

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 Sections 1-10, 1-12, 1-13, 1-15.107, 1-15.108, 20-20,
6 20-60, 20-75, 20-120, 35-40, 40-25, 50-11, and 50-35 and by
7 adding Sections 30-60, 45-105, 50-90, and 55-25 as follows:

8 (30 ILCS 500/1-10)

9 Sec. 1-10. Application.

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

22 (b) This Code shall apply regardless of the source of the
23 funds with which the contracts are paid, including federal

1 assistance moneys. This Code shall not apply to:

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

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

8 (3) Purchase of care, except as provided in Section
9 5-30.6 of the Illinois Public Aid Code and this Section.

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

14 (5) Collective bargaining contracts.

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

23 (7) Contracts necessary to prepare for anticipated
24 litigation, enforcement actions, or investigations,
25 provided that the chief legal counsel to the Governor
26 shall give his or her prior approval when the procuring

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

6 (8) (Blank).

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

9 (10) (Blank).

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

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

25 (B) Contracts for legal and financial services entered
26 into by the Illinois Housing Development Authority in

1 connection with the issuance of bonds in which the State
2 of Illinois is not obligated. Such contracts shall be
3 awarded through a competitive process authorized by the
4 members of the Illinois Housing Development Authority and
5 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
6 and 50-37 of this Code, as well as the final approval by
7 the members of the Illinois Housing Development Authority
8 of the terms of the contract.

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

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

25 (14) Contracts for participation expenditures required
26 by a domestic or international trade show or exhibition of

1 an exhibitor, member, or sponsor.

2 (15) Contracts with a railroad or utility that
3 requires the State to reimburse the railroad or utilities
4 for the relocation of utilities for construction or other
5 public purpose. Contracts included within this paragraph
6 (15) shall include, but not be limited to, those
7 associated with: relocations, crossings, installations,
8 and maintenance. For the purposes of this paragraph (15),
9 "railroad" means any form of non-highway ground
10 transportation that runs on rails or electromagnetic
11 guideways and "utility" means: (1) public utilities as
12 defined in Section 3-105 of the Public Utilities Act, (2)
13 telecommunications carriers as defined in Section 13-202
14 of the Public Utilities Act, (3) electric cooperatives as
15 defined in Section 3.4 of the Electric Supplier Act, (4)
16 telephone or telecommunications cooperatives as defined in
17 Section 13-212 of the Public Utilities Act, (5) rural
18 water or waste water systems with 10,000 connections or
19 less, (6) a holder as defined in Section 21-201 of the
20 Public Utilities Act, and (7) municipalities owning or
21 operating utility systems consisting of public utilities
22 as that term is defined in Section 11-117-2 of the
23 Illinois Municipal Code.

24 (16) Procurement expenditures necessary for the
25 Department of Public Health to provide the delivery of
26 timely newborn screening services in accordance with the

1 Newborn Metabolic Screening Act.

2 (17) Procurement expenditures necessary for the
3 Department of Agriculture, the Department of Financial and
4 Professional Regulation, the Department of Human Services,
5 and the Department of Public Health to implement the
6 Compassionate Use of Medical Cannabis Program and Opioid
7 Alternative Pilot Program requirements and ensure access
8 to medical cannabis for patients with debilitating medical
9 conditions in accordance with the Compassionate Use of
10 Medical Cannabis Program Act.

11 (18) This Code does not apply to any procurements
12 necessary for the Department of Agriculture, the
13 Department of Financial and Professional Regulation, the
14 Department of Human Services, the Department of Commerce
15 and Economic Opportunity, and the Department of Public
16 Health to implement the Cannabis Regulation and Tax Act if
17 the applicable agency has made a good faith determination
18 that it is necessary and appropriate for the expenditure
19 to fall within this exemption and if the process is
20 conducted in a manner substantially in accordance with the
21 requirements of Sections 20-160, 25-60, 30-22, 50-5,
22 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
23 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
24 Section 50-35, compliance applies only to contracts or
25 subcontracts over \$100,000. Notice of each contract
26 entered into under this paragraph (18) that is related to

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

23 (19) Acquisition of modifications or adjustments,
24 limited to assistive technology devices and assistive
25 technology services, adaptive equipment, repairs, and
26 replacement parts to provide reasonable accommodations (i)

1 that enable a qualified applicant with a disability to
2 complete the job application process and be considered for
3 the position such qualified applicant desires, (ii) that
4 modify or adjust the work environment to enable a
5 qualified current employee with a disability to perform
6 the essential functions of the position held by that
7 employee, (iii) to enable a qualified current employee
8 with a disability to enjoy equal benefits and privileges
9 of employment as are enjoyed by ~~its~~ other similarly
10 situated employees without disabilities, and (iv) that
11 allow a customer, client, claimant, or member of the
12 public seeking State services full use and enjoyment of
13 and access to its programs, services, or benefits.

14 For purposes of this paragraph (19):

15 "Assistive technology devices" means any item, piece
16 of equipment, or product system, whether acquired
17 commercially off the shelf, modified, or customized, that
18 is used to increase, maintain, or improve functional
19 capabilities of individuals with disabilities.

20 "Assistive technology services" means any service that
21 directly assists an individual with a disability in
22 selection, acquisition, or use of an assistive technology
23 device.

24 "Qualified" has the same meaning and use as provided
25 under the federal Americans with Disabilities Act when
26 describing an individual with a disability.

1 (20) ~~(19)~~ Procurement expenditures necessary for the
2 Illinois Commerce Commission to hire third-party
3 facilitators pursuant to Sections 16-105.17 and ~~Section~~
4 16-108.18 of the Public Utilities Act or an ombudsman
5 pursuant to Section 16-107.5 of the Public Utilities Act,
6 a facilitator pursuant to Section 16-105.17 of the Public
7 Utilities Act, or a grid auditor pursuant to Section
8 16-105.10 of the Public Utilities Act.

9 Notwithstanding any other provision of law, for contracts
10 with an annual value of more than \$100,000 entered into on or
11 after October 1, 2017 under an exemption provided in any
12 paragraph of this subsection (b), except paragraph (1), (2),
13 or (5), each State agency shall post to the appropriate
14 procurement bulletin the name of the contractor, a description
15 of the supply or service provided, the total amount of the
16 contract, the term of the contract, and the exception to the
17 Code utilized. The chief procurement officer shall submit a
18 report to the Governor and General Assembly no later than
19 November 1 of each year that shall include, at a minimum, an
20 annual summary of the monthly information reported to the
21 chief procurement officer.

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

26 (d) Except for Section 20-160 and Article 50 of this Code,

1 and as expressly required by Section 9.1 of the Illinois
2 Lottery Law, the provisions of this Code do not apply to the
3 procurement process provided for under Section 9.1 of the
4 Illinois Lottery Law.

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

16 (f) (Blank).

17 (g) (Blank).

18 (h) This Code does not apply to the process to procure or
19 contracts entered into in accordance with Sections 11-5.2 and
20 11-5.3 of the Illinois Public Aid Code.

21 (i) Each chief procurement officer may access records
22 necessary to review whether a contract, purchase, or other
23 expenditure is or is not subject to the provisions of this
24 Code, unless such records would be subject to attorney-client
25 privilege.

26 (j) This Code does not apply to the process used by the

1 Capital Development Board to retain an artist or work or works
2 of art as required in Section 14 of the Capital Development
3 Board Act.

4 (k) This Code does not apply to the process to procure
5 contracts, or contracts entered into, by the State Board of
6 Elections or the State Electoral Board for hearing officers
7 appointed pursuant to the Election Code.

8 (l) This Code does not apply to the processes used by the
9 Illinois Student Assistance Commission to procure supplies and
10 services paid for from the private funds of the Illinois
11 Prepaid Tuition Fund. As used in this subsection (l), "private
12 funds" means funds derived from deposits paid into the
13 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

14 (m) This Code shall apply regardless of the source of
15 funds with which contracts are paid, including federal
16 assistance moneys. Except as specifically provided in this
17 Code, this Code shall not apply to procurement expenditures
18 necessary for the Department of Public Health to conduct the
19 Healthy Illinois Survey in accordance with Section 2310-431 of
20 the Department of Public Health Powers and Duties Law of the
21 Civil Administrative Code of Illinois.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
23 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff
24 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
25 eff. 9-15-21; revised 11-23-21.)

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 2022 ~~2021~~ may be extended through June 2024 ~~2022~~ without being
25 subject to the requirements of this Code. Any contract
26 extended, renewed, or entered pursuant to this exception shall

1 be published on the Executive Ethics Commission's website
2 within 5 days of contract execution. This subsection is
3 inoperative on and after July 1, 2024 ~~2022~~.

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. 101-640, eff. 6-12-20; 102-16, eff. 6-17-21.)

10 (30 ILCS 500/1-15.107)

11 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
12 between a person and a person who has a contract subject to
13 this Code, pursuant to which the subcontractor provides to the
14 contractor, or, if the contract price exceeds the small
15 purchase maximum established by Section 20-20 of this Code
16 ~~\$50,000~~, another subcontractor, some or all of the goods,
17 services, real property, remuneration, or other monetary forms
18 of consideration that are the subject of the primary contract
19 and includes, among other things, subleases from a lessee of a
20 State agency. For purposes of this Code, a "subcontract" does
21 not include purchases of goods or supplies that are incidental
22 to the performance of a contract by a person who has a contract
23 subject to this Code.

24 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

1 (30 ILCS 500/1-15.108)

2 Sec. 1-15.108. Subcontractor. "Subcontractor" means a
3 person or entity that enters into a contractual agreement with
4 a total value that exceeds the small purchase maximum
5 established by Section 20-20 of this Code ~~of \$50,000 or more~~
6 with a person or entity who has a contract subject to this Code
7 pursuant to which the person or entity provides some or all of
8 the goods, services, real property, remuneration, or other
9 monetary forms of consideration that are the subject of the
10 primary State contract, including subleases from a lessee of a
11 State contract. For purposes of this Code, a person or entity
12 is not a "subcontractor" if that person only provides goods or
13 supplies that are incidental to the performance of a contract
14 by a person who has a contract subject to this Code.

15 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

16 (30 ILCS 500/20-20)

17 Sec. 20-20. Small purchases.

18 (a) Amount. Any individual procurement of supplies or
19 services not exceeding \$100,000 and any procurement of
20 construction not exceeding \$100,000, or any individual
21 procurement of professional or artistic services not exceeding
22 \$100,000 may be made without competitive source selection.
23 Procurements shall not be artificially divided so as to
24 constitute a small purchase under this Section. Any
25 procurement of construction not exceeding \$100,000 may be made

1 by an alternative competitive source selection. The
2 construction agency shall establish rules for an alternative
3 competitive source selection process. This Section does not
4 apply to construction-related professional services contracts
5 awarded in accordance with the provisions of the
6 Architectural, Engineering, and Land Surveying Qualifications
7 Based Selection Act.

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

13 (c) Based upon rules proposed by the Board and rules
14 promulgated by the chief procurement officers, the small
15 purchase maximum established in subsection (a) may be
16 modified.

17 (d) Certification. All small purchases with an annual
18 value that exceeds \$50,000 shall be accompanied by Standard
19 Illinois Certifications in a form prescribed by each Chief
20 Procurement Officer.

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

22 (30 ILCS 500/20-60)

23 Sec. 20-60. Duration of contracts.

24 (a) Maximum duration. A contract may be entered into for
25 any period of time deemed to be in the best interests of the

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

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

20 (c) The chief procurement officer shall file a proposed
21 extension or renewal of a contract with the Procurement Policy
22 Board and the Commission on Equity and Inclusion prior to
23 entering into any extension or renewal if the cost associated
24 with the extension or renewal exceeds \$249,999. The
25 Procurement Policy Board or the Commission on Equity and
26 Inclusion may object to the proposed extension or renewal

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

1 extensions and renewals were objected to and (ii) the
2 contracts exempt from this subsection.

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

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

25 (f) No vendor shall be eligible for renewal of a contract
26 when that vendor has failed to meet the goals agreed to in the

1 vendor's utilization plan, as defined in Section 2 of the
2 Business Enterprise for Minorities, Women, and Persons with
3 Disabilities Act, 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. If
6 the State agency or public institution of higher education
7 determines that the vendor made good faith efforts, the agency
8 or public institution of higher education may issue a waiver
9 after concurrence by the chief procurement officer, which
10 shall not be unreasonably withheld or impair a State agency
11 determination to execute the renewal. The form and content of
12 the waiver shall be prescribed by each chief procurement
13 officer, but shall not impair a State agency or public
14 institution of higher education determination to execute the
15 renewal. The chief procurement officer shall post the
16 completed form on his or her official website within 5
17 business days after receipt from the State agency or public
18 institution of higher education. The chief procurement officer
19 ~~who~~ shall maintain on his or her official website a database of
20 waivers granted under this Section with respect to contracts
21 under his or her jurisdiction. The database shall be updated
22 periodically and shall be searchable by contractor name and by
23 contracting State agency or public institution of higher
24 education.

25 (Source: P.A. 101-81, eff. 7-12-19; 101-657, Article 5,
26 Section 5-5, eff. 7-1-21 (See Section 25 of P.A. 102-29 for

1 effective date of P.A. 101-657, Article 5, Section 5-5);
2 101-657, Article 40, Section 40-125, eff. 1-1-22; 102-29, eff.
3 6-25-21.)

4 (30 ILCS 500/20-75)

5 Sec. 20-75. Disputes and protests. The chief procurement
6 officers shall by rule establish procedures to be followed in
7 resolving protested solicitations and awards and contract
8 controversies, for debarment or suspension of contractors, and
9 for resolving other procurement-related disputes. At a
10 minimum, the established procedures must include the
11 requirement that the chief procurement officer resolve the
12 protest by means of a written determination within 30 days of
13 receiving all relevant requested information, unless an action
14 concerning the protest has commenced in a court or
15 administrative body, in which case, the chief procurement
16 officer may defer resolution of the protest pending the
17 judicial or administrative proceeding.

18 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A.
19 96-793 for the effective date of changes made by P.A.
20 96-795).)

21 (30 ILCS 500/20-120)

22 Sec. 20-120. Subcontractors.

23 (a) Any contract granted under this Code shall state
24 whether the services of a subcontractor will be used. The

1 contract shall include the names and addresses of all known
2 subcontractors with subcontracts with an annual value that
3 exceeds the small purchase maximum established by Section
4 20-20 of this Code ~~of more than \$50,000~~, the general type of
5 work to be performed by these subcontractors, and the expected
6 amount of money each will receive under the contract. Upon the
7 request of the chief procurement officer appointed pursuant to
8 paragraph (2) of subsection (a) of Section 10-20, the
9 contractor shall provide the chief procurement officer a copy
10 of a subcontract so identified within 15 calendar days after
11 the request is made. A subcontractor, or contractor on behalf
12 of a subcontractor, may identify information that is deemed
13 proprietary or confidential. If the chief procurement officer
14 determines the information is not relevant to the primary
15 contract, the chief procurement officer may excuse the
16 inclusion of the information. If the chief procurement officer
17 determines the information is proprietary or could harm the
18 business interest of the subcontractor, the chief procurement
19 officer may, in his or her discretion, redact the information.
20 Redacted information shall not become part of the public
21 record.

22 (b) If at any time during the term of a contract, a
23 contractor adds or changes any subcontractors, he or she shall
24 promptly notify, in writing, the chief procurement officer,
25 State purchasing officer, or their designee of the names and
26 addresses of each new or replaced subcontractor and the

1 general type of work to be performed. Upon the request of the
2 chief procurement officer appointed pursuant to paragraph (2)
3 of subsection (a) of Section 10-20, the contractor shall
4 provide the chief procurement officer a copy of any new or
5 amended subcontract so identified within 15 calendar days
6 after the request is made.

7 (c) In addition to any other requirements of this Code, a
8 subcontract subject to this Section must include all of the
9 subcontractor's certifications required by Article 50 of the
10 Code.

11 (d) This Section applies to procurements solicited on or
12 after the effective date of this amendatory Act of the 96th
13 General Assembly. The changes made to this Section by this
14 amendatory Act of the 97th General Assembly apply to
15 procurements solicited on or after the effective date of this
16 amendatory Act of the 97th General Assembly.

17 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

18 (30 ILCS 500/30-60 new)

19 Sec. 30-60. Change order reports.

20 (a) During the period described in subsection (b), the
21 Capital Development Board and the Department of Transportation
22 shall each prepare quarterly reports on the status of change
23 order requests concerning price that have been received by
24 either the Board or the Department and that have not been acted
25 upon within 45 days. The reports shall be made available to the

1 public on the Internet websites of the Capital Development
2 Board and the Department of Transportation, and shall also be
3 submitted to the Governor and the General Assembly. The
4 reports shall include as much information as possible,
5 including, but not limited to: (i) the number of change order
6 requests concerning price that have been received by the Board
7 or the Department within the applicable reporting quarter and
8 have not been acted upon within 45 days after their receipt;
9 and (ii) for those change order requests concerning price that
10 are agreed to by the Board or the Department, information on
11 the number of days that passed between the date the change
12 order request was received and the date it was agreed to by the
13 Board or Department.

14 (b) There shall be 12 quarterly reports in total. The
15 first report shall be published on or before January 15, 2023,
16 and the last report shall be published on or before December
17 15, 2025.

18 (c) The reports may include a narrative section that
19 explains any internal improvements made and any plans to
20 reduce the number of contracts with a change order in which an
21 agreement on price is not reached within 45 days after receipt
22 of the change order request.

23 (d) This Section is repealed on January 1, 2026.

24 (30 ILCS 500/35-40)

25 Sec. 35-40. Subcontractors.

1 (a) Any contract granted under this Article shall state
2 whether the services of a subcontractor will be used. The
3 contract shall include the names and addresses of all
4 subcontractors with an annual value that exceeds the small
5 purchase maximum established by Section 20-20 of this Code ~~of~~
6 ~~more than \$50,000,~~ the general type of work to be performed by
7 these subcontractors, and the expected amount of money each
8 will receive under the contract. Upon the request of the chief
9 procurement officer appointed pursuant to paragraph (2) of
10 subsection (a) of Section 10-20, the contractor shall provide
11 the chief procurement officer a copy of a subcontract so
12 identified within 15 calendar days after the request is made.
13 A subcontractor, or contractor on behalf of a subcontractor,
14 may identify information that is deemed proprietary or
15 confidential. If the chief procurement officer determines the
16 information is not relevant to the primary contract, the chief
17 procurement officer may excuse the inclusion of the
18 information. If the chief procurement officer determines the
19 information is proprietary or could harm the business interest
20 of the subcontractor, the chief procurement officer may, in
21 his or her discretion, redact the information. Redacted
22 information shall not become part of the public record.

23 (b) If at any time during the term of a contract, a
24 contractor adds or changes any subcontractors, he or she shall
25 promptly notify, in writing, the chief procurement officer for
26 matters other than construction or the higher education chief

1 procurement officer, whichever is appropriate, and the
2 responsible State purchasing officer, or their designee of the
3 names and addresses and the expected amount of money each new
4 or replaced subcontractor will receive. Upon request of the
5 chief procurement officer appointed pursuant to paragraph (2)
6 of subsection (a) of Section 10-20, the contractor shall
7 provide the chief procurement officer a copy of any new or
8 amended subcontract so identified within 15 calendar days
9 after the request is made.

10 (c) In addition to any other requirements of this Code, a
11 subcontract subject to this Section must include all of the
12 subcontractor's certifications required by Article 50 of this
13 Code.

14 (d) For purposes of this Section, the changes made by this
15 amendatory Act of the 98th General Assembly apply to
16 procurements solicited on or after the effective date of this
17 amendatory Act of the 98th General Assembly.

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

19 (30 ILCS 500/40-25)

20 Sec. 40-25. Length of leases.

21 (a) Maximum term. Except as otherwise provided under
22 subsection (a-5), leases shall be for a term not to exceed 10
23 years inclusive, beginning January, 1, 2010, of proposed
24 contract renewals and shall include a termination option in
25 favor of the State after 5 years. The length of energy

1 conservation program contracts or energy savings contracts or
2 leases shall be in accordance with the provisions of Section
3 25-45.

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

17 (b) Renewal. Leases may include a renewal option. An
18 option to renew may be exercised only when a State purchasing
19 officer determines in writing that renewal is in the best
20 interest of the State and notice of the exercise of the option
21 is published in the appropriate volume of the Procurement
22 Bulletin at least 30 calendar days prior to the exercise of the
23 option.

24 (c) Subject to appropriation. All leases shall recite that
25 they are subject to termination and cancellation in any year
26 for which the General Assembly fails to make an appropriation

1 to make payments under the terms of the lease.

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

7 (e) On December 31, 2023, and every year thereafter, any
8 institution of higher education that enters into a lease under
9 this Section shall file with both houses of the General
10 Assembly a report outlining each lease entered into under this
11 Section that is current as of the date of the report.

12 (Source: P.A. 100-23, eff. 7-6-17; 100-1047, eff. 1-1-19;
13 101-426, eff. 1-1-20.)

14 (30 ILCS 500/45-105 new)

15 Sec. 45-105. Bid preference for Illinois businesses.

16 (a) For the purposes of this Section:

17 "Illinois business" means a contractor that: (i) is
18 headquartered in Illinois and providing, at the time that an
19 invitation for a bid or notice of contract opportunity is
20 first advertised, construction or construction-related
21 professional services for Illinois-based projects; (ii)
22 conducts meaningful day-to-day business operations at a
23 facility in Illinois that is the place of employment for the
24 majority of its regular, full-time workforce; (iii) holds all
25 appropriate State licenses; and (iv) is subject to applicable

1 State taxes. "Illinois business" does not include any
2 subcontractors.

3 "Illinois-based project" means an individual project of
4 construction and other construction-related services for a
5 construction agency that will result in the conduct of
6 business within the State or the employment of individuals
7 within the State.

8 (b) It is hereby declared to be the public policy of the
9 State of Illinois to promote the economy of Illinois through
10 the use of Illinois businesses for all State construction
11 contracts.

12 (c) Construction agencies procuring construction and
13 construction-related professional services shall make
14 reasonable efforts to contract with Illinois businesses.

15 (d) Beginning in 2022, each construction agency shall
16 submit a report to the Governor and the General Assembly by
17 September 1 of each year that identifies the Illinois
18 businesses procured by the construction agency, the primary
19 location of the construction project, the percentage of the
20 construction agency's utilization of Illinois businesses on
21 the project as a whole, and the actions that the construction
22 agency has undertaken to increase the use of Illinois
23 businesses.

24 (e) In procuring construction and construction-related
25 professional services for projects with a total construction
26 cost of more than \$100,000, construction agencies shall

1 provide a bid preference to a responsible bidder that is an
2 Illinois business as defined in this Section. The construction
3 agency shall allocate to any responsible bidder that is an
4 Illinois business a bid preference of 4% of the contract base
5 bid.

6 (f) This Section does not apply to any contract for any
7 project for which federal funds are available for expenditure
8 when its provisions may be in conflict with federal law or
9 federal regulation.

10 (30 ILCS 500/50-11)

11 Sec. 50-11. Debt delinquency.

12 (a) If a ~~No~~ person ~~submits~~ ~~shall submit~~ a bid or offer for,
13 enters ~~enter~~ into a contract or subcontract under this Code,
14 or ~~makes~~ ~~make~~ a submission to a vendor portal ~~and~~ ~~if~~ that
15 person knows or should know that he or she or any affiliate is
16 delinquent in the payment of any debt to the State, ~~that person~~
17 or affiliate must cure the debt delinquency within 7 calendar
18 days by satisfying the entire debt, or ~~unless~~ the person or
19 affiliate ~~must enter~~ ~~has entered~~ into a deferred payment plan
20 to pay off the debt, ~~subject to the Comptroller's ability to~~
21 process the payment, or must be actively disputing or seeking
22 a resolution of the debt. For purposes of this Section, the
23 phrase "delinquent in the payment of any debt" shall be
24 determined by the Debt Collection Bureau. For purposes of this
25 Section, the term "affiliate" means any entity that (1)

1 directly, indirectly, or constructively controls another
2 entity, (2) is directly, indirectly, or constructively
3 controlled by another entity, or (3) is subject to the control
4 of a common entity. For purposes of this subsection (a), a
5 person controls an entity if the person owns, directly or
6 individually, more than 10% of the voting securities of that
7 entity. As used in this subsection (a), the term "voting
8 security" means a security that (1) confers upon the holder
9 the right to vote for the election of members of the board of
10 directors or similar governing body of the business or (2) is
11 convertible into, or entitles the holder to receive upon its
12 exercise, a security that confers such a right to vote. A
13 general partnership interest is a voting security.

14 (b) Every bid and offer submitted to the State, every
15 vendor's submission to a vendor portal, every contract
16 executed by the State and every subcontract subject to Section
17 20-120 of this Code shall contain a certification by the
18 bidder, offeror, potential contractor, contractor, or
19 subcontractor, respectively, that the bidder, offeror,
20 respondent, potential contractor, contractor or the
21 subcontractor and its affiliate is not barred from being
22 awarded a contract or subcontract under this Section and
23 acknowledges that the chief procurement officer may declare
24 the related contract void if any of the certifications
25 completed pursuant to this subsection (b) are false. If the
26 false certification is made by a subcontractor, then the

1 contractor's submitted bid or offer and the executed contract
2 may not be declared void, unless the contractor refuses to
3 terminate the subcontract upon the State's request after a
4 finding that the subcontract's certification was false.

5 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

6 (30 ILCS 500/50-35)

7 Sec. 50-35. Financial disclosure and potential conflicts
8 of interest.

9 (a) All bids and offers from responsive bidders, offerors,
10 vendors, or contractors with an annual value that exceeds the
11 small purchase threshold established under subsection (a) of
12 Section 20-20 of this Code ~~of more than \$50,000~~, and all
13 submissions to a vendor portal, shall be accompanied by
14 disclosure of the financial interests of the bidder, offeror,
15 potential contractor, or contractor and each subcontractor to
16 be used. In addition, all subcontracts identified as provided
17 by Section 20-120 of this Code with an annual value that
18 exceeds the small purchase threshold established under
19 subsection (a) of Section 20-20 of this Code ~~of more than~~
20 ~~\$50,000~~ shall be accompanied by disclosure of the financial
21 interests of each subcontractor. The financial disclosure of
22 each successful bidder, offeror, potential contractor, or
23 contractor and its subcontractors shall be incorporated as a
24 material term of the contract and shall become part of the
25 publicly available contract or procurement file maintained by

1 the appropriate chief procurement officer. Each disclosure
2 under this Section shall be signed and made under penalty of
3 perjury by an authorized officer or employee on behalf of the
4 bidder, offeror, potential contractor, contractor, or
5 subcontractor, and must be filed with the Procurement Policy
6 Board and the Commission on Equity and Inclusion.

7 (b) Disclosure shall include any ownership or distributive
8 income share that is in excess of 5%, or an amount greater than
9 60% of the annual salary of the Governor, of the disclosing
10 entity or its parent entity, whichever is less, unless the
11 bidder, offeror, potential contractor, contractor, or
12 subcontractor (i) is a publicly traded entity subject to
13 Federal 10K reporting, in which case it may submit its 10K
14 disclosure in place of the prescribed disclosure, or (ii) is a
15 privately held entity that is exempt from Federal 10k
16 reporting but has more than 100 shareholders, in which case it
17 may submit the information that Federal 10k reporting
18 companies are required to report under 17 CFR 229.401 and list
19 the names of any person or entity holding any ownership share
20 that is in excess of 5% in place of the prescribed disclosure.
21 The form of disclosure shall be prescribed by the applicable
22 chief procurement officer and must include at least the names,
23 addresses, and dollar or proportionate share of ownership of
24 each person identified in this Section, their instrument of
25 ownership or beneficial relationship, and notice of any
26 potential conflict of interest resulting from the current

1 ownership or beneficial relationship of each individual
2 identified in this Section having in addition any of the
3 following relationships:

4 (1) State employment, currently or in the previous 3
5 years, including contractual employment of services.

6 (2) State employment of spouse, father, mother, son,
7 or daughter, including contractual employment for services
8 in the previous 2 years.

9 (3) Elective status; the holding of elective office of
10 the State of Illinois, the government of the United
11 States, any unit of local government authorized by the
12 Constitution of the State of Illinois or the statutes of
13 the State of Illinois currently or in the previous 3
14 years.

15 (4) Relationship to anyone holding elective office
16 currently or in the previous 2 years; spouse, father,
17 mother, son, or daughter.

18 (5) Appointive office; the holding of any appointive
19 government office of the State of Illinois, the United
20 States of America, or any unit of local government
21 authorized by the Constitution of the State of Illinois or
22 the statutes of the State of Illinois, which office
23 entitles the holder to compensation in excess of expenses
24 incurred in the discharge of that office currently or in
25 the previous 3 years.

26 (6) Relationship to anyone holding appointive office

1 currently or in the previous 2 years; spouse, father,
2 mother, son, or daughter.

3 (7) Employment, currently or in the previous 3 years,
4 as or by any registered lobbyist of the State government.

5 (8) Relationship to anyone who is or was a registered
6 lobbyist in the previous 2 years; spouse, father, mother,
7 son, or daughter.

8 (9) Compensated employment, currently or in the
9 previous 3 years, by any registered election or
10 re-election committee registered with the Secretary of
11 State or any county clerk in the State of Illinois, or any
12 political action committee registered with either the
13 Secretary of State or the Federal Board of Elections.

14 (10) Relationship to anyone; spouse, father, mother,
15 son, or daughter; who is or was a compensated employee in
16 the last 2 years of any registered election or re-election
17 committee registered with the Secretary of State or any
18 county clerk in the State of Illinois, or any political
19 action committee registered with either the Secretary of
20 State or the Federal Board of Elections.

21 (b-1) The disclosure required under this Section must also
22 include the name and address of each lobbyist required to
23 register under the Lobbyist Registration Act and other agent
24 of the bidder, offeror, potential contractor, contractor, or
25 subcontractor who is not identified under subsections (a) and
26 (b) and who has communicated, is communicating, or may

1 communicate with any State officer or employee concerning the
2 bid or offer. The disclosure under this subsection is a
3 continuing obligation and must be promptly supplemented for
4 accuracy throughout the process and throughout the term of the
5 contract if the bid or offer is successful.

6 (b-2) The disclosure required under this Section must also
7 include, for each of the persons identified in subsection (b)
8 or (b-1), each of the following that occurred within the
9 previous 10 years: suspension or debarment from contracting
10 with any governmental entity; professional licensure
11 discipline; bankruptcies; adverse civil judgments and
12 administrative findings; and criminal felony convictions. The
13 disclosure under this subsection is a continuing obligation
14 and must be promptly supplemented for accuracy throughout the
15 process and throughout the term of the contract if the bid or
16 offer is successful.

17 (c) The disclosure in subsection (b) is not intended to
18 prohibit or prevent any contract. The disclosure is meant to
19 fully and publicly disclose any potential conflict to the
20 chief procurement officers, State purchasing officers, their
21 designees, and executive officers so they may adequately
22 discharge their duty to protect the State.

23 (d) When a potential for a conflict of interest is
24 identified, discovered, or reasonably suspected, the chief
25 procurement officer or State procurement officer shall send
26 the contract to the Procurement Policy Board and the

1 Commission on Equity and Inclusion. In accordance with the
2 objectives of subsection (c), if the Procurement Policy Board
3 or the Commission on Equity and Inclusion finds evidence of a
4 potential conflict of interest not originally disclosed by the
5 bidder, offeror, potential contractor, contractor, or
6 subcontractor, the Board or the Commission on Equity and
7 Inclusion shall provide written notice to the bidder, offeror,
8 potential contractor, contractor, or subcontractor that is
9 identified, discovered, or reasonably suspected of having a
10 potential conflict of interest. The bidder, offeror, potential
11 contractor, contractor, or subcontractor shall have 15
12 calendar days to respond in writing to the Board or the
13 Commission on Equity and Inclusion, and a hearing before the
14 Board or the Commission on Equity and Inclusion will be
15 granted upon request by the bidder, offeror, potential
16 contractor, contractor, or subcontractor, at a date and time
17 to be determined by the Board or the Commission on Equity and
18 Inclusion, but which in no event shall occur later than 15
19 calendar days after the date of the request. Upon
20 consideration, the Board or the Commission on Equity and
21 Inclusion shall recommend, in writing, whether to allow or
22 void the contract, bid, offer, or subcontract weighing the
23 best interest of the State of Illinois. All recommendations
24 shall be submitted to the Executive Ethics Commission. The
25 Executive Ethics Commission must hold a public hearing within
26 30 calendar days after receiving the Board's or the Commission

1 on Equity and Inclusion's recommendation if the Procurement
2 Policy Board or the Commission on Equity and Inclusion makes a
3 recommendation to (i) void a contract or (ii) void a bid or
4 offer and the chief procurement officer selected or intends to
5 award the contract to the bidder, offeror, or potential
6 contractor. A chief procurement officer is prohibited from
7 awarding a contract before a hearing if the Board or the
8 Commission on Equity and Inclusion recommendation does not
9 support a bid or offer. The recommendation and proceedings of
10 any hearing, if applicable, shall be available to the public.

11 (e) These thresholds and disclosure do not relieve the
12 chief procurement officer, the State purchasing officer, or
13 their designees from reasonable care and diligence for any
14 contract, bid, offer, or submission to a vendor portal. The
15 chief procurement officer, the State purchasing officer, or
16 their designees shall be responsible for using any reasonably
17 known and publicly available information to discover any
18 undisclosed potential conflict of interest and act to protect
19 the best interest of the State of Illinois.

20 (f) Inadvertent or accidental failure to fully disclose
21 shall render the contract, bid, offer, proposal, subcontract,
22 or relationship voidable by the chief procurement officer if
23 he or she deems it in the best interest of the State of
24 Illinois and, at his or her discretion, may be cause for
25 barring from future contracts, bids, offers, proposals,
26 subcontracts, or relationships with the State for a period of

1 up to 2 years.

2 (g) Intentional, willful, or material failure to disclose
3 shall render the contract, bid, offer, proposal, subcontract,
4 or relationship voidable by the chief procurement officer if
5 he or she deems it in the best interest of the State of
6 Illinois and shall result in debarment from future contracts,
7 bids, offers, proposals, subcontracts, or relationships for a
8 period of not less than 2 years and not more than 10 years.
9 Reinstatement after 2 years and before 10 years must be
10 reviewed and commented on in writing by the Governor of the
11 State of Illinois, or by an executive ethics board or
12 commission he or she might designate. The comment shall be
13 returned to the responsible chief procurement officer who must
14 rule in writing whether and when to reinstate.

15 (h) In addition, all disclosures shall note any other
16 current or pending contracts, bids, offers, proposals,
17 subcontracts, leases, or other ongoing procurement
18 relationships the bidder, offeror, potential contractor,
19 contractor, or subcontractor has with any other unit of State
20 government and shall clearly identify the unit and the
21 contract, offer, proposal, lease, or other relationship.

22 (i) The bidder, offeror, potential contractor, or
23 contractor has a continuing obligation to supplement the
24 disclosure required by this Section throughout the bidding
25 process during the term of any contract, and during the vendor
26 portal registration process.

1 (j) If a bid or offer is received from a responsive bidder,
2 offeror, vendor, contractor, or subcontractor with an annual
3 value of more than \$100,000 and the bidder, offeror, vendor,
4 contractor, or subcontractor has an active contract with that
5 same entity and already has submitted their financial
6 disclosures and potential conflicts of interest within the
7 last 12 months, the bidder, offeror, vendor, contractor, or
8 subcontractor may submit a signed affidavit attesting that the
9 original submission of its financial disclosures and potential
10 conflicts of interests has not been altered or changed. The
11 form and content of the affidavit shall be prescribed by the
12 applicable chief procurement officer.

13 (Source: P.A. 101-657, eff. 1-1-22.)

14 (30 ILCS 500/50-90 new)

15 Sec. 50-90. Certifications. All contracts under this Code
16 with an annual value that exceeds \$50,000 annually shall be
17 accompanied by Standard Illinois Certifications in a form
18 prescribed by each chief procurement officer.

19 (30 ILCS 500/55-25 new)

20 Sec. 55-25. State Procurement Task Force.

21 (a) There is hereby created the State Procurement Task
22 Force.

23 (b) The task force shall survey the State procurement
24 process and make recommendations to: (i) ensure that the

1 process is equitable and efficient; (ii) provide departments
2 with the flexibility needed to be successful; (iii) change the
3 current structure of the procurement process; (iv) update the
4 process to reflect modern procurement methods; (v) increase
5 women-owned and minority-owned business participation; (vi)
6 increase participation by Illinois vendors; and (vii) reduce
7 costs and increase efficiency of State procurements.

8 (c) The task force shall consist of the following members:

9 (1) 4 members of the House of Representatives,
10 appointed by the Speaker of the House of Representatives;

11 (2) 4 members of the Senate, appointed by the
12 President of the Senate;

13 (3) 3 members of the House of Representatives,
14 appointed by the Minority Leader of the House of
15 Representatives;

16 (4) 3 members of the Senate, appointed by the Minority
17 Leader of the Senate;

18 (5) 1 member representing State institutions of higher
19 education, appointed by the President of the Senate;

20 (6) 1 member representing State institutions of higher
21 education, appointed by the Speaker of the House of
22 Representatives;

23 (7) 5 members representing vendors, with one each
24 appointed by the Governor, the Speaker of the House of
25 Representatives, the President of the Senate, the Minority
26 Leader of the House of Representatives, and the Minority

1 Leader of the Senate;

2 (8) 5 members of the public representing women-owned
3 and minority-owned businesses, with one each appointed by
4 the Governor, the Speaker of the House of Representatives,
5 the President of the Senate, the Minority Leader of the
6 House of Representatives, and the Minority Leader of the
7 Senate;

8 (9) 1 member from the Department of Central Management
9 Services, appointed by the Governor;

10 (10) 1 member from the Department of Transportation,
11 appointed by the Governor;

12 (11) 1 member from the Department of Information and
13 Technology, appointed by the Governor;

14 (12) 1 Chief Procurement Officer, appointed by the
15 Governor; and

16 (13) the Chairperson of the Commission on Equity and
17 Inclusion, who shall serve as Chair of the Task Force.

18 (d) Members of the task force shall serve without
19 compensation for the duration of the task force.

20 (e) As soon as practicable after all members have been
21 appointed, the task force shall hold its first meeting. The
22 task force shall hold at least 7 meetings.

23 (f) The Department of Central Management Services shall
24 provide administrative and other support to the task force.

25 (g) The task force shall from time to time submit reports
26 of its findings and recommendations on its survey of State

1 procurement processes to the Governor and the General
2 Assembly. By November 1, 2022, the task force shall submit a
3 report to the Governor and General Assembly reporting findings
4 and recommendations specifically including any proposed
5 recommendations to: (i) alter the current structure and number
6 of Chief Procurement Officers; (ii) enact or modify cure
7 periods in the Procurement Code that allow a potentially
8 successful vendor to correct technical deficiencies in the
9 vendor's bid; (iii) enact measures that increase efficiency,
10 modernization, or reduce costs within the procurement system;
11 and (iv) increase women-owned and minority-owned business
12 participation. On or before January 1, 2024, the task force
13 shall submit a report of its findings and recommendations on
14 its survey of State procurement processes to the Governor and
15 the General Assembly.

16 (h) This Section is repealed on January 1, 2025.

17 Section 10. The Procurement of Domestic Products Act is
18 amended by changing Sections 5, 10, and 25 and by adding
19 Sections 3 and 35 as follows:

20 (30 ILCS 517/3 new)

21 Sec. 3. Policy. It is hereby declared to be the public
22 policy of the State of Illinois for each purchasing agency to
23 use the terms and conditions of State financial assistance
24 awards and State procurements to maximize the use of goods,

1 products, and materials produced in Illinois.

2 (30 ILCS 517/5)

3 Sec. 5. Definitions. As used in this Act:

4 "Manufactured in Illinois" means, in the case of assembled
5 articles, materials, or supplies, having been designed,
6 finally assembled, processed, packaged, tested, or otherwise
7 processed in Illinois in a manner that adds value, quality, or
8 reliability.

9 "Manufactured in the United States" means, in the case of
10 assembled articles, materials, or supplies, that design, final
11 assembly, processing, packaging, testing, or other process
12 that adds value, quality, or reliability occurs in the United
13 States.

14 "Procured products" means assembled articles, materials,
15 or supplies purchased by a State agency.

16 "Purchasing agency" has the meaning ascribed to that term
17 in Section 1-15.70 of the Illinois Procurement Code ~~means a~~
18 ~~State agency.~~

19 "State agency" has the meaning ascribed to that term in
20 Section 1-15.100 of the Illinois Procurement Code ~~means each~~
21 ~~agency, department, authority, board, or commission of the~~
22 ~~executive branch of State government, including each~~
23 ~~university, whether created by statute or by executive order~~
24 ~~of the Governor.~~

25 "United States" means the United States and any place

1 subject to the jurisdiction of the United States.

2 (Source: P.A. 98-463, eff. 8-16-13.)

3 (30 ILCS 517/10)

4 Sec. 10. Domestic ~~United States~~ products.

5 (a) Each purchasing agency making purchases of procured
6 products shall promote the purchase of and give preference to
7 manufactured articles, materials, and supplies that have been
8 manufactured in the United States. Procured products
9 manufactured in the United States shall be specified and
10 purchased unless the purchasing agency determines that any of
11 the following applies:

12 (1) The procured products are not manufactured in the
13 United States in reasonably available quantities.

14 (2) The price of the procured products manufactured in
15 the United States exceeds ~~by an unreasonable amount~~ the
16 price of available and comparable procured products
17 manufactured outside of the United States by 12% or more.

18 (3) The quality of the procured products manufactured
19 in the United States is substantially less than the
20 quality of the comparably priced, available, and
21 comparable procured products manufactured outside of the
22 United States.

23 (4) The purchase of the procured products manufactured
24 outside of the United States better serves the public
25 interest by helping to protect or save life, property, or

1 the environment.

2 (5) The purchase of the procured products is made in
3 conjunction with contracts or offerings of
4 telecommunications, fire suppression, security systems,
5 communications services, Internet services, or information
6 services.

7 (6) The purchase is of pharmaceutical products, drugs,
8 biologics, vaccines, medical devices used to provide
9 medical and health care or treat disease or used in
10 medical or research diagnostic tests, and medical
11 nutritionals regulated by the Food and Drug Administration
12 under the federal Food, Drug and Cosmetic Act.

13 (7) The purchase is an emergency purchase authorized
14 under Section 20-30 of the Illinois Procurement Code.

15 (8) The purchase is a sole source or sole economically
16 feasible source purchase authorized under Section 20-25 of
17 the Illinois Procurement Code.

18 (b) If there is a tie between 2 bidders or offerors who
19 have certified that they will provide products manufactured in
20 the United States, the bidder or offeror that certifies it
21 will provide products manufactured in Illinois shall be given
22 preference.

23 (c) In determining the price of procured products for
24 purposes of this Section, consideration shall be given to the
25 life-cycle cost, including maintenance and repair of those
26 procured products.

1 (Source: P.A. 93-954, eff. 1-1-05; 94-540, eff. 1-1-06.)

2 (30 ILCS 517/25)

3 Sec. 25. Penalties. If a contractor is awarded a contract
4 through the use of a preference under this Act and knowingly
5 supplies procured products under that contract that are not
6 manufactured in Illinois or the United States, as applicable,
7 then (i) the contractor is barred from obtaining any State
8 contract for a period of 5 years after the violation is
9 discovered by the purchasing agency, (ii) the purchasing
10 agency may void the contract, and (iii) the purchasing agency
11 may recover damages in a civil action in an amount 3 times the
12 value of the preference.

13 (Source: P.A. 93-954, eff. 1-1-05; 94-540, eff. 1-1-06.)

14 (30 ILCS 517/35 new)

15 Sec. 35. Compliance reports. Beginning within 180 days
16 after the effective date of this amendatory Act of the 102nd
17 General Assembly, and annually thereafter, each purchasing
18 agency shall submit to the chief procurement officer a report
19 on: (i) the purchasing agency's compliance with the Act,
20 including details on any incidents of noncompliance; (ii) the
21 purchasing agency's analysis of goods, products, and materials
22 not subject to the Act, including details of any procured
23 products purchased under an exception listed in subsection (a)
24 of Section 10; and (iii) any recommendations for how to

1 further effectuate the policy set forth in this Act.

2 Section 15. The Business Enterprise for Minorities, Women,
3 and Persons with Disabilities Act is amended by changing
4 Section 5 as follows:

5 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

6 (Section scheduled to be repealed on June 30, 2024)

7 Sec. 5. Business Enterprise Council.

8 (1) To help implement, monitor, and enforce the goals of
9 this Act, there is created the Business Enterprise Council for
10 Minorities, Women, and Persons with Disabilities, hereinafter
11 referred to as the Council, composed of the Chairperson of the
12 Commission on Equity and Inclusion, the Secretary of Human
13 Services and the Directors of the Department of Human Rights,
14 the Department of Commerce and Economic Opportunity, the
15 Department of Central Management Services, the Department of
16 Transportation and the Capital Development Board, or their
17 duly appointed representatives, with the Comptroller, or his
18 or her designee, serving as an advisory member of the Council.
19 Ten individuals representing businesses that are
20 minority-owned, women-owned, or owned by persons with
21 disabilities, 2 individuals representing the business
22 community, and a representative of public institutions of
23 higher education shall be appointed by the Governor. These
24 members shall serve 2-year terms and shall be eligible for

1 reappointment. Any vacancy occurring on the Council shall also
2 be filled by the Governor. Any member appointed to fill a
3 vacancy occurring prior to the expiration of the term for
4 which his or her predecessor was appointed shall be appointed
5 for the remainder of such term. Members of the Council shall
6 serve without compensation but shall be reimbursed for any
7 ordinary and necessary expenses incurred in the performance of
8 their duties.

9 The Chairperson of the Commission shall serve as the
10 Council chairperson and shall select, subject to approval of
11 the Council, a Secretary responsible for the operation of the
12 program who shall serve as the Division Manager of the
13 Business Enterprise for Minorities, Women, and Persons with
14 Disabilities Division of the Commission on Equity and
15 Inclusion.

16 The Director of each State agency and the chief executive
17 officer of each public institution of higher education shall
18 appoint a liaison to the Council. The liaison shall be
19 responsible for submitting to the Council any reports and
20 documents necessary under this Act.

21 (2) The Council's authority and responsibility shall be
22 to:

23 (a) Devise a certification procedure to assure that
24 businesses taking advantage of this Act are legitimately
25 classified as businesses owned by minorities, women, or
26 persons with disabilities and a registration procedure to

1 recognize, without additional evidence of Business
2 Enterprise Program eligibility, the certification of
3 businesses owned by minorities, women, or persons with
4 disabilities certified by the City of Chicago, Cook
5 County, or other jurisdictional programs with requirements
6 and procedures equaling or exceeding those in this Act.

7 (b) Maintain a list of all businesses legitimately
8 classified as businesses owned by minorities, women, or
9 persons with disabilities to provide to State agencies and
10 public institutions of higher education.

11 (c) Review rules and regulations for the
12 implementation of the program for businesses owned by
13 minorities, women, and persons with disabilities.

14 (d) Review compliance plans submitted by each State
15 agency and public institution of higher education pursuant
16 to this Act.

17 (e) Make annual reports as provided in Section 8f to
18 the Governor and the General Assembly on the status of the
19 program.

20 (f) Serve as a central clearinghouse for information
21 on State contracts, including the maintenance of a list of
22 all pending State contracts upon which businesses owned by
23 minorities, women, and persons with disabilities may bid.
24 At the Council's discretion, maintenance of the list may
25 include 24-hour electronic access to the list along with
26 the bid and application information.

1 (g) Establish a toll-free telephone number to
2 facilitate information requests concerning the
3 certification process and pending contracts.

4 (h) Adopt a procedure to grant automatic certification
5 to businesses holding a certification from at least one of
6 the following entities: (i) the Illinois Unified
7 Certification Program; (ii) the Women's Business
8 Development Center in Chicago; (iii) the Chicago Minority
9 Supplier Development Council; or (iv) any other similar
10 entity offering such certification to businesses.

11 (i) Develop and maintain a repository for
12 non-certified vendors that: (i) have applied for
13 certification and have been denied; (ii) have started, but
14 not completed, the certification process; (iii) have
15 achieved certification, but did not seek renewal; or (iv)
16 are known businesses owned by minorities, women, or
17 persons with disabilities.

18 (3) No premium bond rate of a surety company for a bond
19 required of a business owned by a minority, woman, or person
20 with a disability bidding for a State contract shall be higher
21 than the lowest rate charged by that surety company for a
22 similar bond in the same classification of work that would be
23 written for a business not owned by a minority, woman, or
24 person with a disability.

25 (4) Any Council member who has direct financial or
26 personal interest in any measure pending before the Council

1 shall disclose this fact to the Council and refrain from
2 participating in the determination upon such measure.

3 (5) The Secretary shall have the following duties and
4 responsibilities:

5 (a) To be responsible for the day-to-day operation of
6 the Council.

7 (b) To serve as a coordinator for all of the State's
8 programs for businesses owned by minorities, women, and
9 persons with disabilities and as the information and
10 referral center for all State initiatives for businesses
11 owned by minorities, women, and persons with disabilities.

12 (c) To establish an enforcement procedure whereby the
13 Council may recommend to the appropriate State legal
14 officer that the State exercise its legal remedies which
15 shall include (1) termination of the contract involved,
16 (2) prohibition of participation by the respondent in
17 public contracts for a period not to exceed 3 years, (3)
18 imposition of a penalty not to exceed any profit acquired
19 as a result of violation, or (4) any combination thereof.
20 Such procedures shall require prior approval by Council.
21 All funds collected as penalties under this subsection
22 shall be used exclusively for maintenance and further
23 development of the Business Enterprise Program and
24 encouragement of participation in State procurement by
25 minorities, women, and persons with disabilities.

26 (d) To devise appropriate policies, regulations, and

1 procedures for including participation by businesses owned
2 by minorities, women, and persons with disabilities as
3 prime contractors, including, but not limited to: (i)
4 encouraging the inclusions of qualified businesses owned
5 by minorities, women, and persons with disabilities on
6 solicitation lists, (ii) investigating the potential of
7 blanket bonding programs for small construction jobs, and
8 (iii) investigating and making recommendations concerning
9 the use of the sheltered market process.

10 (e) To devise procedures for the waiver of the
11 participation goals in appropriate circumstances.

12 (f) To accept donations and, with the approval of the
13 Council or the Chairperson of the Commission on Equity and
14 Inclusion, grants related to the purposes of this Act; to
15 conduct seminars related to the purpose of this Act and to
16 charge reasonable registration fees; and to sell
17 directories, vendor lists, and other such information to
18 interested parties, except that forms necessary to become
19 eligible for the program shall be provided free of charge
20 to a business or individual applying for the Business
21 Enterprise Program.

22 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
23 102-29, eff. 6-25-21; 102-558, eff. 8-20-21.)

24 Section 20. The Illinois Human Rights Act is amended by
25 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

1 Commission; and (vii) protection against retaliation as
2 provided by Sections 6-101 and 6-101.5 of this Act. A copy
3 of the policies shall be provided to the Department upon
4 request. Additionally, each bidder who submits a bid or
5 offer for a State contract under the Illinois Procurement
6 Code shall have a written copy of the bidder's sexual
7 harassment policy as required under this paragraph (4). A
8 copy of the policy shall be provided to the State agency
9 entering into the contract upon request.

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

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

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

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

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

1 American Indian or Alaska Native, Asian, Black or African
2 American, Hispanic or Latino, Native Hawaiian or Other
3 Pacific Islander.

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

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

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

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

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

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

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

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

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

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

1 practices when authorized.

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

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

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

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

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

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

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

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

26 (6) Notify the Department 30 days before effecting any

1 layoff. Once notice is given, the following shall occur:

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

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

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

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

26 As used in this subsection (B), "disability" shall be

1 defined in rules promulgated under the Illinois Administrative
2 Procedure Act.

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

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

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

21 (D) As used in this Section:

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

26 (2) "Asian" means a person having origins in any of

1 the original peoples of the Far East, Southeast Asia, or
2 the Indian subcontinent, including, but not limited to,
3 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
4 the Philippine Islands, Thailand, and Vietnam.

5 (3) "Black or African American" means a person having
6 origins in any of the black racial groups of Africa.

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

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

13 (Source: P.A. 102-362, eff. 1-1-22; 102-465, eff. 1-1-22;
14 revised 9-22-21.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2023, except that this Section and the changes made to
17 Sections 1-13 and 55-25 of the Illinois Procurement Code take
18 effect upon becoming law.