

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (20 ILCS 5015/15)

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

17 The public members shall include 2 representatives of food
18 banks; 2 representatives from other community food assistance
19 programs; a representative of a statewide organization focused
20 on responding to hunger; a representative from an anti-poverty
21 organization; a representative of an organization that serves
22 or advocates for children and youth; a representative of an
23 organization that serves or advocates for older adults; a

1 representative of an organization that advocates for people
2 who are homeless; a representative of an organization that
3 serves or advocates for persons with disabilities; a
4 representative of an organization that advocates for
5 immigrants; a representative of a municipal or county
6 government; and 3 at-large members. The appointed members
7 shall reflect the racial, gender, and geographic diversity of
8 the State and shall include representation from regions of the
9 State.

10 The following officials shall serve as ex-officio members:
11 the Secretary of Human Services or his or her designee; the
12 State Superintendent of Education or his or her designee; the
13 Director of Healthcare and Family Services or his or her
14 designee; the Director of Children and Family Services or his
15 or her designee; the Director of Aging or his or her designee;
16 the Director of Natural Resources or his or her designee; and
17 the Director of Agriculture or his or her designee. The
18 African-American Family Commission and ~~the~~ the Latino Family
19 Commission, ~~and the Local Food, Farms, and Jobs Council~~ shall
20 each designate a liaison to serve ex-officio on the
21 Commission.

22 Members shall serve without compensation and are
23 responsible for the cost of all reasonable and necessary
24 travel expenses connected to Commission business, as the State
25 of Illinois will not reimburse Commission members for these
26 costs.

1 Commission members shall be appointed within 60 days after
2 the effective date of this Act. The Commission shall hold
3 their initial meetings within 60 days after at least 50% of the
4 members have been appointed.

5 The representative of the Office of the Governor and a
6 representative of a food bank shall serve as co-chairs of the
7 Commission.

8 At the first meeting of the Commission, the members shall
9 select a 5-person Steering Committee that includes the
10 co-chairs.

11 The Commission may establish committees that address
12 specific issues or populations and may appoint individuals
13 with relevant expertise who are not appointed members of the
14 Commission to serve on committees as needed.

15 The Office of the Governor, or a designee of the
16 Governor's choosing, shall provide guidance to the Commission.
17 Under the leadership of the Office of the Governor, subject to
18 appropriation, the Department of Human Services shall also
19 provide leadership to support the Commission. The Department
20 of Human Services and the State of Illinois shall not incur any
21 costs as a result of the creation of the Commission to End
22 Hunger as the coordination of meetings, report preparation,
23 and other related duties will be completed by a representative
24 of a food bank that is serving as a co-chair of the Commission.
25 (Source: P.A. 96-1119, eff. 7-20-10; 97-419, eff. 8-16-11.)

1 Section 10. The State Finance Act is amended by changing
2 Section 12-2 as follows:

3 (30 ILCS 105/12-2) (from Ch. 127, par. 148-2)

4 Sec. 12-2. Travel Regulation Council; State travel
5 reimbursement.

6 (a) The chairmen of the travel control boards established
7 by Section 12-1, or their designees, shall together comprise
8 the Travel Regulation Council. The Travel Regulation Council
9 shall be chaired by the Director of Central Management
10 Services, who shall be a nonvoting member of the Council,
11 unless he is otherwise qualified to vote by virtue of being the
12 designee of a voting member. No later than March 1, 1986, and
13 at least biennially thereafter, the Council shall adopt State
14 Travel Regulations and Reimbursement Rates which shall be
15 applicable to all personnel subject to the jurisdiction of the
16 travel control boards established by Section 12-1. An
17 affirmative vote of a majority of the members of the Council
18 shall be required to adopt regulations and reimbursement
19 rates. If the Council fails to adopt regulations by March 1 of
20 any odd-numbered year, the Director of Central Management
21 Services shall adopt emergency regulations and reimbursement
22 rates pursuant to the Illinois Administrative Procedure Act.
23 As soon as practicable after the effective date of this
24 amendatory Act of the 102nd General Assembly, the Travel
25 Regulation Council and the Higher Education Travel Control

1 Board shall adopt amendments to their existing rules to ensure
2 that reimbursement rates for public institutions of higher
3 education, as defined in Section 1-13 of the Illinois
4 Procurement Code, are set in accordance with the requirements
5 of subsection (f) of this Section.

6 (b) Mileage for automobile travel shall be reimbursed at
7 the allowance rate in effect under regulations promulgated
8 pursuant to 5 U.S.C. 5707(b)(2). In the event the rate set
9 under federal regulations increases or decreases during the
10 course of the State's fiscal year, the effective date of the
11 new rate shall be the effective date of the change in the
12 federal rate.

13 (c) Rates for reimbursement of expenses other than mileage
14 shall not exceed the actual cost of travel as determined by the
15 United States Internal Revenue Service.

16 (d) Reimbursements to travelers shall be made pursuant to
17 the rates and regulations applicable to the respective State
18 agency as of the effective date of this amendatory Act, until
19 the State Travel Regulations and Reimbursement Rates
20 established by this Section are adopted and effective.

21 (e) Lodging in Cook County, Illinois and the District of
22 Columbia shall be reimbursed at the maximum lodging rate in
23 effect under regulations promulgated pursuant to 5 U.S.C.
24 5701-5709. For purposes of this subsection (e), the District
25 of Columbia shall include the cities and counties included in
26 the per diem locality of the District of Columbia, as defined

1 by the regulations in effect promulgated pursuant to 5 U.S.C.
2 5701-5709. Individual travel control boards may set a lodging
3 reimbursement rate more restrictive than the rate set forth in
4 the federal regulations.

5 (f) Notwithstanding any other law, travel reimbursement
6 rates for lodging and mileage for automobile travel, as well
7 as allowances for meals, shall be set for public institutions
8 of higher education at the maximum rates established by the
9 federal government for travel expenses, subsistence expenses,
10 and mileage allowances under 5 U.S.C. Subchapter I and
11 regulations promulgated thereunder. If a rate set under
12 federal regulations increases or decreases in the course of
13 the State's fiscal year, the effective date of the new rate
14 shall be the effective date of the change in the federal rate.

15 (Source: P.A. 96-240, eff. 1-1-10.)

16 Section 15. The Illinois Procurement Code is amended by
17 changing Sections 1-13, 1-15.93, 15-25, 20-20, 20-30, 25-90,
18 30-30, 33-5, 33-50, 50-35, and 55-25 as follows:

19 (30 ILCS 500/1-13)

20 Sec. 1-13. Applicability to public institutions of higher
21 education.

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

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

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

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

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

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

22 (5) Procurement expenditures for periodicals, books,
23 subscriptions, database licenses, and other publications
24 procured for use by a university library or academic
25 department, except for expenditures related to procuring
26 textbooks for student use or materials for resale or

1 rental.

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

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

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

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

16 (10) Procurement expenditures for any ongoing software
17 license or maintenance agreement or competitively
18 solicited software purchase, when the software, license,
19 or maintenance agreement is available through only the
20 software creator or its manufacturer and not a reseller.

21 (11) Procurement expenditures incurred outside of the
22 United States for the recruitment of international
23 students.

24 Notice of each contract with an annual value of more than
25 \$100,000 entered into by a public institution of higher
26 education that is related to the procurement of goods and

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

20 (b-5) Except as provided in this subsection, the
21 provisions of this Code shall not apply to contracts for
22 medical supplies or ~~and~~ to contracts for medical services
23 necessary for the delivery of care and treatment at medical,
24 dental, or veterinary teaching facilities used ~~utilized~~ by
25 Southern Illinois University or the University of Illinois or
26 ~~and~~ at any university-operated health care center or

1 dispensary that provides care, treatment, and medications for
2 students, faculty, and staff. Furthermore, the provisions of
3 this Code do not apply to the procurement by such a facility of
4 any additional supplies or services that the operator of the
5 facility deems necessary for the effective use and functioning
6 of the medical supplies or services that are otherwise exempt
7 from this Code under this subsection (b-5). However, other
8 ~~Other~~ supplies and services needed for these teaching
9 facilities shall be subject to the jurisdiction of the Chief
10 Procurement Officer for Public Institutions of Higher
11 Education who may establish expedited procurement procedures
12 and may waive or modify certification, contract, hearing,
13 process and registration requirements required by the Code.
14 All procurements made under this subsection shall be
15 documented and may require publication in the Illinois
16 Procurement Bulletin.

17 (b-10) Procurements made by or on behalf of the University
18 of Illinois for investment services ~~scheduled to expire June~~
19 ~~2022~~ may be entered into or renewed ~~extended through June 2024~~
20 without being subject to the requirements of this Code. Notice
21 of intent to renew a contract shall be published in the
22 Illinois Public Higher Education Procurement Bulletin at least
23 14 days prior to the execution of a renewal, and the University
24 of Illinois shall hold a public hearing for interested parties
25 to provide public comment. Any contract extended, renewed, or
26 entered pursuant to this exception shall be published in ~~on~~

1 the Illinois Public Higher Education Procurement Bulletin
2 ~~Executive Ethics Commission's website~~ within 5 days of
3 contract execution. ~~This subsection is inoperative on and~~
4 ~~after July 1, 2024.~~

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

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

1 prescribe the form and content of the notice.

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

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

1 Ethics Commission may promulgate rules and regulations for the
2 implementation and administration of the provisions of this
3 subsection (e).

4 (f) As used in this Section:

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

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

17 (g) (Blank).

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

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

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

1 Assembly or repugnant to the context of the statute".

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

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

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

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

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

23 In order to ensure the continuing effectiveness of this
24 Section, it is set forth in full and re-enacted by this
25 amendatory Act of the 100th General Assembly. This
26 re-enactment is intended as a continuation of this Section. It

1 is not intended to supersede any amendment to this Section
2 that is enacted by the 100th General Assembly.

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

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

10 (Source: P.A. 101-640, eff. 6-12-20; 102-16, eff. 6-17-21;
11 102-721, eff. 5-6-22.)

12 (30 ILCS 500/1-15.93)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 1-15.93. Single prime. "Single prime" means the
15 design-bid-build procurement delivery method for a building
16 construction project in which the Capital Development Board or
17 a public institution of higher education, as defined in
18 Section 1-13 of this Code, is the construction agency
19 procuring 2 or more subdivisions of work enumerated in
20 paragraphs (1) through (5) of subsection (a) of Section 30-30
21 of this Code under a single contract. This Section is repealed
22 on January 1, 2026 ~~2024~~.

23 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;
24 102-671, eff. 11-30-21.)

1 (30 ILCS 500/15-25)

2 Sec. 15-25. Bulletin content.

3 (a) Invitations for bids. Notice of each and every
4 contract that is offered, including renegotiated contracts and
5 change orders, shall be published in the Bulletin. The
6 applicable chief procurement officer may provide by rule an
7 organized format for the publication of this information, but
8 in any case it must include at least the date first offered,
9 the date submission of offers is due, the location that offers
10 are to be submitted to, the purchasing State agency, the
11 responsible State purchasing officer, a brief purchase
12 description, the method of source selection, information of
13 how to obtain a comprehensive purchase description and any
14 disclosure and contract forms, and encouragement to potential
15 contractors to hire qualified veterans, as defined by Section
16 45-67 of this Code, and qualified Illinois minorities, women,
17 persons with disabilities, and residents discharged from any
18 Illinois adult correctional center.

19 (a-5) All businesses listed on the Illinois Unified
20 Certification Program Disadvantaged Business Enterprise
21 Directory, the Business Enterprise Program of the Department
22 of Central Management Services, and any small business
23 database created pursuant to Section 45-45 of this Code shall
24 be furnished written instructions and information on how to
25 register for the Illinois Procurement Bulletin. This
26 information shall be provided to each business within 30

1 calendar days after the business's notice of certification or
2 qualification.

3 (b) Contracts let. Notice of each and every contract that
4 is let, including renegotiated contracts and change orders,
5 shall be issued electronically to those bidders submitting
6 responses to the solicitations, inclusive of the unsuccessful
7 bidders, immediately upon contract let. Failure of any chief
8 procurement officer to give such notice shall result in
9 tolling the time for filing a bid protest up to 7 calendar
10 days.

11 For purposes of this subsection (b), "contracts let" means
12 a construction agency's act of advertising an invitation for
13 bids for one or more construction projects.

14 (b-5) Contracts awarded. Notice of each and every contract
15 that is awarded, including renegotiated contracts and change
16 orders, shall be issued electronically to the successful
17 responsible bidder, offeror, or contractor and published in
18 the Bulletin. The applicable chief procurement officer may
19 provide by rule an organized format for the publication of
20 this information, but in any case it must include at least all
21 of the information specified in subsection (a) as well as the
22 name of the successful responsible bidder, offeror, the
23 contract price, the number of unsuccessful bidders or offerors
24 and any other disclosure specified in any Section of this
25 Code. This notice must be posted in the online electronic
26 Bulletin prior to execution of the contract.

1 For purposes of this subsection (b-5), "contract award"
2 means the determination that a particular bidder or offeror
3 has been selected from among other bidders or offerors to
4 receive a contract, subject to the successful completion of
5 final negotiations. "Contract award" is evidenced by the
6 posting of a Notice of Award or a Notice of Intent to Award to
7 the respective volume of the Illinois Procurement Bulletin.

8 (c) Emergency purchase disclosure. Any chief procurement
9 officer or State purchasing officer exercising emergency
10 purchase authority under this Code shall publish a written
11 description and reasons and the total cost, if known, or an
12 estimate if unknown and the name of the responsible chief
13 procurement officer and State purchasing officer, and the
14 business or person contracted with for all emergency purchases
15 in the Bulletin. The notice for an emergency procurement other
16 than the extension of an emergency contract ~~This notice~~ must
17 be posted in the online electronic Bulletin no later than 5
18 calendar days after the contract is awarded, and notice for
19 the extension of an emergency contract must be posted in the
20 online electronic Bulletin no later than 7 calendar days after
21 the extension is executed. ~~Notice of a hearing to extend an~~
22 ~~emergency contract must be posted in the online electronic~~
23 ~~Procurement Bulletin no later than 14 calendar days prior to~~
24 ~~the hearing.~~

25 (c-5) Business Enterprise Program report. Each purchasing
26 agency shall, with the assistance of the applicable chief

1 procurement officer, post in the online electronic Bulletin a
2 copy of its annual report of utilization of businesses owned
3 by minorities, women, and persons with disabilities as
4 submitted to the Business Enterprise Council for Minorities,
5 Women, and Persons with Disabilities pursuant to Section 6(c)
6 of the Business Enterprise for Minorities, Women, and Persons
7 with Disabilities Act within 10 calendar days after its
8 submission of its report to the Council.

9 (c-10) Renewals. Notice of each contract renewal shall be
10 posted in the Bulletin within 14 calendar days of the
11 determination to execute a renewal of the contract. The notice
12 shall include at least all of the information required in
13 subsection (a) or (b), as applicable.

14 (c-15) Sole source procurements. Before entering into a
15 sole source contract, a chief procurement officer exercising
16 sole source procurement authority under this Code shall
17 publish a written description of intent to enter into a sole
18 source contract along with a description of the item to be
19 procured and the intended sole source contractor. This notice
20 must be posted in the online electronic Procurement Bulletin
21 before a sole source contract is awarded and at least 14
22 calendar days before the hearing required by Section 20-25.

23 (d) Other required disclosure. The applicable chief
24 procurement officer shall provide by rule for the organized
25 publication of all other disclosure required in other Sections
26 of this Code in a timely manner.

1 (e) The changes to subsections (b), (c), (c-5), (c-10),
2 and (c-15) of this Section made by Public Act 96-795 apply to
3 reports submitted, offers made, and notices on contracts
4 executed on or after July 1, 2010 (the effective date of Public
5 Act 96-795). The changes made to subsection (c) by this
6 amendatory Act of the 102nd General Assembly apply only to
7 emergency contract extensions executed on or after the
8 effective date of this amendatory Act of the 102nd General
9 Assembly.

10 (f) Each chief procurement officer shall, in consultation
11 with the agencies under his or her jurisdiction, provide the
12 Procurement Policy Board with the information and resources
13 necessary, and in a manner, to effectuate the purpose of
14 Public Act 96-1444.

15 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
16 100-863, eff. 8-14-18.)

17 (30 ILCS 500/20-20)

18 (Text of Section before amendment by P.A. 102-721)

19 Sec. 20-20. Small purchases.

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

1 constitute a small purchase under this Section. Any
2 procurement of construction not exceeding \$100,000 may be made
3 by an alternative competitive source selection. The
4 construction agency shall establish rules for an alternative
5 competitive source selection process. This Section does not
6 apply to construction-related professional services contracts
7 awarded in accordance with the provisions of the
8 Architectural, Engineering, and Land Surveying Qualifications
9 Based Selection Act.

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

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

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

20 (Text of Section after amendment by P.A. 102-721)

21 Sec. 20-20. Small purchases.

22 (a) Amount. Any individual procurement of supplies or
23 services not exceeding \$100,000 and any procurement of
24 construction not exceeding \$250,000 ~~\$100,000~~, or any
25 individual procurement of professional or artistic services

1 not exceeding \$100,000 may be made without competitive source
2 selection. Procurements shall not be artificially divided so
3 as to constitute a small purchase under this Section. Any
4 procurement of construction not exceeding \$250,000 ~~\$100,000~~
5 may be made by an alternative competitive source selection.
6 The construction agency shall establish rules for an
7 alternative competitive source selection process. This Section
8 does not apply to construction-related professional services
9 contracts awarded in accordance with the provisions of the
10 Architectural, Engineering, and Land Surveying Qualifications
11 Based Selection Act.

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

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

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

25 (Source: P.A. 102-721, eff. 1-1-23.)

1 (30 ILCS 500/20-30)

2 Sec. 20-30. Emergency purchases.

3 (a) Conditions for use. In accordance with standards set
4 by rule, a purchasing agency may make emergency procurements
5 without competitive sealed bidding or prior notice when there
6 exists a threat to public health or public safety, or when
7 immediate expenditure is necessary for repairs to State
8 property in order to protect against further loss of or damage
9 to State property, to prevent or minimize serious disruption
10 in critical State services that affect health, safety, or
11 collection of substantial State revenues, or to ensure the
12 integrity of State records; provided, however, that the term
13 of the emergency purchase shall be limited to the time
14 reasonably needed for a competitive procurement, not to exceed
15 90 calendar days. A contract may be extended beyond 90
16 calendar days with the approval of ~~if~~ the chief procurement
17 officer ~~determines additional time is necessary and that the~~
18 ~~contract scope and duration are limited to the emergency.~~
19 Prior to execution of the extension, the chief procurement
20 officer shall receive ~~must hold a public hearing and provide~~
21 written justification for the extension ~~all emergency~~
22 ~~contracts.~~ The duration of the extension shall be limited to
23 the scope of the emergency. ~~Members of the public may present~~
24 ~~testimony.~~ Emergency procurements shall be made with as much
25 competition as is practicable under the circumstances, and
26 agencies shall use ~~utilize~~ best efforts to include contractors

1 certified under the Business Enterprise Program in the
2 agencies' ~~its~~ emergency procurement process. A written
3 description of the basis for the emergency and reasons for the
4 selection of the particular contractor shall be included in
5 the contract file.

6 (b) Notice. Notice of all emergency procurements shall be
7 provided to the Procurement Policy Board and the Commission on
8 Equity and Inclusion and published in the online electronic
9 Bulletin no later than 5 calendar days after the contract is
10 awarded. Notice of the extension of ~~intent to extend~~ an
11 emergency contract shall be provided to the Procurement Policy
12 Board and the Commission on Equity and Inclusion and published
13 in the online electronic Bulletin no later than 7 calendar
14 days after the extension is executed ~~at least 14 calendar days~~
15 ~~before the public hearing~~. Notice shall include at least a
16 description of the need for the emergency purchase and ~~7~~ the
17 contractor, ~~and if applicable, the date, time, and location of~~
18 ~~the public hearing~~. A copy of this notice ~~and all documents~~
19 ~~provided at the hearing~~ shall be included in the subsequent
20 Procurement Bulletin. Before the next appropriate volume of
21 the Illinois Procurement Bulletin, the purchasing agency shall
22 publish in the Illinois Procurement Bulletin a copy of each
23 written description and reasons and the total cost of each
24 emergency procurement made during the previous month. When
25 only an estimate of the total cost is known at the time of
26 publication, the estimate shall be identified as an estimate

1 and published. When the actual total cost is determined, it
2 shall also be published in like manner before the 10th day of
3 the next succeeding month.

4 (c) Statements. A chief procurement officer making a
5 procurement under this Section shall file statements with the
6 Procurement Policy Board, the Commission on Equity and
7 Inclusion, and the Auditor General within 10 calendar days
8 after the procurement setting forth the amount expended, the
9 name of the contractor involved, and the conditions and
10 circumstances requiring the emergency procurement. When only
11 an estimate of the cost is available within 10 calendar days
12 after the procurement, the actual cost shall be reported
13 immediately after it is determined. At the end of each fiscal
14 quarter, the Auditor General shall file with the Legislative
15 Audit Commission and the Governor a complete listing of all
16 emergency procurements reported during that fiscal quarter.
17 The Legislative Audit Commission shall review the emergency
18 procurements so reported and, in its annual reports, advise
19 the General Assembly of procurements that appear to constitute
20 an abuse of this Section.

21 (d) Quick purchases. The chief procurement officer may
22 promulgate rules extending the circumstances by which a
23 purchasing agency may make purchases under this Section,
24 including but not limited to the procurement of items
25 available at a discount for a limited period of time.

26 (d-5) The chief procurement officer shall adopt rules

1 regarding the use of contractors certified in the Business
2 Enterprise Program in emergency and quick purchase
3 procurements.

4 (e) The changes to this Section made by this amendatory
5 Act of the 102nd ~~96th~~ General Assembly apply to procurements
6 executed on or after its effective date.

7 (Source: P.A. 101-657, eff. 1-1-22; 102-29, eff. 6-25-21.)

8 (30 ILCS 500/25-90)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 Sec. 25-90. Prohibited and authorized cybersecurity
12 ~~Cybersecurity—prohibited~~ products. State agencies are
13 prohibited from purchasing any products that, due to
14 cybersecurity risks, are prohibited for purchase by federal
15 agencies pursuant to a United States Department of Homeland
16 Security Binding Operational Directive. However, a State
17 agency or public institution of higher education may purchase
18 those offerings that are included in the Authorized Product
19 List maintained by StateRAMP and that have been verified by
20 StateRAMP as having an authorized security status.

21 (Source: P.A. 102-753, eff. 1-1-23.)

22 (30 ILCS 500/30-30)

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

24 (a) The provisions of this subsection are operative

1 through December 31, 2025 ~~2023~~.

2 Except as provided in subsection (a-5), for ~~For~~ building
3 construction contracts in excess of \$250,000, separate
4 specifications may be prepared for all equipment, labor, and
5 materials in connection with the following 5 subdivisions of
6 the work to be performed:

7 (1) plumbing;

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

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

14 (4) electric wiring; and

15 (5) general contract work.

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

1 that all payments will be made directly to the contractors for
2 the 5 subdivisions of work upon compliance with the conditions
3 of the contract.

4 Beginning on the effective date of this amendatory Act of
5 the 101st General Assembly and through December 31, 2025 ~~2023~~,
6 for single prime projects: (i) the bid of the successful low
7 bidder shall identify the name of the subcontractor, if any,
8 and the bid proposal costs for each of the 5 subdivisions of
9 work set forth in this Section; (ii) the contract entered into
10 with the successful bidder shall provide that no identified
11 subcontractor may be terminated without the written consent of
12 the Capital Development Board; (iii) the contract shall comply
13 with the disadvantaged business practices of the Business
14 Enterprise for Minorities, Women, and Persons with
15 Disabilities Act and the equal employment practices of Section
16 2-105 of the Illinois Human Rights Act; and (iv) the Capital
17 Development Board shall submit an annual report to the General
18 Assembly and Governor on the bidding, award, and performance
19 of all single prime projects.

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

1 of the Capital Development Board.

2 (a-5) Beginning on the effective date of this amendatory
3 Act of the 102nd General Assembly and through December 31,
4 2025, for single prime projects in which a public institution
5 of higher education is a construction agency awarding building
6 construction contracts in excess of \$250,000, separate
7 specifications may be prepared for all equipment, labor, and
8 materials in connection with the 5 subdivisions of work
9 enumerated in subsection (a). Any public institution of higher
10 education contract awarded for any part thereof may award 2 or
11 more of the 5 subdivisions of work together or separately to
12 responsible and reliable persons, firms, or corporations
13 engaged in these classes of work if: (i) the public
14 institution of higher education has submitted to the
15 Procurement Policy Board and the Commission on Equity and
16 Inclusion a written notice that includes the reasons for using
17 the single prime method and an explanation of why the use of
18 that method is in the best interest of the State and arranges
19 to have the notice posted on the institution's online
20 procurement webpage and its online procurement bulletin at
21 least 3 business days following submission to the Procurement
22 Policy Board and the Commission on Equity and Inclusion; (ii)
23 the successful low bidder has prequalified with the public
24 institution of higher education; (iii) the bid of the
25 successful low bidder identifies the name of the
26 subcontractor, if any, and the bid proposal costs for each of

1 the 5 subdivisions of work set forth in subsection (a); (iv)
2 the contract entered into with the successful bidder provides
3 that no identified subcontractor may be terminated without the
4 written consent of the public institution of higher education;
5 and (v) the successful low bidder has prequalified with the
6 University of Illinois or with the Capital Development Board.

7 For building construction projects with a total
8 construction cost valued at \$20,000,000 or less, public
9 institutions of higher education shall not use the single
10 prime delivery method for more than 50% of the total number of
11 projects bid for each fiscal year. Projects with a total
12 construction cost valued at \$20,000,000 or more may be bid
13 using the single prime delivery method at the discretion of
14 the public institution of higher education. With respect to
15 any construction project described in this subsection (a-5),
16 the public institution of higher education shall: (i) specify
17 in writing as a public record that the project shall comply
18 with the Business Enterprise for Minorities, Women, and
19 Persons with Disabilities Act and the equal employment
20 practices of Section 2-105 of the Illinois Human Rights Act;
21 and (ii) report annually to the Governor, General Assembly,
22 Procurement Policy Board, and Auditor General on the bidding,
23 award, and performance of all single prime projects. On and
24 after the effective date of this amendatory Act of the 102nd
25 General Assembly, the public institution of higher education
26 may award in each fiscal year single prime contracts with an

1 aggregate total value of no more than \$100,000,000. The Board
2 of Trustees of the University of Illinois may award in each
3 fiscal year single prime contracts with an aggregate total
4 value of not more than \$300,000,000.

5 (b) The provisions of this subsection are operative on and
6 after January 1, 2026 ~~2024~~. For building construction
7 contracts in excess of \$250,000, separate specifications shall
8 be prepared for all equipment, labor, and materials in
9 connection with the following 5 subdivisions of the work to be
10 performed:

11 (1) plumbing;

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

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

18 (4) electric wiring; and

19 (5) general contract work.

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

1 on the general contract work or to the successful bidder on the
2 subdivision of work designated by the construction agency
3 before the bidding as the prime subdivision of work, provided
4 that all payments will be made directly to the contractors for
5 the 5 subdivisions of work upon compliance with the conditions
6 of the contract.

7 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;
8 102-671, eff. 11-30-21.)

9 (30 ILCS 500/33-5)

10 Sec. 33-5. Definitions. In this Article:

11 "Construction management services" includes:

12 (1) services provided in the planning and
13 pre-construction phases of a construction project
14 including, but not limited to, consulting with, advising,
15 assisting, and making recommendations to the ~~Capital~~
16 ~~Development~~ Board and architect, engineer, or licensed
17 land surveyor on all aspects of planning for project
18 construction; reviewing all plans and specifications as
19 they are being developed and making recommendations with
20 respect to construction feasibility, availability of
21 material and labor, time requirements for procurement and
22 construction, and projected costs; making, reviewing, and
23 refining budget estimates based on the Board's program and
24 other available information; making recommendations to the
25 Board and the architect or engineer regarding the division

1 of work in the plans and specifications to facilitate the
2 bidding and awarding of contracts; soliciting the interest
3 of capable contractors and taking bids on the project;
4 analyzing the bids received; and preparing and maintaining
5 a progress schedule during the design phase of the project
6 and preparation of a proposed construction schedule; and

7 (2) services provided in the construction phase of the
8 project including, but not limited to, maintaining
9 competent supervisory staff to coordinate and provide
10 general direction of the work and progress of the
11 contractors on the project; directing the work as it is
12 being performed for general conformance with working
13 drawings and specifications; establishing procedures for
14 coordinating among the Board, architect or engineer,
15 contractors, and construction manager with respect to all
16 aspects of the project and implementing those procedures;
17 maintaining job site records and making appropriate
18 progress reports; implementing labor policy in conformance
19 with the requirements of the public owner; reviewing the
20 safety and equal opportunity programs of each contractor
21 for conformance with the public owner's policy and making
22 recommendations; reviewing and processing all applications
23 for payment by involved contractors and material suppliers
24 in accordance with the terms of the contract; making
25 recommendations and processing requests for changes in the
26 work and maintaining records of change orders; scheduling

1 and conducting job meetings to ensure orderly progress of
2 the work; developing and monitoring a project progress
3 schedule, coordinating and expediting the work of all
4 contractors and providing periodic status reports to the
5 owner and the architect or engineer; and establishing and
6 maintaining a cost control system and conducting meetings
7 to review costs.

8 "Construction manager" means any individual, sole
9 proprietorship, firm, partnership, corporation, or other legal
10 entity providing construction management services for the
11 Board and prequalified by the State in accordance with 30 ILCS
12 500/33-10.

13 "Board" means the Capital Development Board or, to the
14 extent that the services are to be procured for a public
15 institution of higher education, the public institution of
16 higher education.

17 (Source: P.A. 94-532, eff. 8-10-05.)

18 (30 ILCS 500/33-50)

19 Sec. 33-50. Duties of construction manager; additional
20 requirements for persons performing construction work.

21 (a) Upon the award of a construction management services
22 contract, a construction manager must contract with the Board
23 to furnish his or her skill and judgment in cooperation with,
24 and reliance upon, the services of the project architect or
25 engineer. The construction manager must furnish business

1 administration, management of the construction process, and
2 other specified services to the Board and must perform his or
3 her obligations in an expeditious and economical manner
4 consistent with the interest of the Board. If it is in the
5 State's best interest, the construction manager may provide or
6 perform basic services for which reimbursement is provided in
7 the general conditions to the construction management services
8 contract.

9 (b) The actual construction work on the project must be
10 awarded to contractors under this Code. The ~~Capital~~
11 ~~Development~~ Board may further separate additional divisions of
12 work under this Article. This subsection is subject to the
13 applicable provisions of the following Acts:

- 14 (1) the Prevailing Wage Act;
- 15 (2) the Public Construction Bond Act;
- 16 (3) the Public Works Employment Discrimination Act;
- 17 (4) the Public Works Preference Act (repealed on June
18 16, 2010 by Public Act 96-929);
- 19 (5) the Employment of Illinois Workers on Public Works
20 Act;
- 21 (6) the Public Contract Fraud Act;
- 22 (7) (blank); and
- 23 (8) the Illinois Architecture Practice Act of 1989,
24 the Professional Engineering Practice Act of 1989, the
25 Illinois Professional Land Surveyor Act of 1989, and the
26 Structural Engineering Practice Act of 1989.

1 (Source: P.A. 101-149, eff. 7-26-19.)

2 (30 ILCS 500/50-35)

3 (Text of Section before amendment by P.A. 102-721)

4 Sec. 50-35. Financial disclosure and potential conflicts
5 of interest.

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

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

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

26 (2) State employment of spouse, father, mother, son,

1 or daughter, including contractual employment for services
2 in the previous 2 years.

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

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

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

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

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

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

1 son, or daughter.

2 (9) Compensated employment, currently or in the
3 previous 3 years, by any registered election or
4 re-election committee registered with the Secretary of
5 State or any county clerk in the State of Illinois, or any
6 political action committee registered with either the
7 Secretary of State or the Federal Board of Elections.

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

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

26 (b-2) The disclosure required under this Section must also

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

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

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

1 Inclusion shall provide written notice to the bidder, offeror,
2 potential contractor, contractor, or subcontractor that is
3 identified, discovered, or reasonably suspected of having a
4 potential conflict of interest. The bidder, offeror, potential
5 contractor, contractor, or subcontractor shall have 15
6 calendar days to respond in writing to the Board or the
7 Commission on Equity and Inclusion, and a hearing before the
8 Board or the Commission on Equity and Inclusion will be
9 granted upon request by the bidder, offeror, potential
10 contractor, contractor, or subcontractor, at a date and time
11 to be determined by the Board or the Commission on Equity and
12 Inclusion, but which in no event shall occur later than 15
13 calendar days after the date of the request. Upon
14 consideration, the Board or the Commission on Equity and
15 Inclusion shall recommend, in writing, whether to allow or
16 void the contract, bid, offer, or subcontract weighing the
17 best interest of the State of Illinois. All recommendations
18 shall be submitted to the Executive Ethics Commission. The
19 Executive Ethics Commission must hold a public hearing within
20 30 calendar days after receiving the Board's or the Commission
21 on Equity and Inclusion's recommendation if the Procurement
22 Policy Board or the Commission on Equity and Inclusion makes a
23 recommendation to (i) void a contract or (ii) void a bid or
24 offer and the chief procurement officer selected or intends to
25 award the contract to the bidder, offeror, or potential
26 contractor. A chief procurement officer is prohibited from

1 awarding a contract before a hearing if the Board or the
2 Commission on Equity and Inclusion recommendation does not
3 support a bid or offer. The recommendation and proceedings of
4 any hearing, if applicable, shall be available to the public.

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

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

22 (g) Intentional, willful, or material failure to disclose
23 shall render the contract, bid, offer, proposal, subcontract,
24 or relationship voidable by the chief procurement officer if
25 he or she deems it in the best interest of the State of
26 Illinois and shall result in debarment from future contracts,

1 bids, offers, proposals, subcontracts, or relationships for a
2 period of not less than 2 years and not more than 10 years.
3 Reinstatement after 2 years and before 10 years must be
4 reviewed and commented on in writing by the Governor of the
5 State of Illinois, or by an executive ethics board or
6 commission he or she might designate. The comment shall be
7 returned to the responsible chief procurement officer who must
8 rule in writing whether and when to reinstate.

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

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

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

22 (Text of Section after amendment by P.A. 102-721)

23 Sec. 50-35. Financial disclosure and potential conflicts
24 of interest.

25 (a) All bids and offers from responsive bidders, offerors,

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

22 (b) Disclosure shall include any ownership or distributive
23 income share that is in excess of 5%, or an amount greater than
24 60% of the annual salary of the Governor, of the disclosing
25 entity or its parent entity, whichever is less, unless the
26 bidder, offeror, potential contractor, contractor, or

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

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

21 (2) State employment of spouse, father, mother, son,
22 or daughter, including contractual employment for services
23 in the previous 2 years.

24 (3) Elective status; the holding of elective office of
25 the State of Illinois, the government of the United
26 States, any unit of local government authorized by the

1 Constitution of the State of Illinois or the statutes of
2 the State of Illinois currently or in the previous 3
3 years.

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

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

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

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

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

23 (9) Compensated employment, currently or in the
24 previous 3 years, by any registered election or
25 re-election committee registered with the Secretary of
26 State or any county clerk in the State of Illinois, or any

1 political action committee registered with either the
2 Secretary of State or the Federal Board of Elections.

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

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

21 (b-2) The disclosure required under this Section must also
22 include, for each of the persons identified in subsection (b)
23 or (b-1), each of the following that occurred within the
24 previous 10 years: suspension or debarment from contracting
25 with any governmental entity; professional licensure
26 discipline; bankruptcies; adverse civil judgments and

1 administrative findings; and criminal felony convictions. The
2 disclosure under this subsection is a continuing obligation
3 and must be promptly supplemented for accuracy throughout the
4 process and throughout the term of the contract if the bid or
5 offer is successful.

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

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

1 calendar days to respond in writing to the Board or the
2 Commission on Equity and Inclusion, and a hearing before the
3 Board or the Commission on Equity and Inclusion will be
4 granted upon request by the bidder, offeror, potential
5 contractor, contractor, or subcontractor, at a date and time
6 to be determined by the Board or the Commission on Equity and
7 Inclusion, but which in no event shall occur later than 15
8 calendar days after the date of the request. Upon
9 consideration, the Board or the Commission on Equity and
10 Inclusion shall recommend, in writing, whether to allow or
11 void the contract, bid, offer, or subcontract weighing the
12 best interest of the State of Illinois. All recommendations
13 shall be submitted to the Executive Ethics Commission. Those
14 recommendations made concerning conflicts identified in the
15 course of a procurement for a public institution of higher
16 education are, for procurements having a cumulative value
17 under \$5,000, valid and enforceable, for one calendar year
18 after the initial recommendation was made, for all subsequent
19 conflicts for that vendor with regard to the same public
20 institution of higher education. The Executive Ethics
21 Commission must hold a public hearing within 30 calendar days
22 after receiving the Board's or the Commission on Equity and
23 Inclusion's recommendation if the Procurement Policy Board or
24 the Commission on Equity and Inclusion makes a recommendation
25 to (i) void a contract or (ii) void a bid or offer and the
26 chief procurement officer selected or intends to award the

1 contract to the bidder, offeror, or potential contractor. A
2 chief procurement officer is prohibited from awarding a
3 contract before a hearing if the Board or the Commission on
4 Equity and Inclusion recommendation does not support a bid or
5 offer. The recommendation and proceedings of any hearing, if
6 applicable, shall be available to the public.

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

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

24 (g) Intentional, willful, or material failure to disclose
25 shall render the contract, bid, offer, proposal, subcontract,
26 or relationship voidable by the chief procurement officer if

1 he or she deems it in the best interest of the State of
2 Illinois and shall result in debarment from future contracts,
3 bids, offers, proposals, subcontracts, or relationships for a
4 period of not less than 2 years and not more than 10 years.
5 Reinstatement after 2 years and before 10 years must be
6 reviewed and commented on in writing by the Governor of the
7 State of Illinois, or by an executive ethics board or
8 commission he or she might designate. The comment shall be
9 returned to the responsible chief procurement officer who must
10 rule in writing whether and when to reinstate.

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

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

23 (j) If a bid or offer is received from a responsive bidder,
24 offeror, vendor, contractor, or subcontractor with an annual
25 value of more than \$100,000 and the bidder, offeror, vendor,
26 contractor, or subcontractor has an active contract with that

1 same entity and already has submitted their financial
2 disclosures and potential conflicts of interest within the
3 last 12 months, the bidder, offeror, vendor, contractor, or
4 subcontractor may submit a signed affidavit attesting that the
5 original submission of its financial disclosures and potential
6 conflicts of interests has not been altered or changed. The
7 form and content of the affidavit shall be prescribed by the
8 applicable chief procurement officer.

9 (Source: P.A. 101-657, eff. 1-1-22; 102-721, eff. 1-1-23.)

10 (30 ILCS 500/55-25)

11 (Section scheduled to be repealed on January 1, 2025)

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:

25 (1) 4 members of the House of Representatives,

1 appointed by the Speaker of the House of Representatives,
2 one of whom shall serve as co-chair of the Task Force;

3 (2) 4 members of the Senate, appointed by the
4 President of the Senate, one of whom shall serve as
5 co-chair of the Task Force;

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (f) The Procurement Policy Board ~~Department of Central~~
17 ~~Management Services~~ shall provide administrative and other
18 support to the task force.

19 (g) The task force shall from time to time submit reports
20 of its findings and recommendations on its survey of State
21 procurement processes to the Governor and the General
22 Assembly. By February 1, 2023 ~~November 1, 2022~~, the task force
23 shall submit a report to the Governor and General Assembly
24 reporting findings and recommendations specifically including
25 any proposed recommendations to: (i) alter the current
26 structure and number of Chief Procurement Officers; (ii) enact

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

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

11 (Source: P.A. 102-721, eff. 5-6-22.)

12 Section 20. The Design-Build Procurement Act is amended by
13 changing Sections 5, 10, and 90 as follows:

14 (30 ILCS 537/5)

15 (Section scheduled to be repealed on July 1, 2027)

16 Sec. 5. Legislative policy. It is the intent of the
17 General Assembly that the State construction agency ~~Capital~~
18 ~~Development Board~~ be allowed to use the design-build delivery
19 method for public projects if it is shown to be in the State's
20 best interest for that particular project. It shall be the
21 policy of the State construction agency ~~Capital Development~~
22 ~~Board~~ in the procurement of design-build services to publicly
23 announce all requirements for design-build services and to
24 procure these services on the basis of demonstrated competence

1 and qualifications and with due regard for the principles of
2 competitive selection.

3 The State construction agency ~~Capital Development Board~~
4 shall, prior to issuing requests for proposals, promulgate and
5 publish procedures for the solicitation and award of contracts
6 pursuant to this Act.

7 The State construction agency ~~Capital Development Board~~
8 shall, for each public project or projects permitted under
9 this Act, make a written determination, including a
10 description as to the particular advantages of the
11 design-build procurement method, that it is in the best
12 interests of this State to enter into a design-build contract
13 for the project or projects. In making that determination, the
14 following factors shall be considered:

15 (1) The probability that the design-build procurement
16 method will be in the best interests of the State by
17 providing a material savings of time or cost over the
18 design-bid-build or other delivery system.

19 (2) The type and size of the project and its
20 suitability to the design-build procurement method.

21 (3) The ability of the State construction agency to
22 define and provide comprehensive scope and performance
23 criteria for the project.

24 No State construction agency may use a design-build
25 procurement method unless the agency determines in writing
26 that the project will comply with the disadvantaged business

1 and equal employment practices of the State as established in
2 the Business Enterprise for Minorities, Women, and Persons
3 with Disabilities Act and Section 2-105 of the Illinois Human
4 Rights Act.

5 The State construction agency ~~Capital Development Board~~
6 shall within 15 days after the initial determination provide
7 an advisory copy to the Procurement Policy Board and maintain
8 the full record of determination for 5 years.

9 (Source: P.A. 100-391, eff. 8-25-17.)

10 (30 ILCS 537/10)

11 (Section scheduled to be repealed on July 1, 2027)

12 Sec. 10. Definitions. As used in this Act:

13 "State construction agency" means the Capital Development
14 Board or, in the case of a design-build procurement for a
15 public institution of higher education, the public institution
16 of higher education.

17 "Delivery system" means the design and construction
18 approach used to develop and construct a project.

19 "Design-bid-build" means the traditional delivery system
20 used on public projects in this State that incorporates the
21 Architectural, Engineering, and Land Surveying Qualification
22 Based Selection Act (30 ILCS 535/) and the principles of
23 competitive selection in the Illinois Procurement Code (30
24 ILCS 500/).

25 "Design-build" means a delivery system that provides

1 responsibility within a single contract for the furnishing of
2 architecture, engineering, land surveying and related services
3 as required, and the labor, materials, equipment, and other
4 construction services for the project.

5 "Design-build contract" means a contract for a public
6 project under this Act between the State construction agency
7 and a design-build entity to furnish architecture,
8 engineering, land surveying, and related services as required,
9 and to furnish the labor, materials, equipment, and other
10 construction services for the project. The design-build
11 contract may be conditioned upon subsequent refinements in
12 scope and price and may allow the State construction agency to
13 make modifications in the project scope without invalidating
14 the design-build contract.

15 "Design-build entity" means any individual, sole
16 proprietorship, firm, partnership, joint venture, corporation,
17 professional corporation, or other entity that proposes to
18 design and construct any public project under this Act. A
19 design-build entity and associated design-build professionals
20 shall conduct themselves in accordance with the laws of this
21 State and the related provisions of the Illinois
22 Administrative Code, as referenced by the licensed design
23 professionals Acts of this State.

24 "Design professional" means any individual, sole
25 proprietorship, firm, partnership, joint venture, corporation,
26 professional corporation, or other entity that offers services

1 under the Illinois Architecture Practice Act of 1989 (225 ILCS
2 305/), the Professional Engineering Practice Act of 1989 (225
3 ILCS 325/), the Structural Engineering Licensing Act of 1989
4 (225 ILCS 340/), or the Illinois Professional Land Surveyor
5 Act of 1989 (225 ILCS 330/).

6 "Evaluation criteria" means the requirements for the
7 separate phases of the selection process as defined in this
8 Act and may include the specialized experience, technical
9 qualifications and competence, capacity to perform, past
10 performance, experience with similar projects, assignment of
11 personnel to the project, and other appropriate factors. Price
12 may not be used as a factor in the evaluation of Phase I
13 proposals.

14 "Proposal" means the offer to enter into a design-build
15 contract as submitted by a design-build entity in accordance
16 with this Act.

17 "Public institution of higher education" has the meaning
18 ascribed in subsection (f) of Section 1-13 of the Illinois
19 Procurement Code.

20 "Request for proposal" means the document used by the
21 State construction agency to solicit proposals for a
22 design-build contract.

23 "Scope and performance criteria" means the requirements
24 for the public project, including but not limited to, the
25 intended usage, capacity, size, scope, quality and performance
26 standards, life-cycle costs, and other programmatic criteria

1 that are expressed in performance-oriented and quantifiable
2 specifications and drawings that can be reasonably inferred
3 and are suited to allow a design-build entity to develop a
4 proposal.

5 (Source: P.A. 94-716, eff. 12-13-05.)

6 (30 ILCS 537/90)

7 (Section scheduled to be repealed on July 1, 2027)

8 Sec. 90. Repealer. This Act is repealed on January 1, 2026
9 ~~July 1, 2027~~.

10 (Source: P.A. 102-1016, eff. 5-27-22.)

11 Section 25. The Business Enterprise for Minorities, Women,
12 and Persons with Disabilities Act is amended by changing
13 Sections 2 and 4 as follows:

14 (30 ILCS 575/2)

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

16 Sec. 2. Definitions.

17 (A) For the purpose of this Act, the following terms shall
18 have the following definitions:

19 (1) "Minority person" shall mean a person who is a
20 citizen or lawful permanent resident of the United States
21 and who is any of the following:

22 (a) American Indian or Alaska Native (a person
23 having origins in any of the original peoples of North

1 and South America, including Central America, and who
2 maintains tribal affiliation or community attachment).

3 (b) Asian (a person having origins in any of the
4 original peoples of the Far East, Southeast Asia, or
5 the Indian subcontinent, including, but not limited
6 to, Cambodia, China, India, Japan, Korea, Malaysia,
7 Pakistan, the Philippine Islands, Thailand, and
8 Vietnam).

9 (c) Black or African American (a person having
10 origins in any of the black racial groups of Africa).

11 (d) Hispanic or Latino (a person of Cuban,
12 Mexican, Puerto Rican, South or Central American, or
13 other Spanish culture or origin, regardless of race).

14 (e) Native Hawaiian or Other Pacific Islander (a
15 person having origins in any of the original peoples
16 of Hawaii, Guam, Samoa, or other Pacific Islands).

17 (2) "Woman" shall mean a person who is a citizen or
18 lawful permanent resident of the United States and who is
19 of the female gender.

20 (2.05) "Person with a disability" means a person who
21 is a citizen or lawful resident of the United States and is
22 a person qualifying as a person with a disability under
23 subdivision (2.1) of this subsection (A).

24 (2.1) "Person with a disability" means a person with a
25 severe physical or mental disability that:

26 (a) results from:

1 amputation,
2 arthritis,
3 autism,
4 blindness,
5 burn injury,
6 cancer,
7 cerebral palsy,
8 Crohn's disease,
9 cystic fibrosis,
10 deafness,
11 head injury,
12 heart disease,
13 hemiplegia,
14 hemophilia,
15 respiratory or pulmonary dysfunction,
16 an intellectual disability,
17 mental illness,
18 multiple sclerosis,
19 muscular dystrophy,
20 musculoskeletal disorders,
21 neurological disorders, including stroke and
22 epilepsy,
23 paraplegia,
24 quadriplegia and other spinal cord conditions,
25 sickle cell anemia,
26 ulcerative colitis,

1 specific learning disabilities, or
2 end stage renal failure disease; and

3 (b) substantially limits one or more of the
4 person's major life activities.

5 Another disability or combination of disabilities may
6 also be considered as a severe disability for the purposes
7 of item (a) of this subdivision (2.1) if it is determined
8 by an evaluation of rehabilitation potential to cause a
9 comparable degree of substantial functional limitation
10 similar to the specific list of disabilities listed in
11 item (a) of this subdivision (2.1).

12 (3) "Minority-owned business" means a business which
13 is at least 51% owned by one or more minority persons, or
14 in the case of a corporation, at least 51% of the stock in
15 which is owned by one or more minority persons; and the
16 management and daily business operations of which are
17 controlled by one or more of the minority individuals who
18 own it.

19 (4) "Women-owned business" means a business which is
20 at least 51% owned by one or more women, or, in the case of
21 a corporation, at least 51% of the stock in which is owned
22 by one or more women; and the management and daily
23 business operations of which are controlled by one or more
24 of the women who own it.

25 (4.1) "Business owned by a person with a disability"
26 means a business that is at least 51% owned by one or more

1 persons with a disability and the management and daily
2 business operations of which are controlled by one or more
3 of the persons with disabilities who own it. A
4 not-for-profit agency for persons with disabilities that
5 is exempt from taxation under Section 501 of the Internal
6 Revenue Code of 1986 is also considered a "business owned
7 by a person with a disability".

8 (4.2) "Council" means the Business Enterprise Council
9 for Minorities, Women, and Persons with Disabilities
10 created under Section 5 of this Act.

11 (4.3) "Commission" means, unless the context clearly
12 indicates otherwise, the Commission on Equity and
13 Inclusion created under the Commission on Equity and
14 Inclusion Act.

15 (5) "State contracts" means all contracts entered into
16 by the State, any agency or department thereof, or any
17 public institution of higher education, including
18 community college districts, regardless of the source of
19 the funds with which the contracts are paid, which are not
20 subject to federal reimbursement. "State contracts" does
21 not include contracts awarded by a retirement system,
22 pension fund, or investment board subject to Section
23 1-109.1 of the Illinois Pension Code. This definition
24 shall control over any existing definition under this Act
25 or applicable administrative rule.

26 "State construction contracts" means all State

1 contracts entered into by a State agency or public
2 institution of higher education for the repair,
3 remodeling, renovation or construction of a building or
4 structure, or for the construction or maintenance of a
5 highway defined in Article 2 of the Illinois Highway Code.

6 (6) "State agencies" shall mean all departments,
7 officers, boards, commissions, institutions and bodies
8 politic and corporate of the State, but does not include
9 the Board of Trustees of the University of Illinois, the
10 Board of Trustees of Southern Illinois University, the
11 Board of Trustees of Chicago State University, the Board
12 of Trustees of Eastern Illinois University, the Board of
13 Trustees of Governors State University, the Board of
14 Trustees of Illinois State University, the Board of
15 Trustees of Northeastern Illinois University, the Board of
16 Trustees of Northern Illinois University, the Board of
17 Trustees of Western Illinois University, municipalities or
18 other local governmental units, or other State
19 constitutional officers.

20 (7) "Public institutions of higher education" means
21 the University of Illinois, Southern Illinois University,
22 Chicago State University, Eastern Illinois University,
23 Governors State University, Illinois State University,
24 Northeastern Illinois University, Northern Illinois
25 University, Western Illinois University, the public
26 community colleges of the State, and any other public

1 universities, colleges, and community colleges now or
2 hereafter established or authorized by the General
3 Assembly.

4 (8) "Certification" means a determination made by the
5 Council or by one delegated authority from the Council to
6 make certifications, or by a State agency with statutory
7 authority to make such a certification, that a business
8 entity is a business owned by a minority, woman, or person
9 with a disability for whatever purpose. A business owned
10 and controlled by women shall be certified as a
11 "woman-owned business". A business owned and controlled by
12 women who are also minorities shall be certified as both a
13 "women-owned business" and a "minority-owned business".

14 (9) "Control" means the exclusive or ultimate and sole
15 control of the business including, but not limited to,
16 capital investment and all other financial matters,
17 property, acquisitions, contract negotiations, legal
18 matters, officer-director-employee selection and
19 comprehensive hiring, operating responsibilities,
20 cost-control matters, income and dividend matters,
21 financial transactions and rights of other shareholders or
22 joint partners. Control shall be real, substantial and
23 continuing, not pro forma. Control shall include the power
24 to direct or cause the direction of the management and
25 policies of the business and to make the day-to-day as
26 well as major decisions in matters of policy, management

1 and operations. Control shall be exemplified by possessing
2 the requisite knowledge and expertise to run the
3 particular business and control shall not include simple
4 majority or absentee ownership.

5 (10) "Business" means a business that has annual gross
6 sales of less than \$150,000,000 ~~\$75,000,000~~ as evidenced
7 by the federal income tax return of the business. A firm
8 with gross sales in excess of this cap may apply to the
9 Council for certification for a particular contract if the
10 firm can demonstrate that the contract would have
11 significant impact on businesses owned by minorities,
12 women, or persons with disabilities as suppliers or
13 subcontractors or in employment of minorities, women, or
14 persons with disabilities. Firms with gross sales in
15 excess of this cap that are granted certification by the
16 Council shall be granted certification for the life of the
17 contract, including available renewals.

18 (11) "Utilization plan" means a form and additional
19 documentations included in all bids or proposals that
20 demonstrates a vendor's proposed utilization of vendors
21 certified by the Business Enterprise Program to meet the
22 targeted goal. The utilization plan shall demonstrate that
23 the Vendor has either: (1) met the entire contract goal or
24 (2) requested a full or partial waiver and made good faith
25 efforts towards meeting the goal.

26 (12) "Business Enterprise Program" means the Business

1 Enterprise Program of the Commission on Equity and
2 Inclusion.

3 (B) When a business is owned at least 51% by any
4 combination of minority persons, women, or persons with
5 disabilities, even though none of the 3 classes alone holds at
6 least a 51% interest, the ownership requirement for purposes
7 of this Act is considered to be met. The certification
8 category for the business is that of the class holding the
9 largest ownership interest in the business. If 2 or more
10 classes have equal ownership interests, the certification
11 category shall be determined by the business.

12 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
13 102-29, eff. 6-25-21.)

14 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

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

16 Sec. 4. Award of State contracts.

17 (a) Except as provided in subsection (b), not less than
18 30% of the total dollar amount of State contracts, as defined
19 by the Secretary of the Council and approved by the Council,
20 shall be established as an aspirational goal to be awarded to
21 businesses owned by minorities, women, and persons with
22 disabilities; provided, however, that of the total amount of
23 all State contracts awarded to businesses owned by minorities,
24 women, and persons with disabilities pursuant to this Section,
25 contracts representing at least 16% shall be awarded to

1 businesses owned by minorities, contracts representing at
2 least 10% shall be awarded to women-owned businesses, and
3 contracts representing at least 4% shall be awarded to
4 businesses owned by persons with disabilities.

5 (a-5) In addition to the aspirational goals in awarding
6 State contracts set under subsection (a), the Commission shall
7 by rule further establish targeted efforts to encourage the
8 participation of businesses owned by minorities, women, and
9 persons with disabilities on State contracts. Such efforts
10 shall include, but not be limited to, further concerted
11 outreach efforts to businesses owned by minorities, women, and
12 persons with disabilities.

13 The above percentage relates to the total dollar amount of
14 State contracts during each State fiscal year, calculated by
15 examining independently each type of contract for each agency
16 or public institutions of higher education which lets such
17 contracts. Only that percentage of arrangements which
18 represents the participation of businesses owned by
19 minorities, women, and persons with disabilities on such
20 contracts shall be included. State contracts subject to the
21 requirements of this Act shall include the requirement that
22 only expenditures to businesses owned by minorities, women,
23 and persons with disabilities that perform a commercially
24 useful function may be counted toward the goals set forth by
25 this Act. Contracts shall include a definition of
26 "commercially useful function" that is consistent with 49 CFR

1 26.55(c).

2 (b) Not less than 20% of the total dollar amount of State
3 construction contracts is established as an aspirational goal
4 to be awarded to businesses owned by minorities, women, and
5 persons with disabilities; provided that, contracts
6 representing at least 11% of the total dollar amount of State
7 construction contracts shall be awarded to businesses owned by
8 minorities; contracts representing at least 7% of the total
9 dollar amount of State construction contracts shall be awarded
10 to women-owned businesses; and contracts representing at least
11 2% of the total dollar amount of State construction contracts
12 shall be awarded to businesses owned by persons with
13 disabilities.

14 (c) (Blank).

15 (c-5) All goals established under this Section shall be
16 contingent upon the results of the most recent disparity study
17 conducted by the State.

18 (d) Within one year after April 28, 2009 (the effective
19 date of Public Act 96-8), the Department of Central Management
20 Services shall conduct a social scientific study that measures
21 the impact of discrimination on minority and women business
22 development in Illinois. Within 18 months after April 28, 2009
23 (the effective date of Public Act 96-8), the Department shall
24 issue a report of its findings and any recommendations on
25 whether to adjust the goals for minority and women
26 participation established in this Act. Copies of this report

1 and the social scientific study shall be filed with the
2 Governor and the General Assembly.

3 By December 1, 2020, the Department of Central Management
4 Services shall conduct a new social scientific study that
5 measures the impact of discrimination on minority and women
6 business development in Illinois. By June 1, 2022, the
7 Department shall issue a report of its findings and any
8 recommendations on whether to adjust the goals for minority
9 and women participation established in this Act. Copies of
10 this report and the social scientific study shall be filed
11 with the Governor and the General Assembly. By December 1,
12 2022, the Commission on Equity and Inclusion Business
13 Enterprise Program shall develop a model for social scientific
14 disparity study sourcing for local governmental units to adapt
15 and implement to address regional disparities in public
16 procurement.

17 (e) All State contract solicitations that include Business
18 Enterprise Program participation goals shall require bidders
19 or offerors to include utilization plans. Utilization plans
20 are due at the time of bid or offer submission. Failure to
21 complete and include a utilization plan, including
22 documentation demonstrating good faith efforts when requesting
23 a waiver, shall render the bid or offer non-responsive.

24 Except as permitted under this Act or as otherwise
25 mandated by federal regulation, a bidder or offeror whose bid
26 or offer is accepted and who included in that bid a completed

1 utilization plan but who fails to meet the goals set forth in
2 the plan shall be notified of the deficiency by the
3 contracting agency or public institution of higher education
4 and shall be given a period of 10 calendar days to cure the
5 deficiency by contracting with additional subcontractors who
6 are certified by the Business Enterprise Program or by
7 increasing the work to be performed by previously identified
8 vendors certified by the Business Enterprise Program.

9 Deficiencies that may be cured include: (i) scrivener's
10 errors, such as transposed numbers; (ii) information submitted
11 in an incorrect form or format; (iii) mistakes resulting from
12 failure to follow instructions or to identify and adequately
13 document good faith efforts taken to comply with the
14 utilization plan; or (iv) a proposal to use a firm whose
15 Business Enterprise Program certification has lapsed or is not
16 yet recognized. Cure is not authorized if the bidder or
17 offeror submits a blank utilization plan, a utilization plan
18 that shows lack of reasonable effort to complete the form on
19 time, or a utilization plan that states the contract will be
20 self-performed, by a non-certified vendor, without showing
21 good faith efforts or a request for a waiver. All cure activity
22 shall address the deficiencies identified by the purchasing
23 agency and shall require clear documentation, including that
24 of good faith efforts, to address those deficiencies. Any
25 increase in cost to a contract for the addition of a
26 subcontractor to cure a bid's deficiency shall not affect the

1 bid price and shall not be used in the request for an exemption
2 under this Act, and, in no case, shall an identified
3 subcontractor with a Business Enterprise Program certification
4 made under this Act be terminated from a contract without the
5 written consent of the State agency or public institution of
6 higher education entering into the contract. The purchasing
7 agency or public institution of higher education shall make
8 the determination whether the cure is adequate.

9 Vendors certified with the Business Enterprise Program at
10 the time and date submittals are due and who do not submit a
11 utilization plan or have utilization plan deficiencies shall
12 have 10 business days to submit a utilization plan or to
13 correct the utilization plan deficiencies. ~~Except as permitted~~
14 ~~under this Act or as otherwise mandated by federal law or~~
15 ~~regulation, in response those who submit bids or proposals for~~
16 ~~State contracts subject to the provisions of this Act, whose~~
17 ~~bids or proposals are successful but include a utilization~~
18 ~~plan that fails to demonstrate good faith efforts to meet the~~
19 ~~goals set forth in the solicitation of that deficiency and may~~
20 ~~allow the bidder or offeror a period not to exceed 10 calendar~~
21 ~~days from the date of notification to cure that deficiency in~~
22 ~~the bid or proposal. The deficiency in the bid or proposal may~~
23 ~~only be cured by contracting with additional subcontractors~~
24 ~~who are certified by the Business Enterprise Program at the~~
25 ~~time of bid submission. Any increase in cost to a contract for~~
26 ~~the addition of a subcontractor to cure a bid's deficiency or~~

~~to ensure diversity participation on the contract shall not affect the bid price, shall not be used in the request for an exemption in this Act, and in no case shall an identified subcontractor with a certification made pursuant to this Act be terminated from the contract without the written consent of the State agency or public institution of higher education entering into the contract. Submission of a blank utilization plan renders a bid or offer non responsive and is not curable. The Commission on Equity and Inclusion shall be notified of all bids or offers that fail to include a utilization plan or that include a utilization plan with deficiencies.~~

(f) (Blank).

(g) (Blank).

(h) State agencies and public institutions of higher education shall notify the Commission on Equity and Inclusion of all non-responsive bids or proposals for State contracts.

(Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20; 101-657, Article 1, Section 1-5, eff. 1-1-22; 101-657, Article 40, Section 40-130, eff. 1-1-22; 102-29, eff. 6-25-21; 102-558, eff. 8-20-21.)

Section 30. The Local Food, Farms, and Jobs Act is amended by changing Sections 10 and 30 as follows:

(30 ILCS 595/10)

Sec. 10. Procurement goals for local farm or food

1 products.

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

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

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

1 (d) All State agencies and State-owned facilities that
2 purchase food and food products shall, ~~with the assistance of~~
3 ~~the Local Food, Farms, and Jobs Council,~~ develop a system for
4 (i) identifying the percentage of local farm or food products
5 purchased for fiscal year 2021 ~~2011~~ as the baseline; and (ii)
6 tracking and reporting local farm or food products purchases
7 on an annual basis.

8 (e) On January 1, 2024 and each January 1 thereafter,
9 those State agencies and State-owned facilities that purchase
10 food or food products shall publish in their respective
11 procurement bulletins, in the form and format prescribed by
12 the chief procurement officer, notice of their purchases of
13 local farm or food products in the immediately preceding
14 fiscal year.

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

16 (30 ILCS 595/30)

17 Sec. 30. Farm-school database. The Department of
18 Agriculture shall establish, and make available on its
19 website, a geo-coded electronic database to facilitate the
20 purchase of fresh produce and food products by schools. The
21 database shall ~~be developed jointly with the Local Food,~~
22 ~~Farms, and Jobs Council and,~~ at a minimum, contain the
23 information necessary for (i) schools to identify and contact
24 agricultural producers that are interested in supplying
25 schools in the State with fresh produce and food products and

1 (ii) agricultural producers of fresh produce and food products
2 to identify schools in the State that are interested in
3 purchasing those products. The Department of Agriculture shall
4 adopt rules necessary to implement this Section. The
5 Department of Agriculture shall also solicit federal and State
6 funding for the purpose of implementing this program. The
7 requirement of the Department to establish, and make available
8 on its website, this database shall become effective once the
9 Department has secured all of the additional federal or State
10 funding necessary to implement this program.

11 (Source: P.A. 96-1095, eff. 1-1-11.)

12 (30 ILCS 595/15 rep.)

13 (30 ILCS 595/20 rep.)

14 (30 ILCS 595/25 rep.)

15 Section 35. The Local Food, Farms, and Jobs Act is amended
16 by repealing Sections 15, 20, and 25.

17 Section 40. The State Property Control Act is amended by
18 changing Section 6.02 as follows:

19 (30 ILCS 605/6.02) (from Ch. 127, par. 133b9.2)

20 Sec. 6.02. Each responsible officer shall maintain a
21 permanent record of all items of property under his
22 jurisdiction and control, provided the administrator may
23 exempt tangible personal property of nominal value or in the

1 nature of consumable supplies, or both; and provided further
2 that "textbooks" as defined in Section 18-17 of The School
3 Code shall be exempted by the administrator after those
4 textbooks have been on loan pursuant to that Section for a
5 period of 5 years or more. The listing shall include all
6 property being acquired under agreements which are required by
7 the State Comptroller to be capitalized for inclusion in the
8 statewide financial statements. Each responsible officer shall
9 submit a listing of the permanent record at least annually to
10 the administrator in such format as the administrator shall
11 require. The record may be submitted in either hard copy or
12 computer readable form. The administrator may require more
13 frequent submissions when in the opinion of the administrator
14 the agency records are not sufficiently reliable to justify
15 annual submissions.

16 As used in this Section, "nominal value" means the value
17 of an item is \$2,500 ~~\$1,000~~ or less. For the purposes of this
18 definition, the value of the item shall reflect its
19 depreciated value, as determined by the administrator. The
20 administrator may by rule set the threshold for "nominal
21 value" at a higher amount. Nothing in this definition shall be
22 construed as relieving responsible officers of the duty to
23 reasonably ensure that State property is not subject to theft.
24 (Source: P.A. 100-193, eff. 1-1-18.)

25 Section 45. The Criminal Code of 2012 is amended by

1 changing Section 33E-9 as follows:

2 (720 ILCS 5/33E-9) (from Ch. 38, par. 33E-9)

3 Sec. 33E-9. Change orders. Any change order authorized
4 under this Section shall be made in writing. Any person
5 employed by and authorized by any unit of State or local
6 government to approve a change order to any public contract
7 who knowingly grants that approval without first obtaining
8 from the unit of State or local government on whose behalf the
9 contract was signed, or from a designee authorized by that
10 unit of State or local government, a determination in writing
11 that (1) the circumstances said to necessitate the change in
12 performance were not reasonably foreseeable at the time the
13 contract was signed, or (2) the change is germane to the
14 original contract as signed, or (3) the change order is in the
15 best interest of the unit of State or local government and
16 authorized by law, commits a Class 4 felony. The written
17 determination and the written change order resulting from that
18 determination shall be preserved in the contract's file which
19 shall be open to the public for inspection. This Section shall
20 only apply to a change order or series of change orders which
21 authorize or necessitate an increase or decrease in either the
22 cost of a public contract by a total of \$25,000 ~~\$10,000~~ or more
23 or the time of completion by a total of 180 ~~30~~ days or more.

24 (Source: P.A. 86-150; 87-618.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect January
9 1, 2023.