  
21 meeting equal employment opportunity goals, including,  
22 if applicable, but not limited to, Department of  
23 Central Management Services recruitment efforts,  
24 publicity, promotions, and use of options designating  
25 positions by linguistic abilities;

26 (e) establishing a numerical hiring goal for the

1 employment of qualified persons with disabilities in  
2 the agency as a whole, to be based on the proportion of  
3 people with work disabilities in the Illinois labor  
4 force as reflected in the most recent employment data  
5 made available by the United States Census Bureau.

6 (4) If the agency has 1000 or more employees, appoint  
7 a full-time Equal Employment Opportunity officer, subject  
8 to the Department's approval, whose duties shall include:

9 (a) Advising the head of the particular State  
10 agency with respect to the preparation of equal  
11 employment opportunity programs, procedures,  
12 regulations, reports, and the agency's affirmative  
13 action plan.

14 (b) Evaluating in writing each fiscal year the  
15 sufficiency of the total agency program for equal  
16 employment opportunity and reporting thereon to the  
17 head of the agency with recommendations as to any  
18 improvement or correction in recruiting, hiring or  
19 promotion needed, including remedial or disciplinary  
20 action with respect to managerial or supervisory  
21 employees who have failed to cooperate fully or who  
22 are in violation of the program.

23 (c) Making changes in recruitment, training and  
24 promotion programs and in hiring and promotion  
25 procedures designed to eliminate discriminatory  
26 practices when authorized.

1           (d) Evaluating tests, employment policies,  
2 practices and qualifications and reporting to the head  
3 of the agency and to the Department any policies,  
4 practices and qualifications that have unequal impact  
5 by race, national origin as required by Department  
6 rule, sex or disability or any other category that the  
7 Department may require by rule, and to assist in the  
8 recruitment of people in underrepresented  
9 classifications. This function shall be performed in  
10 cooperation with the State Department of Central  
11 Management Services.

12           (e) Making any aggrieved employee or applicant for  
13 employment aware of his or her remedies under this  
14 Act.

15           In any meeting, investigation, negotiation,  
16 conference, or other proceeding between a State  
17 employee and an Equal Employment Opportunity officer,  
18 a State employee (1) who is not covered by a collective  
19 bargaining agreement and (2) who is the complaining  
20 party or the subject of such proceeding may be  
21 accompanied, advised and represented by (1) an  
22 attorney licensed to practice law in the State of  
23 Illinois or (2) a representative of an employee  
24 organization whose membership is composed of employees  
25 of the State and of which the employee is a member. A  
26 representative of an employee, other than an attorney,

1           may observe but may not actively participate, or  
2           advise the State employee during the course of such  
3           meeting, investigation, negotiation, conference or  
4           other proceeding. Nothing in this Section shall be  
5           construed to permit any person who is not licensed to  
6           practice law in Illinois to deliver any legal services  
7           or otherwise engage in any activities that would  
8           constitute the unauthorized practice of law. Any  
9           representative of an employee who is present with the  
10          consent of the employee, shall not, during or after  
11          termination of the relationship permitted by this  
12          Section with the State employee, use or reveal any  
13          information obtained during the course of the meeting,  
14          investigation, negotiation, conference or other  
15          proceeding without the consent of the complaining  
16          party and any State employee who is the subject of the  
17          proceeding and pursuant to rules and regulations  
18          governing confidentiality of such information as  
19          promulgated by the appropriate State agency.  
20          Intentional or reckless disclosure of information in  
21          violation of these confidentiality requirements shall  
22          constitute a Class B misdemeanor.

23           (5) Establish, maintain and carry out a continuing  
24          sexual harassment program that shall include the  
25          following:

26           (a) Develop a written sexual harassment policy

1 that includes at a minimum the following information:  
2 (i) the illegality of sexual harassment; (ii) the  
3 definition of sexual harassment under State law; (iii)  
4 a description of sexual harassment, utilizing  
5 examples; (iv) the agency's internal complaint process  
6 including penalties; (v) the legal recourse,  
7 investigative and complaint process available through  
8 the Department and the Commission; (vi) directions on  
9 how to contact the Department and Commission; and  
10 (vii) protection against retaliation as provided by  
11 Section 6-101 of this Act. The policy shall be  
12 reviewed annually.

13 (b) Post in a prominent and accessible location  
14 and distribute in a manner to assure notice to all  
15 agency employees without exception the agency's sexual  
16 harassment policy. Such documents may meet, but shall  
17 not exceed, the 6th grade literacy level. Distribution  
18 shall be effectuated within 90 days of the effective  
19 date of this amendatory Act of 1992 and shall occur  
20 annually thereafter.

21 (c) Provide training on sexual harassment  
22 prevention and the agency's sexual harassment policy  
23 as a component of all ongoing or new employee training  
24 programs.

25 (6) Notify the Department 30 days before effecting any  
26 layoff. Once notice is given, the following shall occur:

1           (a) No layoff may be effective earlier than 10  
2 working days after notice to the Department, unless an  
3 emergency layoff situation exists.

4           (b) The State executive department, State agency,  
5 board, commission, or instrumentality in which the  
6 layoffs are to occur must notify each employee  
7 targeted for layoff, the employee's union  
8 representative (if applicable), and the State  
9 Dislocated Worker Unit at the Department of Commerce  
10 and Economic Opportunity.

11           (c) The State executive department, State agency,  
12 board, commission, or instrumentality in which the  
13 layoffs are to occur must conform to applicable  
14 collective bargaining agreements.

15           (d) The State executive department, State agency,  
16 board, commission, or instrumentality in which the  
17 layoffs are to occur should notify each employee  
18 targeted for layoff that transitional assistance may  
19 be available to him or her under the Economic  
20 Dislocation and Worker Adjustment Assistance Act  
21 administered by the Department of Commerce and  
22 Economic Opportunity. Failure to give such notice  
23 shall not invalidate the layoff or postpone its  
24 effective date.

25           As used in this subsection (B), "disability" shall be  
26 defined in rules promulgated under the Illinois Administrative

1 Procedure Act.

2 (C) Civil Rights Violations. It is a civil rights  
3 violation for any public contractor or eligible bidder to:

4 (1) fail to comply with the public contractor's or  
5 eligible bidder's duty to refrain from unlawful  
6 discrimination and discrimination based on citizenship  
7 status in employment under subsection (A)(1) of this  
8 Section; or

9 (2) fail to comply with the public contractor's or  
10 eligible bidder's duties of affirmative action under  
11 subsection (A) of this Section, provided however, that the  
12 Department has notified the public contractor or eligible  
13 bidder in writing by certified mail that the public  
14 contractor or eligible bidder may not be in compliance  
15 with affirmative action requirements of subsection (A). A  
16 minimum of 60 days to comply with the requirements shall  
17 be afforded to the public contractor or eligible bidder  
18 before the Department may issue formal notice of  
19 non-compliance.

20 (D) As used in this Section:

21 (1) "American Indian or Alaska Native" means a person  
22 having origins in any of the original peoples of North and  
23 South America, including Central America, and who  
24 maintains tribal affiliation or community attachment.

25 (2) "Asian" means a person having origins in any of  
26 the original peoples of the Far East, Southeast Asia, or



1 the Indian subcontinent, including, but not limited to,  
2 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
3 the Philippine Islands, Thailand, and Vietnam.

4 (3) "Black or African American" means a person having  
5 origins in any of the black racial groups of Africa. Terms  
6 such as "Haitian" or "Negro" can be used in addition to  
7 "Black or African American".

8 (4) "Hispanic or Latino" means a person of Cuban,  
9 Mexican, Puerto Rican, South or Central American, or other  
10 Spanish culture or origin, regardless of race.

11 (5) "Native Hawaiian or Other Pacific Islander" means  
12 a person having origins in any of the original peoples of  
13 Hawaii, Guam, Samoa, or other Pacific Islands.

14 (Source: P.A. 99-933, eff. 1-27-17; 100-698, eff. 1-1-19.)

15 Section 95. No acceleration or delay. Where this Act makes  
16 changes in a statute that is represented in this Act by text  
17 that is not yet or no longer in effect (for example, a Section  
18 represented by multiple versions), the use of that text does  
19 not accelerate or delay the taking effect of (i) the changes  
20 made by this Act or (ii) provisions derived from any other  
21 Public Act.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."