



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5108

Introduced 1/27/2022, by Rep. Lamont J. Robinson, Jr.

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-15.15
30 ILCS 500/1-15.43 new
30 ILCS 500/1-15.44 new
30 ILCS 500/10-20

Amends the Illinois Procurement Code. Provides for the appointment of an independent chief procurement officer for all procurements for information technology and information technology functions committed by law to the jurisdiction or responsibility of the Department of Innovation and Technology. Provides that the initial appointment of a chief procurement officer for information technology and information technology functions shall be made within 60 calendar days after the effective date of this amendatory Act. Provides that any person appointed as the chief procurement officer for information technology and information technology functions shall have prior experience in procurement at the Department of Innovation and Technology or any other State agency information technology procurement department. Defines terms. Makes conforming and other changes.

LRB102 25018 RJF 34275 b

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-15.15 and 10-20 and by adding Sections
6 1-15.43 and 1-15.44 as follows:

7 (30 ILCS 500/1-15.15)

8 Sec. 1-15.15. Chief Procurement Officer. "Chief
9 Procurement Officer" means any of the 4 persons appointed or
10 approved by a majority of the members of the Executive Ethics
11 Commission as follows:

12 (1) for procurements for construction and
13 construction-related services committed by law to the
14 jurisdiction or responsibility of the Capital Development
15 Board, the independent chief procurement officer appointed
16 by a majority of the members of the Executive Ethics
17 Commission.

18 (2) for procurements for all construction,
19 construction-related services, operation of any facility,
20 and the provision of any construction or
21 construction-related service or activity committed by law
22 to the jurisdiction or responsibility of the Illinois
23 Department of Transportation, including the direct or

1 reimbursable expenditure of all federal funds for which
2 the Department of Transportation is responsible or
3 accountable for the use thereof in accordance with federal
4 law, regulation, or procedure, the independent chief
5 procurement officer appointed by the Secretary of
6 Transportation with the consent of the majority of the
7 members of the Executive Ethics Commission.

8 (3) for all procurements made by a public institution
9 of higher education, the independent chief procurement
10 officer appointed by a majority of the members of the
11 Executive Ethics Commission.

12 (4) (Blank).

13 (4.5) for all procurements for information technology
14 and information technology functions committed by law to
15 the jurisdiction or responsibility of the Department of
16 Innovation and Technology, the independent chief
17 procurement officer appointed by a majority of the members
18 of the Executive Ethics Commission.

19 (5) for all other procurements, the independent chief
20 procurement officer appointed by a majority of the members
21 of the Executive Ethics Commission.

22 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see
23 Section 5 of P.A. 96-793 for the effective date of changes made
24 by P.A. 96-795); 96-920, eff. 7-1-10.)

25 (30 ILCS 500/1-15.43 new)

1 Sec. 1-15.43. Information technology. "Information
2 technology" means technology, infrastructure, equipment,
3 systems, software, networks, and processes used to create,
4 send, receive, and store electronic or digital information,
5 including, without limitation, computer systems and
6 telecommunication services and systems. "Information
7 technology" shall be construed broadly to incorporate future
8 technologies (such as sensors and balanced private hybrid or
9 public cloud posture tailored to the mission of the agency)
10 that change or supplant those in effect as of the effective
11 date of this amendatory Act of the 102nd General Assembly.

12 (30 ILCS 500/1-15.44 new)

13 Sec. 1-15.44. Information technology functions.
14 "Information technology functions" means the development,
15 procurement, installation, retention, maintenance, operation,
16 possession, storage, and related functions of all information
17 technology.

18 (30 ILCS 500/10-20)

19 Sec. 10-20. Independent chief procurement officers.

20 (a) Appointment. ~~The Within 60 calendar days after the~~
21 ~~effective date of this amendatory Act of the 96th General~~
22 ~~Assembly, the~~ Executive Ethics Commission, with the advice and
23 consent of the Senate shall appoint or approve 4 chief
24 procurement officers, one for each of the following

1 categories:

2 (1) for procurements for construction and
3 construction-related services committed by law to the
4 jurisdiction or responsibility of the Capital Development
5 Board;

6 (2) for procurements for all construction,
7 construction-related services, operation of any facility,
8 and the provision of any service or activity committed by
9 law to the jurisdiction or responsibility of the Illinois
10 Department of Transportation, including the direct or
11 reimbursable expenditure of all federal funds for which
12 the Department of Transportation is responsible or
13 accountable for the use thereof in accordance with federal
14 law, regulation, or procedure, the chief procurement
15 officer recommended for approval under this item appointed
16 by the Secretary of Transportation after consent by the
17 Executive Ethics Commission;

18 (3) for all procurements made by a public institution
19 of higher education; ~~and~~

20 (3.5) for all procurements for information technology
21 and information technology functions committed by law to
22 the jurisdiction or responsibility of the Department of
23 Innovation and Technology; and

24 (4) for all other procurement needs of State agencies.
25 The initial appointment of a chief procurement officer for
26 information technology and information technology functions

1 under paragraph (3.5) shall be made within 60 calendar days
2 after the effective date of this amendatory Act of the 102nd
3 General Assembly. Any person appointed as the chief
4 procurement officer for information technology and information
5 technology functions shall have prior experience in
6 procurement at the Department of Innovation and Technology or
7 any other State agency information technology procurement
8 department.

9 A chief procurement officer shall be responsible to the
10 Executive Ethics Commission but must be located within the
11 agency that the officer provides with procurement services.
12 The chief procurement officer for higher education shall have
13 an office located within the Board of Higher Education, unless
14 otherwise designated by the Executive Ethics Commission. The
15 chief procurement officer for all other procurement needs of
16 the State shall have an office located within the Department
17 of Central Management Services, unless otherwise designated by
18 the Executive Ethics Commission.

19 (b) Terms and independence. Each chief procurement officer
20 appointed under this Section shall serve for a term of 5 years
21 beginning on the date of the officer's appointment. The chief
22 procurement officer may be removed for cause after a hearing
23 by the Executive Ethics Commission. The Governor or the
24 director of a State agency directly responsible to the
25 Governor may institute a complaint against the officer by
26 filing such complaint with the Commission. The Commission

1 shall have a hearing based on the complaint. The officer and
2 the complainant shall receive reasonable notice of the hearing
3 and shall be permitted to present their respective arguments
4 on the complaint. After the hearing, the Commission shall make
5 a finding on the complaint and may take disciplinary action,
6 including but not limited to removal of the officer.

7 The salary of a chief procurement officer shall be
8 established by the Executive Ethics Commission and may not be
9 diminished during the officer's term. The salary may not
10 exceed the salary of the director of a State agency for which
11 the officer serves as chief procurement officer.

12 (c) Qualifications. In addition to any other requirement
13 or qualification required by State law, each chief procurement
14 officer must within 12 months of employment be a Certified
15 Professional Public Buyer or a Certified Public Purchasing
16 Officer, pursuant to certification by the Universal Public
17 Purchasing Certification Council, and must reside in Illinois.

18 (d) Fiduciary duty. Each chief procurement officer owes a
19 fiduciary duty to the State.

20 (e) Vacancy. In case of a vacancy in one or more of the
21 offices of a chief procurement officer under this Section
22 during the recess of the Senate, the Executive Ethics
23 Commission shall make a temporary appointment until the next
24 meeting of the Senate, when the Executive Ethics Commission
25 shall nominate some person to fill the office, and any person
26 so nominated who is confirmed by the Senate shall hold office

1 during the remainder of the term and until his or her successor
2 is appointed and qualified. If the Senate is not in session at
3 the time this amendatory Act of the 96th General Assembly
4 takes effect, the Executive Ethics Commission shall make a
5 temporary appointment as in the case of a vacancy.

6 (f) (Blank).

7 (g) (Blank).

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