



Sen. Antonio Muñoz

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10200HB2770sam002

LRB102 12716 HLH 39024 a

1 AMENDMENT TO HOUSE BILL 2770

2 AMENDMENT NO. _____. Amend House Bill 2770, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Procurement Code is amended by
6 changing Sections 1-10, 1-12, 1-13, 1-15.12, 1-15.107,
7 1-15.108, 20-20, 20-60, 20-75, 20-120, 35-40, 40-25, 50-11,
8 50-35, and 50-39 and by adding Sections 30-60, 45-105, 50-90,
9 and 55-25 as follows:

10 (30 ILCS 500/1-10)

11 Sec. 1-10. Application.

12 (a) This Code applies only to procurements for which
13 bidders, offerors, potential contractors, or contractors were
14 first solicited on or after July 1, 1998. This Code shall not
15 be construed to affect or impair any contract, or any
16 provision of a contract, entered into based on a solicitation

1 prior to the implementation date of this Code as described in
2 Article 99, including, but not limited to, any covenant
3 entered into with respect to any revenue bonds or similar
4 instruments. All procurements for which contracts are
5 solicited between the effective date of Articles 50 and 99 and
6 July 1, 1998 shall be substantially in accordance with this
7 Code and its intent.

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

11 (1) Contracts between the State and its political
12 subdivisions or other governments, or between State
13 governmental bodies, except as specifically provided in
14 this Code.

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

17 (3) Purchase of care, except as provided in Section
18 5-30.6 of the Illinois Public Aid Code and this Section.

19 (4) Hiring of an individual as an employee and not as
20 an independent contractor, whether pursuant to an
21 employment code or policy or by contract directly with
22 that individual.

23 (5) Collective bargaining contracts.

24 (6) Purchase of real estate, except that notice of
25 this type of contract with a value of more than \$25,000
26 must be published in the Procurement Bulletin within 10

1 calendar days after the deed is recorded in the county of
2 jurisdiction. The notice shall identify the real estate
3 purchased, the names of all parties to the contract, the
4 value of the contract, and the effective date of the
5 contract.

6 (7) Contracts necessary to prepare for anticipated
7 litigation, enforcement actions, or investigations,
8 provided that the chief legal counsel to the Governor
9 shall give his or her prior approval when the procuring
10 agency is one subject to the jurisdiction of the Governor,
11 and provided that the chief legal counsel of any other
12 procuring entity subject to this Code shall give his or
13 her prior approval when the procuring entity is not one
14 subject to the jurisdiction of the Governor.

15 (8) (Blank).

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

18 (10) (Blank).

19 (11) Public-private agreements entered into according
20 to the procurement requirements of Section 20 of the
21 Public-Private Partnerships for Transportation Act and
22 design-build agreements entered into according to the
23 procurement requirements of Section 25 of the
24 Public-Private Partnerships for Transportation Act.

25 (12) (A) Contracts for legal, financial, and other
26 professional and artistic services entered into by the

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

8 (B) Contracts for legal and financial services entered
9 into by the Illinois Housing Development Authority in
10 connection with the issuance of bonds in which the State
11 of Illinois is not obligated. Such contracts shall be
12 awarded through a competitive process authorized by the
13 members of the Illinois Housing Development Authority and
14 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
15 and 50-37 of this Code, as well as the final approval by
16 the members of the Illinois Housing Development Authority
17 of the terms of the contract.

18 (13) Contracts for services, commodities, and
19 equipment to support the delivery of timely forensic
20 science services in consultation with and subject to the
21 approval of the Chief Procurement Officer as provided in
22 subsection (d) of Section 5-4-3a of the Unified Code of
23 Corrections, except for the requirements of Sections
24 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
25 Code; however, the Chief Procurement Officer may, in
26 writing with justification, waive any certification

1 required under Article 50 of this Code. For any contracts
2 for services which are currently provided by members of a
3 collective bargaining agreement, the applicable terms of
4 the collective bargaining agreement concerning
5 subcontracting shall be followed.

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

8 (14) Contracts for participation expenditures required
9 by a domestic or international trade show or exhibition of
10 an exhibitor, member, or sponsor.

11 (15) Contracts with a railroad or utility that
12 requires the State to reimburse the railroad or utilities
13 for the relocation of utilities for construction or other
14 public purpose. Contracts included within this paragraph
15 (15) shall include, but not be limited to, those
16 associated with: relocations, crossings, installations,
17 and maintenance. For the purposes of this paragraph (15),
18 "railroad" means any form of non-highway ground
19 transportation that runs on rails or electromagnetic
20 guideways and "utility" means: (1) public utilities as
21 defined in Section 3-105 of the Public Utilities Act, (2)
22 telecommunications carriers as defined in Section 13-202
23 of the Public Utilities Act, (3) electric cooperatives as
24 defined in Section 3.4 of the Electric Supplier Act, (4)
25 telephone or telecommunications cooperatives as defined in
26 Section 13-212 of the Public Utilities Act, (5) rural

1 water or waste water systems with 10,000 connections or
2 less, (6) a holder as defined in Section 21-201 of the
3 Public Utilities Act, and (7) municipalities owning or
4 operating utility systems consisting of public utilities
5 as that term is defined in Section 11-117-2 of the
6 Illinois Municipal Code.

7 (16) Procurement expenditures necessary for the
8 Department of Public Health to provide the delivery of
9 timely newborn screening services in accordance with the
10 Newborn Metabolic Screening Act.

11 (17) Procurement expenditures necessary for the
12 Department of Agriculture, the Department of Financial and
13 Professional Regulation, the Department of Human Services,
14 and the Department of Public Health to implement the
15 Compassionate Use of Medical Cannabis Program and Opioid
16 Alternative Pilot Program requirements and ensure access
17 to medical cannabis for patients with debilitating medical
18 conditions in accordance with the Compassionate Use of
19 Medical Cannabis Program Act.

20 (18) This Code does not apply to any procurements
21 necessary for the Department of Agriculture, the
22 Department of Financial and Professional Regulation, the
23 Department of Human Services, the Department of Commerce
24 and Economic Opportunity, and the Department of Public
25 Health to implement the Cannabis Regulation and Tax Act if
26 the applicable agency has made a good faith determination

1 that it is necessary and appropriate for the expenditure
2 to fall within this exemption and if the process is
3 conducted in a manner substantially in accordance with the
4 requirements of Sections 20-160, 25-60, 30-22, 50-5,
5 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
6 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
7 Section 50-35, compliance applies only to contracts or
8 subcontracts over \$100,000. Notice of each contract
9 entered into under this paragraph (18) that is related to
10 the procurement of goods and services identified in
11 paragraph (1) through (9) of this subsection shall be
12 published in the Procurement Bulletin within 14 calendar
13 days after contract execution. The Chief Procurement
14 Officer shall prescribe the form and content of the
15 notice. Each agency shall provide the Chief Procurement
16 Officer, on a monthly basis, in the form and content
17 prescribed by the Chief Procurement Officer, a report of
18 contracts that are related to the procurement of goods and
19 services identified in this subsection. At a minimum, this
20 report shall include the name of the contractor, a
21 description of the supply or service provided, the total
22 amount of the contract, the term of the contract, and the
23 exception to this Code utilized. A copy of any or all of
24 these contracts shall be made available to the Chief
25 Procurement Officer immediately upon request. The Chief
26 Procurement Officer shall submit a report to the Governor

1 and General Assembly no later than November 1 of each year
2 that includes, at a minimum, an annual summary of the
3 monthly information reported to the Chief Procurement
4 Officer. This exemption becomes inoperative 5 years after
5 June 25, 2019 (the effective date of Public Act 101-27).

6 (19) Acquisition of modifications or adjustments,
7 limited to assistive technology devices and assistive
8 technology services, adaptive equipment, repairs, and
9 replacement parts to provide reasonable accommodations (i)
10 that enable a qualified applicant with a disability to
11 complete the job application process and be considered for
12 the position such qualified applicant desires, (ii) that
13 modify or adjust the work environment to enable a
14 qualified current employee with a disability to perform
15 the essential functions of the position held by that
16 employee, (iii) to enable a qualified current employee
17 with a disability to enjoy equal benefits and privileges
18 of employment as are enjoyed by ~~its~~ other similarly
19 situated employees without disabilities, and (iv) that
20 allow a customer, client, claimant, or member of the
21 public seeking State services full use and enjoyment of
22 and access to its programs, services, or benefits.

23 For purposes of this paragraph (19):

24 "Assistive technology devices" means any item, piece
25 of equipment, or product system, whether acquired
26 commercially off the shelf, modified, or customized, that

1 is used to increase, maintain, or improve functional
2 capabilities of individuals with disabilities.

3 "Assistive technology services" means any service that
4 directly assists an individual with a disability in
5 selection, acquisition, or use of an assistive technology
6 device.

7 "Qualified" has the same meaning and use as provided
8 under the federal Americans with Disabilities Act when
9 describing an individual with a disability.

10 (20) ~~(19)~~ Procurement expenditures necessary for the
11 Illinois Commerce Commission to hire third-party
12 facilitators pursuant to Sections 16-105.17 and ~~Section~~
13 16-108.18 of the Public Utilities Act or an ombudsman
14 pursuant to Section 16-107.5 of the Public Utilities Act,
15 a facilitator pursuant to Section 16-105.17 of the Public
16 Utilities Act, or a grid auditor pursuant to Section
17 16-105.10 of the Public Utilities Act.

18 Notwithstanding any other provision of law, for contracts
19 with an annual value of more than \$100,000 entered into on or
20 after October 1, 2017 under an exemption provided in any
21 paragraph of this subsection (b), except paragraph (1), (2),
22 or (5), each State agency shall post to the appropriate
23 procurement bulletin the name of the contractor, a description
24 of the supply or service provided, the total amount of the
25 contract, the term of the contract, and the exception to the
26 Code utilized. The chief procurement officer shall submit a

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

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

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

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

25 (f) (Blank).

26 (g) (Blank).

1 (h) This Code does not apply to the process to procure or
2 contracts entered into in accordance with Sections 11-5.2 and
3 11-5.3 of the Illinois Public Aid Code.

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

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

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

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

23 (m) This Code shall apply regardless of the source of
24 funds with which contracts are paid, including federal
25 assistance moneys. Except as specifically provided in this
26 Code, this Code shall not apply to procurement expenditures

1 necessary for the Department of Public Health to conduct the
2 Healthy Illinois Survey in accordance with Section 2310-431 of
3 the Department of Public Health Powers and Duties Law of the
4 Civil Administrative Code of Illinois.

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

9 (30 ILCS 500/1-12)

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

11 (a) This Code shall not apply to procurement expenditures
12 necessary to provide artistic or musical services,
13 performances, or theatrical productions held at a venue
14 operated or leased by a State agency.

15 (b) Notice of each contract with an annual value of more
16 than \$100,000 entered into by a State agency that is related to
17 the procurement of goods and services identified in this
18 Section shall be published in the Illinois Procurement
19 Bulletin within 14 calendar days after contract execution. The
20 chief procurement officer shall prescribe the form and content
21 of the notice. Each State agency shall provide the chief
22 procurement officer, on a monthly basis, in the form and
23 content prescribed by the chief procurement officer, a report
24 of contracts that are related to the procurement of supplies
25 and services identified in this Section. At a minimum, this

1 report shall include the name of the contractor, a description
2 of the supply or service provided, the total amount of the
3 contract, the term of the contract, and the exception to the
4 Code utilized. A copy of any or all of these contracts shall be
5 made available to the chief procurement officer immediately
6 upon request. The chief procurement officer shall submit a
7 report to the Governor and General Assembly no later than
8 November 1 of each year that shall include, at a minimum, an
9 annual summary of the monthly information reported to the
10 chief procurement officer.

11 (c) (Blank).

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

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

16 (2) This Section was originally enacted to protect,
17 promote, and preserve the general welfare. Any
18 construction of this Section that results in the repeal of
19 this Section on December 31, 2016 would be inconsistent
20 with the manifest intent of the General Assembly and
21 repugnant to the context of this Code.

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

25 This Section shall be deemed to have been in continuous
26 effect since August 3, 2012 (the effective date of Public Act

1 97-895), and it shall continue to be in effect henceforward
2 until it is otherwise lawfully repealed. All previously
3 enacted amendments to this Section taking effect on or after
4 December 31, 2016, are hereby validated.

5 All actions taken in reliance on or pursuant to this
6 Section in the procurement of artistic or musical services are
7 hereby validated.

8 In order to ensure the continuing effectiveness of this
9 Section, it is set forth in full and re-enacted by this
10 amendatory Act of the 100th General Assembly. This
11 re-enactment is intended as a continuation of this Section. It
12 is not intended to supersede any amendment to this Section
13 that is enacted by the 100th General Assembly.

14 In this amendatory Act of the 100th General Assembly, the
15 base text of this Section is set forth as amended by Public Act
16 98-1076. Striking and underscoring is used only to show
17 changes being made to the base text.

18 This Section applies to all procurements made on or before
19 the effective date of this amendatory Act of the 100th General
20 Assembly.

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

22 (30 ILCS 500/1-13)

23 Sec. 1-13. Applicability to public institutions of higher
24 education.

25 (a) This Code shall apply to public institutions of higher

1 education, regardless of the source of the funds with which
2 contracts are paid, except as provided in this Section.

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

6 (1) Memberships in professional, academic, research,
7 or athletic organizations on behalf of a public
8 institution of higher education, an employee of a public
9 institution of higher education, or a student at a public
10 institution of higher education.

11 (2) Procurement expenditures for events or activities
12 paid for exclusively by revenues generated by the event or
13 activity, gifts or donations for the event or activity,
14 private grants, or any combination thereof.

15 (3) Procurement expenditures for events or activities
16 for which the use of specific potential contractors is
17 mandated or identified by the sponsor of the event or
18 activity, provided that the sponsor is providing a
19 majority of the funding for the event or activity.

20 (4) Procurement expenditures necessary to provide
21 athletic, artistic or musical services, performances,
22 events, or productions by or for a public institution of
23 higher education.

24 (5) Procurement expenditures for periodicals, books,
25 subscriptions, database licenses, and other publications
26 procured for use by a university library or academic

1 department, except for expenditures related to procuring
2 textbooks for student use or materials for resale or
3 rental.

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

7 (7) Contracts for programming and broadcast license
8 rights for university-operated radio and television
9 stations.

10 (8) Procurement expenditures necessary to perform
11 sponsored research and other sponsored activities under
12 grants and contracts funded by the sponsor or by sources
13 other than State appropriations.

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

18 Notice of each contract with an annual value of more than
19 \$100,000 entered into by a public institution of higher
20 education that is related to the procurement of goods and
21 services identified in items (1) through (9) of this
22 subsection shall be published in the Procurement Bulletin
23 within 14 calendar days after contract execution. The Chief
24 Procurement Officer shall prescribe the form and content of
25 the notice. Each public institution of higher education shall
26 provide the Chief Procurement Officer, on a monthly basis, in

1 the form and content prescribed by the Chief Procurement
2 Officer, a report of contracts that are related to the
3 procurement of goods and services identified in this
4 subsection. At a minimum, this report shall include the name
5 of the contractor, a description of the supply or service
6 provided, the total amount of the contract, the term of the
7 contract, and the exception to the Code utilized. A copy of any
8 or all of these contracts shall be made available to the Chief
9 Procurement Officer immediately upon request. The Chief
10 Procurement Officer shall submit a report to the Governor and
11 General Assembly no later than November 1 of each year that
12 shall include, at a minimum, an annual summary of the monthly
13 information reported to the Chief Procurement Officer.

14 (b-5) Except as provided in this subsection, the
15 provisions of this Code shall not apply to contracts for
16 medical supplies, and to contracts for medical services
17 necessary for the delivery of care and treatment at medical,
18 dental, or veterinary teaching facilities utilized by Southern
19 Illinois University or the University of Illinois and at any
20 university-operated health care center or dispensary that
21 provides care, treatment, and medications for students,
22 faculty and staff. Other supplies and services needed for
23 these teaching facilities shall be subject to the jurisdiction
24 of the Chief Procurement Officer for Public Institutions of
25 Higher Education who may establish expedited procurement
26 procedures and may waive or modify certification, contract,

1 hearing, process and registration requirements required by the
2 Code. All procurements made under this subsection shall be
3 documented and may require publication in the Illinois
4 Procurement Bulletin.

5 (b-10) Procurements made by or on behalf of the University
6 of Illinois for investment services scheduled to expire June
7 2022 ~~2021~~ may be extended through June 2024 ~~2022~~ without being
8 subject to the requirements of this Code. Any contract
9 extended, renewed, or entered pursuant to this exception shall
10 be published on the Executive Ethics Commission's website
11 within 5 days of contract execution. This subsection is
12 inoperative on and after July 1, 2024 ~~2022~~.

13 (c) Procurements made by or on behalf of public
14 institutions of higher education for the fulfillment of a
15 grant shall be made in accordance with the requirements of
16 this Code to the extent practical.

17 Upon the written request of a public institution of higher
18 education, the Chief Procurement Officer may waive contract,
19 registration, certification, and hearing requirements of this
20 Code if, based on the item to be procured or the terms of a
21 grant, compliance is impractical. The public institution of
22 higher education shall provide the Chief Procurement Officer
23 with specific reasons for the waiver, including the necessity
24 of contracting with a particular potential contractor, and
25 shall certify that an effort was made in good faith to comply
26 with the provisions of this Code. The Chief Procurement

1 Officer shall provide written justification for any waivers.
2 By November 1 of each year, the Chief Procurement Officer
3 shall file a report with the General Assembly identifying each
4 contract approved with waivers and providing the justification
5 given for any waivers for each of those contracts. Notice of
6 each waiver made under this subsection shall be published in
7 the Procurement Bulletin within 14 calendar days after
8 contract execution. The Chief Procurement Officer shall
9 prescribe the form and content of the notice.

10 (d) Notwithstanding this Section, a waiver of the
11 registration requirements of Section 20-160 does not permit a
12 business entity and any affiliated entities or affiliated
13 persons to make campaign contributions if otherwise prohibited
14 by Section 50-37. The total amount of contracts awarded in
15 accordance with this Section shall be included in determining
16 the aggregate amount of contracts or pending bids of a
17 business entity and any affiliated entities or affiliated
18 persons.

19 (e) Notwithstanding subsection (e) of Section 50-10.5 of
20 this Code, the Chief Procurement Officer, with the approval of
21 the Executive Ethics Commission, may permit a public
22 institution of higher education to accept a bid or enter into a
23 contract with a business that assisted the public institution
24 of higher education in determining whether there is a need for
25 a contract or assisted in reviewing, drafting, or preparing
26 documents related to a bid or contract, provided that the bid

1 or contract is essential to research administered by the
2 public institution of higher education and it is in the best
3 interest of the public institution of higher education to
4 accept the bid or contract. For purposes of this subsection,
5 "business" includes all individuals with whom a business is
6 affiliated, including, but not limited to, any officer, agent,
7 employee, consultant, independent contractor, director,
8 partner, manager, or shareholder of a business. The Executive
9 Ethics Commission may promulgate rules and regulations for the
10 implementation and administration of the provisions of this
11 subsection (e).

12 (f) As used in this Section:

13 "Grant" means non-appropriated funding provided by a
14 federal or private entity to support a project or program
15 administered by a public institution of higher education and
16 any non-appropriated funding provided to a sub-recipient of
17 the grant.

18 "Public institution of higher education" means Chicago
19 State University, Eastern Illinois University, Governors State
20 University, Illinois State University, Northeastern Illinois
21 University, Northern Illinois University, Southern Illinois
22 University, University of Illinois, Western Illinois
23 University, and, for purposes of this Code only, the Illinois
24 Mathematics and Science Academy.

25 (g) (Blank).

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

1 (1) Public Act 98-1076, which took effect on January
2 1, 2015, changed the repeal date set for this Section from
3 December 31, 2014 to December 31, 2016.

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

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

13 (4) This Section was originally enacted to protect,
14 promote, and preserve the general welfare. Any
15 construction of this Section that results in the repeal of
16 this Section on December 31, 2014 would be inconsistent
17 with the manifest intent of the General Assembly and
18 repugnant to the context of this Code.

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

22 This Section shall be deemed to have been in continuous
23 effect since December 20, 2011 (the effective date of Public
24 Act 97-643), and it shall continue to be in effect
25 henceforward until it is otherwise lawfully repealed. All
26 previously enacted amendments to this Section taking effect on

1 or after December 31, 2014, are hereby validated.

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

5 In order to ensure the continuing effectiveness of this
6 Section, it is set forth in full and re-enacted by this
7 amendatory Act of the 100th General Assembly. This
8 re-enactment is intended as a continuation of this Section. It
9 is not intended to supersede any amendment to this Section
10 that is enacted by the 100th General Assembly.

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

15 This Section applies to all procurements made on or before
16 the effective date of this amendatory Act of the 100th General
17 Assembly.

18 (Source: P.A. 101-640, eff. 6-12-20; 102-16, eff. 6-17-21.)

19 (30 ILCS 500/1-15.12)

20 Sec. 1-15.12. Change order. "Change order" means a change
21 in a contract term, other than as specifically provided for in
22 the contract, which authorizes or necessitates any increase ~~or~~
23 ~~decrease~~ in the cost of the contract or the time for completion
24 for procurements subject to the jurisdiction of the chief
25 procurement officers appointed pursuant to Section 10-20.

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

2 (30 ILCS 500/1-15.107)

3 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
4 between a person and a person who has a contract subject to
5 this Code, pursuant to which the subcontractor provides to the
6 contractor, or, if the contract price exceeds the small
7 purchase maximum established by Section 20-20 of this Code
8 ~~\$50,000~~, another subcontractor, some or all of the goods,
9 services, real property, remuneration, or other monetary forms
10 of consideration that are the subject of the primary contract
11 and includes, among other things, subleases from a lessee of a
12 State agency. For purposes of this Code, a "subcontract" does
13 not include purchases of goods or supplies that are incidental
14 to the performance of a contract by a person who has a contract
15 subject to this Code.

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

17 (30 ILCS 500/1-15.108)

18 Sec. 1-15.108. Subcontractor. "Subcontractor" means a
19 person or entity that enters into a contractual agreement with
20 a total value that exceeds the small purchase maximum
21 established by Section 20-20 of this Code ~~of \$50,000 or more~~
22 with a person or entity who has a contract subject to this Code
23 pursuant to which the person or entity provides some or all of
24 the goods, services, real property, remuneration, or other

1 monetary forms of consideration that are the subject of the
2 primary State contract, including subleases from a lessee of a
3 State contract. For purposes of this Code, a person or entity
4 is not a "subcontractor" if that person only provides goods or
5 supplies that are incidental to the performance of a contract
6 by a person who has a contract subject to this Code.

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

8 (30 ILCS 500/20-20)

9 Sec. 20-20. Small purchases.

10 (a) Amount. Any individual procurement of supplies or
11 services not exceeding \$100,000 and any procurement of
12 construction not exceeding \$100,000, or any individual
13 procurement of professional or artistic services not exceeding
14 \$100,000 may be made without competitive source selection.
15 Procurements shall not be artificially divided so as to
16 constitute a small purchase under this Section. Any
17 procurement of construction not exceeding \$100,000 may be made
18 by an alternative competitive source selection. The
19 construction agency shall establish rules for an alternative
20 competitive source selection process. This Section does not
21 apply to construction-related professional services contracts
22 awarded in accordance with the provisions of the
23 Architectural, Engineering, and Land Surveying Qualifications
24 Based Selection Act.

25 (b) Adjustment. Each July 1, the small purchase maximum

1 established in subsection (a) shall be adjusted for inflation
2 as determined by the Consumer Price Index for All Urban
3 Consumers as determined by the United States Department of
4 Labor and rounded to the nearest \$100.

5 (c) Based upon rules proposed by the Board and rules
6 promulgated by the chief procurement officers, the small
7 purchase maximum established in subsection (a) may be
8 modified.

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

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

14 (30 ILCS 500/20-60)

15 Sec. 20-60. Duration of contracts.

16 (a) Maximum duration. A contract may be entered into for
17 any period of time deemed to be in the best interests of the
18 State but not exceeding 10 years inclusive, beginning January
19 1, 2010, of proposed contract renewals. Third parties may
20 lease State-owned dark fiber networks for any period of time
21 deemed to be in the best interest of the State, but not
22 exceeding 20 years. The length of a lease for real property or
23 capital improvements shall be in accordance with the
24 provisions of Section 40-25. The length of energy conservation
25 program contracts or energy savings contracts or leases shall

1 be in accordance with the provisions of Section 25-45. A
2 contract for bond or mortgage insurance awarded by the
3 Illinois Housing Development Authority, however, may be
4 entered into for any period of time less than or equal to the
5 maximum period of time that the subject bond or mortgage may
6 remain outstanding.

7 (b) Subject to appropriation. All contracts made or
8 entered into shall recite that they are subject to termination
9 and cancellation in any year for which the General Assembly
10 fails to make an appropriation to make payments under the
11 terms of the contract.

12 (c) The chief procurement officer shall file a proposed
13 extension or renewal of a contract with the Procurement Policy
14 Board and the Commission on Equity and Inclusion prior to
15 entering into any extension or renewal if the cost associated
16 with the extension or renewal exceeds \$249,999. The
17 Procurement Policy Board or the Commission on Equity and
18 Inclusion may object to the proposed extension or renewal
19 within 14 ~~30~~ calendar days and require a hearing before the
20 Board or the Commission on Equity and Inclusion prior to
21 entering into the extension or renewal. If the Procurement
22 Policy Board or the Commission on Equity and Inclusion does
23 not object within 14 ~~30~~ calendar days or takes affirmative
24 action to recommend the extension or renewal, the chief
25 procurement officer may enter into the extension or renewal of
26 a contract. This subsection does not apply to any emergency

1 procurement, any procurement under Article 40, or any
2 procurement exempted by Section 1-10(b) of this Code. If any
3 State agency contract is paid for in whole or in part with
4 federal-aid funds, grants, or loans and the provisions of this
5 subsection would result in the loss of those federal-aid
6 funds, grants, or loans, then the contract is exempt from the
7 provisions of this subsection in order to remain eligible for
8 those federal-aid funds, grants, or loans, and the State
9 agency shall file notice of this exemption with the
10 Procurement Policy Board or the Commission on Equity and
11 Inclusion prior to entering into the proposed extension or
12 renewal. Nothing in this subsection permits a chief
13 procurement officer to enter into an extension or renewal in
14 violation of subsection (a). By August 1 each year, the
15 Procurement Policy Board and the Commission on Equity and
16 Inclusion shall each file a report with the General Assembly
17 identifying for the previous fiscal year (i) the proposed
18 extensions or renewals that were filed and whether such
19 extensions and renewals were objected to and (ii) the
20 contracts exempt from this subsection.

21 (d) Notwithstanding the provisions of subsection (a) of
22 this Section, the Department of Innovation and Technology may
23 enter into leases for dark fiber networks for any period of
24 time deemed to be in the best interests of the State but not
25 exceeding 20 years inclusive. The Department of Innovation and
26 Technology may lease dark fiber networks from third parties

1 only for the primary purpose of providing services (i) to the
2 offices of Governor, Lieutenant Governor, Attorney General,
3 Secretary of State, Comptroller, or Treasurer and State
4 agencies, as defined under Section 5-15 of the Civil
5 Administrative Code of Illinois or (ii) for anchor
6 institutions, as defined in Section 7 of the Illinois Century
7 Network Act. Dark fiber network lease contracts shall be
8 subject to all other provisions of this Code and any
9 applicable rules or requirements, including, but not limited
10 to, publication of lease solicitations, use of standard State
11 contracting terms and conditions, and approval of vendor
12 certifications and financial disclosures.

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

17 (f) No vendor shall be eligible for renewal of a contract
18 when that vendor has failed to meet the goals agreed to in the
19 vendor's utilization plan, as defined in Section 2 of the
20 Business Enterprise for Minorities, Women, and Persons with
21 Disabilities Act, unless the State agency or public
22 institution of higher education has determined that the vendor
23 made good faith efforts toward meeting the contract goals. If
24 the State agency or public institution of higher education
25 determines that the vendor made good faith efforts, the agency
26 or public institution of higher education may issue a waiver

1 after concurrence by the chief procurement officer, which
2 shall not be unreasonably withheld or impair a State agency
3 determination to execute the renewal. The form and content of
4 the waiver shall be prescribed by each chief procurement
5 officer, but shall not impair a State agency or public
6 institution of higher education determination to execute the
7 renewal. The chief procurement officer shall post the
8 completed form on his or her official website within 5
9 business days after receipt from the State agency or public
10 institution of higher education. The chief procurement officer
11 ~~who~~ shall maintain on his or her official website a database of
12 waivers granted under this Section with respect to contracts
13 under his or her jurisdiction. The database shall be updated
14 periodically and shall be searchable by contractor name and by
15 contracting State agency or public institution of higher
16 education.

17 (Source: P.A. 101-81, eff. 7-12-19; 101-657, Article 5,
18 Section 5-5, eff. 7-1-21 (See Section 25 of P.A. 102-29 for
19 effective date of P.A. 101-657, Article 5, Section 5-5);
20 101-657, Article 40, Section 40-125, eff. 1-1-22; 102-29, eff.
21 6-25-21.)

22 (30 ILCS 500/20-75)

23 Sec. 20-75. Disputes and protests. The chief procurement
24 officers shall by rule establish procedures to be followed in
25 resolving protested solicitations and awards and contract

1 controversies, for debarment or suspension of contractors, and
2 for resolving other procurement-related disputes. At a
3 minimum, the established procedures must include the
4 requirement that the chief procurement officer resolve the
5 protest by means of a written determination within 30 days of
6 receiving all relevant requested information, unless an action
7 concerning the protest has commenced in a court or
8 administrative body, in which case, the chief procurement
9 officer may defer resolution of the protest pending the
10 judicial or administrative proceeding.

11 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A.
12 96-793 for the effective date of changes made by P.A.
13 96-795).)

14 (30 ILCS 500/20-120)

15 Sec. 20-120. Subcontractors.

16 (a) Any contract granted under this Code shall state
17 whether the services of a subcontractor will be used. The
18 contract shall include the names and addresses of all known
19 subcontractors with subcontracts with an annual value that
20 exceeds the small purchase maximum established by Section
21 20-20 of this Code ~~of more than \$50,000~~, the general type of
22 work to be performed by these subcontractors, and the expected
23 amount of money each will receive under the contract. Upon the
24 request of the chief procurement officer appointed pursuant to
25 paragraph (2) of subsection (a) of Section 10-20, the

1 contractor shall provide the chief procurement officer a copy
2 of a subcontract so identified within 15 calendar days after
3 the request is made. A subcontractor, or contractor on behalf
4 of a subcontractor, may identify information that is deemed
5 proprietary or confidential. If the chief procurement officer
6 determines the information is not relevant to the primary
7 contract, the chief procurement officer may excuse the
8 inclusion of the information. If the chief procurement officer
9 determines the information is proprietary or could harm the
10 business interest of the subcontractor, the chief procurement
11 officer may, in his or her discretion, redact the information.
12 Redacted information shall not become part of the public
13 record.

14 (b) If at any time during the term of a contract, a
15 contractor adds or changes any subcontractors, he or she shall
16 promptly notify, in writing, the chief procurement officer,
17 State purchasing officer, or their designee of the names and
18 addresses of each new or replaced subcontractor and the
19 general type of work to be performed. Upon the request of the
20 chief procurement officer appointed pursuant to paragraph (2)
21 of subsection (a) of Section 10-20, the contractor shall
22 provide the chief procurement officer a copy of any new or
23 amended subcontract so identified within 15 calendar days
24 after the request is made.

25 (c) In addition to any other requirements of this Code, a
26 subcontract subject to this Section must include all of the

1 subcontractor's certifications required by Article 50 of the
2 Code.

3 (d) This Section applies to procurements solicited on or
4 after the effective date of this amendatory Act of the 96th
5 General Assembly. The changes made to this Section by this
6 amendatory Act of the 97th General Assembly apply to
7 procurements solicited on or after the effective date of this
8 amendatory Act of the 97th General Assembly.

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

10 (30 ILCS 500/30-60 new)

11 Sec. 30-60. Change order reports.

12 (a) During the period described in subsection (b), the
13 Capital Development Board and the Department of Transportation
14 shall each prepare quarterly reports on the status of change
15 order requests concerning price that have been received by
16 either the Board or the Department and that have not been acted
17 upon within 45 days. The reports shall be made available to the
18 public on the Internet websites of the Capital Development
19 Board and the Department of Transportation, and shall also be
20 submitted to the Governor and the General Assembly. The
21 reports shall include as much information as possible,
22 including, but not limited to: (i) the number of change order
23 requests concerning price that have been received by the Board
24 or the Department within the applicable reporting quarter and
25 have not been acted upon within 45 days after their receipt;

1 and (ii) for those change order requests concerning price that
2 are agreed to by the Board or the Department, information on
3 the number of days that passed between the date the change
4 order request was received and the date it was agreed to by the
5 Board or Department.

6 (b) There shall be 12 quarterly reports in total. The
7 first report shall be published on or before January 15, 2023,
8 and the last report shall be published on or before December
9 15, 2025.

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

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

16 (30 ILCS 500/35-40)

17 Sec. 35-40. Subcontractors.

18 (a) Any contract granted under this Article shall state
19 whether the services of a subcontractor will be used. The
20 contract shall include the names and addresses of all
21 subcontractors with an annual value that exceeds the small
22 purchase maximum established by Section 20-20 of this Code ~~of~~
23 ~~more than \$50,000,~~ the general type of work to be performed by
24 these subcontractors, and the expected amount of money each
25 will receive under the contract. Upon the request of the chief

1 procurement officer appointed pursuant to paragraph (2) of
2 subsection (a) of Section 10-20, the contractor shall provide
3 the chief procurement officer a copy of a subcontract so
4 identified within 15 calendar days after the request is made.
5 A subcontractor, or contractor on behalf of a subcontractor,
6 may identify information that is deemed proprietary or
7 confidential. If the chief procurement officer determines the
8 information is not relevant to the primary contract, the chief
9 procurement officer may excuse the inclusion of the
10 information. If the chief procurement officer determines the
11 information is proprietary or could harm the business interest
12 of the subcontractor, the chief procurement officer may, in
13 his or her discretion, redact the information. Redacted
14 information shall not become part of the public record.

15 (b) If at any time during the term of a contract, a
16 contractor adds or changes any subcontractors, he or she shall
17 promptly notify, in writing, the chief procurement officer for
18 matters other than construction or the higher education chief
19 procurement officer, whichever is appropriate, and the
20 responsible State purchasing officer, or their designee of the
21 names and addresses and the expected amount of money each new
22 or replaced subcontractor will receive. Upon request of the
23 chief procurement officer appointed pursuant to paragraph (2)
24 of subsection (a) of Section 10-20, the contractor shall
25 provide the chief procurement officer a copy of any new or
26 amended subcontract so identified within 15 calendar days

1 after the request is made.

2 (c) In addition to any other requirements of this Code, a
3 subcontract subject to this Section must include all of the
4 subcontractor's certifications required by Article 50 of this
5 Code.

6 (d) For purposes of this Section, the changes made by this
7 amendatory Act of the 98th General Assembly apply to
8 procurements solicited on or after the effective date of this
9 amendatory Act of the 98th General Assembly.

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

11 (30 ILCS 500/40-25)

12 Sec. 40-25. Length of leases.

13 (a) Maximum term. Except as otherwise provided under
14 subsection (a-5), leases shall be for a term not to exceed 10
15 years inclusive, beginning January, 1, 2010, of proposed
16 contract renewals and shall include a termination option in
17 favor of the State after 5 years. The length of energy
18 conservation program contracts or energy savings contracts or
19 leases shall be in accordance with the provisions of Section
20 25-45.

21 (a-5) Extended term. A lease for real property owned by a
22 public institution of higher education to be used for
23 healthcare uses, academic facilities, dormitory facilities, or
24 other support uses ~~the University of Illinois to be used by the~~
25 ~~University of Illinois at Chicago for an ambulatory surgical~~

1 ~~center, which would include both clinical services and retail~~
2 ~~space,~~ may exceed 10 years in length when ~~where~~: (i) the lease
3 requires the lessor to make capital improvements in excess of
4 \$100,000; and (ii) the Board of Trustees of the public
5 institution of higher education ~~University of Illinois~~
6 determines a term of more than 10 years is necessary and is in
7 the best interest of the institution ~~University~~. A lease under
8 this subsection (a-5) may not exceed 30 years in length.

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

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

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

25 (e) On December 31, 2023, and every year thereafter, any
26 institution of higher education that enters into a lease under

1 this Section shall file with both houses of the General
2 Assembly a report outlining each lease entered into under this
3 Section that is current as of the date of the report.

4 (Source: P.A. 100-23, eff. 7-6-17; 100-1047, eff. 1-1-19;
5 101-426, eff. 1-1-20.)

6 (30 ILCS 500/45-105 new)

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

8 (a) For the purposes of this Section:

9 "Illinois business" means a contractor that: (i) is
10 headquartered in Illinois and providing, at the time that an
11 invitation for a bid or notice of contract opportunity is
12 first advertised, construction or construction-related
13 professional services for Illinois-based projects; (ii)
14 conducts meaningful day-to-day business operations at a
15 facility in Illinois that is the place of employment for the
16 majority of its regular, full-time workforce; (iii) holds all
17 appropriate State licenses; and (iv) is subject to applicable
18 State taxes. "Illinois business" does not include any
19 subcontractors.

20 "Illinois-based project" means an individual project of
21 construction and other construction-related services for a
22 construction agency that will result in the conduct of
23 business within the State or the employment of individuals
24 within the State.

25 (b) It is hereby declared to be the public policy of the

1 State of Illinois to promote the economy of Illinois through
2 the use of Illinois businesses for all State construction
3 contracts.

4 (c) Construction agencies procuring construction and
5 construction-related professional services shall make
6 reasonable efforts to contract with Illinois businesses.

7 (d) Beginning in 2022, each construction agency shall
8 submit a report to the Governor and the General Assembly by
9 September 1 of each year that identifies the Illinois
10 businesses procured by the construction agency, the primary
11 location of the construction project, the percentage of the
12 construction agency's utilization of Illinois businesses on
13 the project as a whole, and the actions that the construction
14 agency has undertaken to increase the use of Illinois
15 businesses.

16 (e) In procuring construction and construction-related
17 professional services for projects with a total construction
18 cost of more than \$100,000, construction agencies shall
19 provide a bid preference to a responsible bidder that is an
20 Illinois business as defined in this Section. The construction
21 agency shall allocate to any responsible bidder that is an
22 Illinois business a bid preference of 4% of the contract base
23 bid.

24 (f) This Section does not apply to any contract for any
25 project for which federal funds are available for expenditure
26 when its provisions may be in conflict with federal law or

1 federal regulation.

2 (30 ILCS 500/50-11)

3 Sec. 50-11. Debt delinquency.

4 (a) If a ~~No~~ person submits ~~shall submit~~ a bid or offer for,
5 enters ~~enter~~ into a contract or subcontract under this Code,
6 or makes ~~make~~ a submission to a vendor portal and ~~if~~ that
7 person knows or should know that he or she or any affiliate is
8 delinquent in the payment of any debt to the State, that person
9 or affiliate must cure the debt delinquency within 7 calendar
10 days by satisfying the entire debt, or ~~unless~~ the person or
11 affiliate must enter ~~has entered~~ into a deferred payment plan
12 to pay off the debt, subject to the Comptroller's ability to
13 process the payment, or must be actively disputing or seeking
14 a resolution of the debt. For purposes of this Section, the
15 phrase "delinquent in the payment of any debt" shall be
16 determined by the Debt Collection Bureau. For purposes of this
17 Section, the term "affiliate" means any entity that (1)
18 directly, indirectly, or constructively controls another
19 entity, (2) is directly, indirectly, or constructively
20 controlled by another entity, or (3) is subject to the control
21 of a common entity. For purposes of this subsection (a), a
22 person controls an entity if the person owns, directly or
23 individually, more than 10% of the voting securities of that
24 entity. As used in this subsection (a), the term "voting
25 security" means a security that (1) confers upon the holder

1 the right to vote for the election of members of the board of
2 directors or similar governing body of the business or (2) is
3 convertible into, or entitles the holder to receive upon its
4 exercise, a security that confers such a right to vote. A
5 general partnership interest is a voting security.

6 (b) Every bid and offer submitted to the State, every
7 vendor's submission to a vendor portal, every contract
8 executed by the State and every subcontract subject to Section
9 20-120 of this Code shall contain a certification by the
10 bidder, offeror, potential contractor, contractor, or
11 subcontractor, respectively, that the bidder, offeror,
12 respondent, potential contractor, contractor or the
13 subcontractor and its affiliate is not barred from being
14 awarded a contract or subcontract under this Section and
15 acknowledges that the chief procurement officer may declare
16 the related contract void if any of the certifications
17 completed pursuant to this subsection (b) are false. If the
18 false certification is made by a subcontractor, then the
19 contractor's submitted bid or offer and the executed contract
20 may not be declared void, unless the contractor refuses to
21 terminate the subcontract upon the State's request after a
22 finding that the subcontract's certification was false.

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

24 (30 ILCS 500/50-35)

25 Sec. 50-35. Financial disclosure and potential conflicts

1 of interest.

2 (a) All bids and offers from responsive bidders, offerors,
3 vendors, or contractors with an annual value that exceeds the
4 small purchase threshold established under subsection (a) of
5 Section 20-20 of this Code ~~of more than \$50,000~~, and all
6 submissions to a vendor portal, shall be accompanied by
7 disclosure of the financial interests of the bidder, offeror,
8 potential contractor, or contractor and each subcontractor to
9 be used. In addition, all subcontracts identified as provided
10 by Section 20-120 of this Code with an annual value that
11 exceeds the small purchase threshold established under
12 subsection (a) of Section 20-20 of this Code ~~of more than~~
13 ~~\$50,000~~ shall be accompanied by disclosure of the financial
14 interests of each subcontractor. The financial disclosure of
15 each successful bidder, offeror, potential contractor, or
16 contractor and its subcontractors shall be incorporated as a
17 material term of the contract and shall become part of the
18 publicly available contract or procurement file maintained by
19 the appropriate chief procurement officer. Each disclosure
20 under this Section shall be signed and made under penalty of
21 perjury by an authorized officer or employee on behalf of the
22 bidder, offeror, potential contractor, contractor, or
23 subcontractor, and must be filed with the Procurement Policy
24 Board and the Commission on Equity and Inclusion.

25 (b) Disclosure shall include any ownership or distributive
26 income share that is in excess of 5%, or an amount greater than

1 60% of the annual salary of the Governor, of the disclosing
2 entity or its parent entity, whichever is less, unless the
3 bidder, offeror, potential contractor, contractor, or
4 subcontractor (i) is a publicly traded entity subject to
5 Federal 10K reporting, in which case it may submit its 10K
6 disclosure in place of the prescribed disclosure, or (ii) is a
7 privately held entity that is exempt from Federal 10k
8 reporting but has more than 100 shareholders, in which case it
9 may submit the information that Federal 10k reporting
10 companies are required to report under 17 CFR 229.401 and list
11 the names of any person or entity holding any ownership share
12 that is in excess of 5% in place of the prescribed disclosure.
13 The form of disclosure shall be prescribed by the applicable
14 chief procurement officer and must include at least the names,
15 addresses, and dollar or proportionate share of ownership of
16 each person identified in this Section, their instrument of
17 ownership or beneficial relationship, and notice of any
18 potential conflict of interest resulting from the current
19 ownership or beneficial relationship of each individual
20 identified in this Section having in addition any of the
21 following relationships:

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

24 (2) State employment of spouse, father, mother, son,
25 or daughter, including contractual employment for services
26 in the previous 2 years.

1 (3) Elective status; the holding of elective office of
2 the State of Illinois, the government of the United
3 States, any unit of local government authorized by the
4 Constitution of the State of Illinois or the statutes of
5 the State of Illinois currently or in the previous 3
6 years.

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

10 (5) Appointive office; the holding of any appointive
11 government office of the State of Illinois, the United
12 States of America, or any unit of local government
13 authorized by the Constitution of the State of Illinois or
14 the statutes of the State of Illinois, which office
15 entitles the holder to compensation in excess of expenses
16 incurred in the discharge of that office currently or in
17 the previous 3 years.

18 (6) Relationship to anyone holding appointive office
19 currently or in the previous 2 years; spouse, father,
20 mother, son, or daughter.

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

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

26 (9) Compensated employment, currently or in the

1 previous 3 years, by any registered election or
2 re-election committee registered with the Secretary of
3 State or any county clerk in the State of Illinois, or any
4 political action committee registered with either the
5 Secretary of State or the Federal Board of Elections.

6 (10) Relationship to anyone; spouse, father, mother,
7 son, or daughter; who is or was a compensated employee in
8 the last 2 years of any registered election or re-election
9 committee registered with the Secretary of State or any
10 county clerk in the State of Illinois, or any political
11 action committee registered with either the Secretary of
12 State or the Federal Board of Elections.

13 (b-1) The disclosure required under this Section must also
14 include the name and address of each lobbyist required to
15 register under the Lobbyist Registration Act and other agent
16 of the bidder, offeror, potential contractor, contractor, or
17 subcontractor who is not identified under subsections (a) and
18 (b) and who has communicated, is communicating, or may
19 communicate with any State officer or employee concerning the
20 bid or offer. The disclosure under this subsection is a
21 continuing obligation and must be promptly supplemented for
22 accuracy throughout the process and throughout the term of the
23 contract if the bid or offer is successful.

24 (b-2) The disclosure required under this Section must also
25 include, for each of the persons identified in subsection (b)
26 or (b-1), each of the following that occurred within the

1 previous 10 years: suspension or debarment from contracting
2 with any governmental entity; professional licensure
3 discipline; bankruptcies; adverse civil judgments and
4 administrative findings; and criminal felony convictions. The
5 disclosure under this subsection is a continuing obligation
6 and must be promptly supplemented for accuracy throughout the
7 process and throughout the term of the contract if the bid or
8 offer is successful.

9 (c) The disclosure in subsection (b) is not intended to
10 prohibit or prevent any contract. The disclosure is meant to
11 fully and publicly disclose any potential conflict to the
12 chief procurement officers, State purchasing officers, their
13 designees, and executive officers so they may adequately
14 discharge their duty to protect the State.

15 (d) When a potential for a conflict of interest is
16 identified, discovered, or reasonably suspected, the chief
17 procurement officer or State procurement officer shall send
18 the contract to the Procurement Policy Board and the
19 Commission on Equity and Inclusion. In accordance with the
20 objectives of subsection (c), if the Procurement Policy Board
21 or the Commission on Equity and Inclusion finds evidence of a
22 potential conflict of interest not originally disclosed by the
23 bidder, offeror, potential contractor, contractor, or
24 subcontractor, the Board or the Commission on Equity and
25 Inclusion shall provide written notice to the bidder, offeror,
26 potential contractor, contractor, or subcontractor that is

1 identified, discovered, or reasonably suspected of having a
2 potential conflict of interest. The bidder, offeror, potential
3 contractor, contractor, or subcontractor shall have 15
4 calendar days to respond in writing to the Board or the
5 Commission on Equity and Inclusion, and a hearing before the
6 Board or the Commission on Equity and Inclusion will be
7 granted upon request by the bidder, offeror, potential
8 contractor, contractor, or subcontractor, at a date and time
9 to be determined by the Board or the Commission on Equity and
10 Inclusion, but which in no event shall occur later than 15
11 calendar days after the date of the request. Upon
12 consideration, the Board or the Commission on Equity and
13 Inclusion shall recommend, in writing, whether to allow or
14 void the contract, bid, offer, or subcontract weighing the
15 best interest of the State of Illinois. All recommendations
16 shall be submitted to the Executive Ethics Commission. The
17 Executive Ethics Commission must hold a public hearing within
18 30 calendar days after receiving the Board's or the Commission
19 on Equity and Inclusion's recommendation if the Procurement
20 Policy Board or the Commission on Equity and Inclusion makes a
21 recommendation to (i) void a contract or (ii) void a bid or
22 offer and the chief procurement officer selected or intends to
23 award the contract to the bidder, offeror, or potential
24 contractor. A chief procurement officer is prohibited from
25 awarding a contract before a hearing if the Board or the
26 Commission on Equity and Inclusion recommendation does not

1 support a bid or offer. The recommendation and proceedings of
2 any hearing, if applicable, shall be available to the public.

3 (e) These thresholds and disclosure do not relieve the
4 chief procurement officer, the State purchasing officer, or
5 their designees from reasonable care and diligence for any
6 contract, bid, offer, or submission to a vendor portal. The
7 chief procurement officer, the State purchasing officer, or
8 their designees shall be responsible for using any reasonably
9 known and publicly available information to discover any
10 undisclosed potential conflict of interest and act to protect
11 the best interest of the State of Illinois.

12 (f) Inadvertent or accidental failure to fully disclose
13 shall render the contract, bid, offer, proposal, subcontract,
14 or relationship voidable by the chief procurement officer if
15 he or she deems it in the best interest of the State of
16 Illinois and, at his or her discretion, may be cause for
17 barring from future contracts, bids, offers, proposals,
18 subcontracts, or relationships with the State for a period of
19 up to 2 years.

20 (g) Intentional, willful, or material failure to 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 shall result in debarment from future contracts,
25 bids, offers, proposals, subcontracts, or relationships for a
26 period of not less than 2 years and not more than 10 years.

1 Reinstatement after 2 years and before 10 years must be
2 reviewed and commented on in writing by the Governor of the
3 State of Illinois, or by an executive ethics board or
4 commission he or she might designate. The comment shall be
5 returned to the responsible chief procurement officer who must
6 rule in writing whether and when to reinstate.

7 (h) In addition, all disclosures shall note any other
8 current or pending contracts, bids, offers, proposals,
9 subcontracts, leases, or other ongoing procurement
10 relationships the bidder, offeror, potential contractor,
11 contractor, or subcontractor has with any other unit of State
12 government and shall clearly identify the unit and the
13 contract, offer, proposal, lease, or other relationship.

14 (i) The bidder, offeror, potential contractor, or
15 contractor has a continuing obligation to supplement the
16 disclosure required by this Section throughout the bidding
17 process during the term of any contract, and during the vendor
18 portal registration process.

19 (j) If a bid or offer is received from a responsive bidder,
20 offeror, vendor, contractor, or subcontractor with an annual
21 value of more than \$100,000 and the bidder, offeror, vendor,
22 contractor, or subcontractor has an active contract with that
23 same entity and already has submitted their financial
24 disclosures and potential conflicts of interest within the
25 last 12 months, the bidder, offeror, vendor, contractor, or
26 subcontractor may submit a signed affidavit attesting that the

1 original submission of its financial disclosures and potential
2 conflicts of interests has not been altered or changed. The
3 form and content of the affidavit shall be prescribed by the
4 applicable chief procurement officer.

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

6 (30 ILCS 500/50-90 new)

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

11 (30 ILCS 500/55-25 new)

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

13 (a) There is hereby created the State Procurement Task
14 Force.

15 (b) The task force shall survey the State procurement
16 process and make recommendations to: (i) ensure that the
17 process is equitable and efficient; (ii) provide departments
18 with the flexibility needed to be successful; (iii) change the
19 current structure of the procurement process; (iv) update the
20 process to reflect modern procurement methods; (v) increase
21 women-owned and minority-owned business participation; (vi)
22 increase participation by Illinois vendors; and (vii) reduce
23 costs and increase efficiency of State procurements.

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

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

3 (2) 4 members of the Senate, appointed by the
4 President of the Senate;

5 (3) 3 members of the House of Representatives,
6 appointed by the Minority Leader of the House of
7 Representatives;

8 (4) 3 members of the Senate, appointed by the Minority
9 Leader of the Senate;

10 (5) 1 member representing State institutions of higher
11 education, appointed by the President of the Senate;

12 (6) 1 member representing State institutions of higher
13 education, appointed by the Speaker of the House of
14 Representatives;

15 (7) 5 members representing vendors, with one each
16 appointed by the Governor, the Speaker of the House of
17 Representatives, the President of the Senate, the Minority
18 Leader of the House of Representatives, and the Minority
19 Leader of the Senate;

20 (8) 5 members of the public representing women-owned
21 and minority-owned businesses, with one each appointed by
22 the Governor, the Speaker of the House of Representatives,
23 the President of the Senate, the Minority Leader of the
24 House of Representatives, and the Minority Leader of the
25 Senate;

26 (9) 1 member from the Department of Central Management

1 Services, appointed by the Governor;

2 (10) 1 member from the Department of Transportation,
3 appointed by the Governor;

4 (11) 1 member from the Department of Information and
5 Technology, appointed by the Governor;

6 (12) 1 Chief Procurement Officer, appointed by the
7 Governor; and

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

10 (d) Members of the task force shall serve without
11 compensation for the duration of the task force.

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

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

17 (g) The task force shall from time to time submit reports
18 of its findings and recommendations on its survey of State
19 procurement processes to the Governor and the General
20 Assembly. By November 1, 2022, the task force shall submit a
21 report to the Governor and General Assembly reporting findings
22 and recommendations specifically including any proposed
23 recommendations to: (i) alter the current structure and number
24 of Chief Procurement Officers; (ii) enact or modify cure
25 periods in the Procurement Code that allow a potentially
26 successful vendor to correct technical deficiencies in the

1 vendor's bid; (iii) enact measures that increase efficiency,
2 modernization, or reduce costs within the procurement system;
3 and (iv) increase women-owned and minority-owned business
4 participation. On or before January 1, 2024, the task force
5 shall submit a report of its findings and recommendations on
6 its survey of State procurement processes to the Governor and
7 the General Assembly.

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

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

12 (30 ILCS 517/3 new)

13 Sec. 3. Policy. It is hereby declared to be the public
14 policy of the State of Illinois for each purchasing agency to
15 use the terms and conditions of State financial assistance
16 awards and State procurements to maximize the use of goods,
17 products, and materials produced in Illinois.

18 (30 ILCS 517/5)

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

20 "Manufactured in Illinois" means, in the case of assembled
21 articles, materials, or supplies, having been designed,
22 finally assembled, processed, packaged, tested, or otherwise
23 processed in Illinois in a manner that adds value, quality, or

1 reliability.

2 "Manufactured in the United States" means, in the case of
3 assembled articles, materials, or supplies, that design, final
4 assembly, processing, packaging, testing, or other process
5 that adds value, quality, or reliability occurs in the United
6 States.

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

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

12 "State agency" has the meaning ascribed to that term in
13 Section 1-15.100 of the Illinois Procurement Code ~~means each~~
14 ~~agency, department, authority, board, or commission of the~~
15 ~~executive branch of State government, including each~~
16 ~~university, whether created by statute or by executive order~~
17 ~~of the Governor.~~

18 "United States" means the United States and any place
19 subject to the jurisdiction of the United States.

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

21 (30 ILCS 517/10)

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

23 (a) Each purchasing agency making purchases of procured
24 products shall promote the purchase of and give preference to
25 manufactured articles, materials, and supplies that have been

1 manufactured in the United States. Procured products
2 manufactured in the United States shall be specified and
3 purchased unless the purchasing agency determines that any of
4 the following applies:

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

7 (2) The price of the procured products manufactured in
8 the United States exceeds ~~by an unreasonable amount~~ the
9 price of available and comparable procured products
10 manufactured outside of the United States by 12% or more.

11 (3) The quality of the procured products manufactured
12 in the United States is substantially less than the
13 quality of the comparably priced, available, and
14 comparable procured products manufactured outside of the
15 United States.

16 (4) The purchase of the procured products manufactured
17 outside of the United States better serves the public
18 interest by helping to protect or save life, property, or
19 the environment.

20 (5) The purchase of the procured products is made in
21 conjunction with contracts or offerings of
22 telecommunications, fire suppression, security systems,
23 communications services, Internet services, or information
24 services.

25 (6) The purchase is of pharmaceutical products, drugs,
26 biologics, vaccines, medical devices used to provide

1 medical and health care or treat disease or used in
2 medical or research diagnostic tests, and medical
3 nutritionals regulated by the Food and Drug Administration
4 under the federal Food, Drug and Cosmetic Act.

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

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

10 (b) If there is a tie between 2 bidders or offerors who
11 have certified that they will provide products manufactured in
12 the United States, the bidder or offeror that certifies it
13 will provide products manufactured in Illinois shall be given
14 preference.

15 (c) In determining the price of procured products for
16 purposes of this Section, consideration shall be given to the
17 life-cycle cost, including maintenance and repair of those
18 procured products.

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

20 (30 ILCS 517/25)

21 Sec. 25. Penalties. If a contractor is awarded a contract
22 through the use of a preference under this Act and knowingly
23 supplies procured products under that contract that are not
24 manufactured in Illinois or the United States, as applicable,
25 then (i) the contractor is barred from obtaining any State

1 contract for a period of 5 years after the violation is
2 discovered by the purchasing agency, (ii) the purchasing
3 agency may void the contract, and (iii) the purchasing agency
4 may recover damages in a civil action in an amount 3 times the
5 value of the preference.

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

7 (30 ILCS 517/35 new)

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

19 Section 15. The Business Enterprise for Minorities, Women,
20 and Persons with Disabilities Act is amended by changing
21 Section 5 as follows:

22 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

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

1 Sec. 5. Business Enterprise Council.

2 (1) To help implement, monitor, and enforce the goals of
3 this Act, there is created the Business Enterprise Council for
4 Minorities, Women, and Persons with Disabilities, hereinafter
5 referred to as the Council, composed of the Chairperson of the
6 Commission on Equity and Inclusion, the Secretary of Human
7 Services and the Directors of the Department of Human Rights,
8 the Department of Commerce and Economic Opportunity, the
9 Department of Central Management Services, the Department of
10 Transportation and the Capital Development Board, or their
11 duly appointed representatives, with the Comptroller, or his
12 or her designee, serving as an advisory member of the Council.
13 Ten individuals representing businesses that are
14 minority-owned, women-owned, or owned by persons with
15 disabilities, 2 individuals representing the business
16 community, and a representative of public institutions of
17 higher education shall be appointed by the Governor. These
18 members shall serve 2-year terms and shall be eligible for
19 reappointment. Any vacancy occurring on the Council shall also
20 be filled by the Governor. Any member appointed to fill a
21 vacancy occurring prior to the expiration of the term for
22 which his or her predecessor was appointed shall be appointed
23 for the remainder of such term. Members of the Council shall
24 serve without compensation but shall be reimbursed for any
25 ordinary and necessary expenses incurred in the performance of
26 their duties.

1 The Chairperson of the Commission shall serve as the
2 Council chairperson and shall select, subject to approval of
3 the Council, a Secretary responsible for the operation of the
4 program who shall serve as the Division Manager of the
5 Business Enterprise for Minorities, Women, and Persons with
6 Disabilities Division of the Commission on Equity and
7 Inclusion.

8 The Director of each State agency and the chief executive
9 officer of each public institution of higher education shall
10 appoint a liaison to the Council. The liaison shall be
11 responsible for submitting to the Council any reports and
12 documents necessary under this Act.

13 (2) The Council's authority and responsibility shall be
14 to:

15 (a) Devise a certification procedure to assure that
16 businesses taking advantage of this Act are legitimately
17 classified as businesses owned by minorities, women, or
18 persons with disabilities and a registration procedure to
19 recognize, without additional evidence of Business
20 Enterprise Program eligibility, the certification of
21 businesses owned by minorities, women, or persons with
22 disabilities certified by the City of Chicago, Cook
23 County, or other jurisdictional programs with requirements
24 and procedures equaling or exceeding those in this Act.

25 (b) Maintain a list of all businesses legitimately
26 classified as businesses owned by minorities, women, or

1 persons with disabilities to provide to State agencies and
2 public institutions of higher education.

3 (c) Review rules and regulations for the
4 implementation of the program for businesses owned by
5 minorities, women, and persons with disabilities.

6 (d) Review compliance plans submitted by each State
7 agency and public institution of higher education pursuant
8 to this Act.

9 (e) Make annual reports as provided in Section 8f to
10 the Governor and the General Assembly on the status of the
11 program.

12 (f) Serve as a central clearinghouse for information
13 on State contracts, including the maintenance of a list of
14 all pending State contracts upon which businesses owned by
15 minorities, women, and persons with disabilities may bid.
16 At the Council's discretion, maintenance of the list may
17 include 24-hour electronic access to the list along with
18 the bid and application information.

19 (g) Establish a toll-free telephone number to
20 facilitate information requests concerning the
21 certification process and pending contracts.

22 (h) Adopt a procedure to grant automatic certification
23 to businesses holding a certification from at least one of
24 the following entities: (i) the Illinois Unified
25 Certification Program; (ii) the Women's Business
26 Development Center in Chicago; (iii) the Chicago Minority

1 Supplier Development Council; or (iv) any other similar
2 entity offering such certification to businesses.

3 (i) Develop and maintain a repository for
4 non-certified vendors that: (i) have applied for
5 certification and have been denied; (ii) have started, but
6 not completed, the certification process; (iii) have
7 achieved certification, but did not seek renewal; or (iv)
8 are known businesses owned by minorities, women, or
9 persons with disabilities.

10 (3) No premium bond rate of a surety company for a bond
11 required of a business owned by a minority, woman, or person
12 with a disability bidding for a State contract shall be higher
13 than the lowest rate charged by that surety company for a
14 similar bond in the same classification of work that would be
15 written for a business not owned by a minority, woman, or
16 person with a disability.

17 (4) Any Council member who has direct financial or
18 personal interest in any measure pending before the Council
19 shall disclose this fact to the Council and refrain from
20 participating in the determination upon such measure.

21 (5) The Secretary shall have the following duties and
22 responsibilities:

23 (a) To be responsible for the day-to-day operation of
24 the Council.

25 (b) To serve as a coordinator for all of the State's
26 programs for businesses owned by minorities, women, and

1 persons with disabilities and as the information and
2 referral center for all State initiatives for businesses
3 owned by minorities, women, and persons with disabilities.

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

18 (d) To devise appropriate policies, regulations, and
19 procedures for including participation by businesses owned
20 by minorities, women, and persons with disabilities as
21 prime contractors, including, but not limited to: (i)
22 encouraging the inclusions of qualified businesses owned
23 by minorities, women, and persons with disabilities on
24 solicitation lists, (ii) investigating the potential of
25 blanket bonding programs for small construction jobs, and
26 (iii) investigating and making recommendations concerning

1 the use of the sheltered market process.

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

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

14 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
15 102-29, eff. 6-25-21; 102-558, eff. 8-20-21.)

16 Section 20. The Illinois Human Rights Act is amended by
17 changing Section 2-105 as follows:

18 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

19 Sec. 2-105. Equal Employment Opportunities; Affirmative
20 Action.

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

23 (1) Refrain from unlawful discrimination and
24 discrimination based on citizenship status in employment

1 and undertake affirmative action to assure equality of
2 employment opportunity and eliminate the effects of past
3 discrimination;

4 (2) Comply with the procedures and requirements of the
5 Department's regulations concerning equal employment
6 opportunities and affirmative action;

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

10 (4) Have written sexual harassment policies that shall
11 include, at a minimum, the following information: (i) the
12 illegality of sexual harassment; (ii) the definition of
13 sexual harassment under State law; (iii) a description of
14 sexual harassment, utilizing examples; (iv) the vendor's
15 internal complaint process including penalties; (v) the
16 legal recourse, investigative, and complaint process
17 available through the Department and the Commission; (vi)
18 directions on how to contact the Department and
19 Commission; and (vii) protection against retaliation as
20 provided by Sections 6-101 and 6-101.5 of this Act. A copy
21 of the policies shall be provided to the Department upon
22 request. Additionally, each bidder who submits a bid or
23 offer for a State contract under the Illinois Procurement
24 Code shall have a written copy of the bidder's sexual
25 harassment policy as required under this paragraph (4). A
26 copy of the policy shall be provided to the State agency

1 entering into the contract upon request.

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

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

7 (1) Comply with the procedures and requirements of the
8 Department's regulations concerning equal employment
9 opportunities and affirmative action.~~†~~

10 (2) Provide such information and assistance as the
11 Department may request.

12 (3) Establish, maintain, and carry out a continuing
13 affirmative action plan consistent with this Act and the
14 regulations of the Department designed to promote equal
15 opportunity for all State residents in every aspect of
16 agency personnel policy and practice. For purposes of
17 these affirmative action plans, the race and national
18 origin categories to be included in the plans are:
19 American Indian or Alaska Native, Asian, Black or African
20 American, Hispanic or Latino, Native Hawaiian or Other
21 Pacific Islander.

22 This plan shall include a current detailed status
23 report:

24 (a) indicating, by each position in State service,
25 the number, percentage, and average salary of
26 individuals employed by race, national origin, sex and

1 disability, and any other category that the Department
2 may require by rule;

3 (b) identifying all positions in which the
4 percentage of the people employed by race, national
5 origin, sex and disability, and any other category
6 that the Department may require by rule, is less than
7 four-fifths of the percentage of each of those
8 components in the State work force;

9 (c) specifying the goals and methods for
10 increasing the percentage by race, national origin,
11 sex, and disability, and any other category that the
12 Department may require by rule, in State positions;

13 (d) indicating progress and problems toward
14 meeting equal employment opportunity goals, including,
15 if applicable, but not limited to, Department of
16 Central Management Services recruitment efforts,
17 publicity, promotions, and use of options designating
18 positions by linguistic abilities;

19 (e) establishing a numerical hiring goal for the
20 employment of qualified persons with disabilities in
21 the agency as a whole, to be based on the proportion of
22 people with work disabilities in the Illinois labor
23 force as reflected in the most recent employment data
24 made available by the United States Census Bureau.

25 (4) If the agency has 1000 or more employees, appoint
26 a full-time Equal Employment Opportunity officer, subject

1 to the Department's approval, whose duties shall include:

2 (a) Advising the head of the particular State
3 agency with respect to the preparation of equal
4 employment opportunity programs, procedures,
5 regulations, reports, and the agency's affirmative
6 action plan.

7 (b) Evaluating in writing each fiscal year the
8 sufficiency of the total agency program for equal
9 employment opportunity and reporting thereon to the
10 head of the agency with recommendations as to any
11 improvement or correction in recruiting, hiring or
12 promotion needed, including remedial or disciplinary
13 action with respect to managerial or supervisory
14 employees who have failed to cooperate fully or who
15 are in violation of the program.

16 (c) Making changes in recruitment, training and
17 promotion programs and in hiring and promotion
18 procedures designed to eliminate discriminatory
19 practices when authorized.

20 (d) Evaluating tests, employment policies,
21 practices, and qualifications and reporting to the
22 head of the agency and to the Department any policies,
23 practices and qualifications that have unequal impact
24 by race, national origin as required by Department
25 rule, sex, or disability or any other category that
26 the Department may require by rule, and to assist in

1 the recruitment of people in underrepresented
2 classifications. This function shall be performed in
3 cooperation with the ~~State~~ Department of Central
4 Management Services.

5 (e) Making any aggrieved employee or applicant for
6 employment aware of his or her remedies under this
7 Act.

8 In any meeting, investigation, negotiation,
9 conference, or other proceeding between a State
10 employee and an Equal Employment Opportunity officer,
11 a State employee (1) who is not covered by a collective
12 bargaining agreement and (2) who is the complaining
13 party or the subject of such proceeding may be
14 accompanied, advised and represented by (1) an
15 attorney licensed to practice law in the State of
16 Illinois or (2) a representative of an employee
17 organization whose membership is composed of employees
18 of the State and of which the employee is a member. A
19 representative of an employee, other than an attorney,
20 may observe but may not actively participate, or
21 advise the State employee during the course of such
22 meeting, investigation, negotiation, conference, or
23 other proceeding. Nothing in this Section shall be
24 construed to permit any person who is not licensed to
25 practice law in Illinois to deliver any legal services
26 or otherwise engage in any activities that would

1 constitute the unauthorized practice of law. Any
2 representative of an employee who is present with the
3 consent of the employee, shall not, during or after
4 termination of the relationship permitted by this
5 Section with the State employee, use or reveal any
6 information obtained during the course of the meeting,
7 investigation, negotiation, conference, or other
8 proceeding without the consent of the complaining
9 party and any State employee who is the subject of the
10 proceeding and pursuant to rules and regulations
11 governing confidentiality of such information as
12 promulgated by the appropriate State agency.
13 Intentional or reckless disclosure of information in
14 violation of these confidentiality requirements shall
15 constitute a Class B misdemeanor.

16 (5) Establish, maintain, and carry out a continuing
17 sexual harassment program that shall include the
18 following:

19 (a) Develop a written sexual harassment policy
20 that includes at a minimum the following information:
21 (i) the illegality of sexual harassment; (ii) the
22 definition of sexual harassment under State law; (iii)
23 a description of sexual harassment, utilizing
24 examples; (iv) the agency's internal complaint process
25 including penalties; (v) the legal recourse,
26 investigative, and complaint process available through

1 the Department and the Commission; (vi) directions on
2 how to contact the Department and Commission; and
3 (vii) protection against retaliation as provided by
4 Section 6-101 of this Act. The policy shall be
5 reviewed annually.

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

14 (c) Provide training on sexual harassment
15 prevention and the agency's sexual harassment policy
16 as a component of all ongoing or new employee training
17 programs.

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

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

23 (b) The State executive department, State agency,
24 board, commission, or instrumentality in which the
25 layoffs are to occur must notify each employee
26 targeted for layoff, the employee's union

1 representative (if applicable), and the State
2 Dislocated Worker Unit at the Department of Commerce
3 and Economic Opportunity.

4 (c) The State executive department, State agency,
5 board, commission, or instrumentality in which the
6 layoffs are to occur must conform to applicable
7 collective bargaining agreements.

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

18 As used in this subsection (B), "disability" shall be
19 defined in rules promulgated under the Illinois Administrative
20 Procedure Act.

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

23 (1) fail to comply with the public contractor's or
24 eligible bidder's duty to refrain from unlawful
25 discrimination and discrimination based on citizenship
26 status in employment under subsection (A)(1) of this

1 Section; or

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

13 (D) As used in this Section:

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

18 (2) "Asian" means a person having origins in any of
19 the original peoples of the Far East, Southeast Asia, or
20 the Indian subcontinent, including, but not limited to,
21 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
22 the Philippine Islands, Thailand, and Vietnam.

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

25 (4) "Hispanic or Latino" means a person of Cuban,
26 Mexican, Puerto Rican, South or Central American, or other

1 Spanish culture or origin, regardless of race.

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

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

7 Section 99. Effective date. This Act takes effect January
8 1, 2023, except that this Section and the changes made to
9 Sections 1-13 and 55-25 of the Illinois Procurement Code take
10 effect upon becoming law.".