



Rep. Lamont J. Robinson, Jr.

Filed: 3/1/2022

10200HB5108ham002

LRB102 25018 RJF 37225 a

1 AMENDMENT TO HOUSE BILL 5108

2 AMENDMENT NO. _____. Amend House Bill 5108, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Procurement Code is amended by
6 changing Sections 1-15.15 and 10-20 and by adding Sections
7 1-15.43 and 1-15.44 as follows:

8 (30 ILCS 500/1-15.15)

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

13 (1) for procurements for construction and
14 construction-related services committed by law to the
15 jurisdiction or responsibility of the Capital Development
16 Board, the independent chief procurement officer appointed

1 by a majority of the members of the Executive Ethics
2 Commission.

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

16 (3) for all procurements made by a public institution
17 of higher education, the independent chief procurement
18 officer appointed by a majority of the members of the
19 Executive Ethics Commission.

20 (4) (Blank).

21 (4.5) for all procurements for information technology
22 and information technology functions committed by law to
23 the jurisdiction or responsibility of the Department of
24 Innovation and Technology, the independent chief
25 procurement officer appointed by a majority of the members
26 of the Executive Ethics Commission.

1 (5) for all other procurements, the independent chief
2 procurement officer appointed by a majority of the members
3 of the Executive Ethics Commission.

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

7 (30 ILCS 500/1-15.43 new)

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

19 (30 ILCS 500/1-15.44 new)

20 Sec. 1-15.44. Information technology functions.
21 "Information technology functions" means the development,
22 procurement, installation, retention, maintenance, operation,
23 possession, storage, and related functions of all information
24 technology.

1 (30 ILCS 500/10-20)

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

3 (a) Appointment. ~~The~~ Within 60 calendar days after the
4 ~~effective date of this amendatory Act of the 96th General~~
5 ~~Assembly,~~ the Executive Ethics Commission, with the advice and
6 consent of the Senate shall appoint or approve 4 chief
7 procurement officers, one for each of the following
8 categories:

9 (1) for procurements for construction and
10 construction-related services committed by law to the
11 jurisdiction or responsibility of the Capital Development
12 Board;

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

25 (3) for all procurements made by a public institution

1 of higher education; ~~and~~

2 (3.5) for all procurements for information technology
3 and information technology functions committed by law to
4 the jurisdiction or responsibility of the Department of
5 Innovation and Technology; and

6 (4) for all other procurement needs of State agencies.

7 The initial appointment of a chief procurement officer for
8 information technology and information technology functions
9 under paragraph (3.5) shall be made within 60 calendar days
10 after the effective date of this amendatory Act of the 102nd
11 General Assembly. Any person appointed as the chief
12 procurement officer for information technology and information
13 technology functions shall have prior experience in
14 procurement at the Department of Innovation and Technology or
15 any other State agency information technology procurement
16 department.

17 A chief procurement officer shall be responsible to the
18 Executive Ethics Commission but must be located within the
19 agency that the officer provides with procurement services.
20 The chief procurement officer for higher education shall have
21 an office located within the Board of Higher Education, unless
22 otherwise designated by the Executive Ethics Commission. The
23 chief procurement officer for all other procurement needs of
24 the State shall have an office located within the Department
25 of Central Management Services, unless otherwise designated by
26 the Executive Ethics Commission.

1 (b) Terms and independence. Each chief procurement officer
2 appointed under this Section shall serve for a term of 5 years
3 beginning on the date of the officer's appointment. The chief
4 procurement officer may be removed for cause after a hearing
5 by the Executive Ethics Commission. The Governor or the
6 director of a State agency directly responsible to the
7 Governor may institute a complaint against the officer by
8 filing such complaint with the Commission. The Commission
9 shall have a hearing based on the complaint. The officer and
10 the complainant shall receive reasonable notice of the hearing
11 and shall be permitted to present their respective arguments
12 on the complaint. After the hearing, the Commission shall make
13 a finding on the complaint and may take disciplinary action,
14 including but not limited to removal of the officer.

15 The salary of a chief procurement officer shall be
16 established by the Executive Ethics Commission and may not be
17 diminished during the officer's term. The salary may not
18 exceed the salary of the director of a State agency for which
19 the officer serves as chief procurement officer.

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

26 (d) Fiduciary duty. Each chief procurement officer owes a

1 fiduciary duty to the State.

2 (e) Vacancy. In case of a vacancy in one or more of the
3 offices of a chief procurement officer under this Section
4 during the recess of the Senate, the Executive Ethics
5 Commission shall make a temporary appointment until the next
6 meeting of the Senate, when the Executive Ethics Commission
7 shall nominate some person to fill the office, and any person
8 so nominated who is confirmed by the Senate shall hold office
9 during the remainder of the term and until his or her successor
10 is appointed and qualified. If the Senate is not in session at
11 the time this amendatory Act of the 96th General Assembly
12 takes effect, the Executive Ethics Commission shall make a
13 temporary appointment as in the case of a vacancy.

14 (f) (Blank).

15 (g) (Blank).

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

17 Section 10. The Business Enterprise for Minorities, Women,
18 and Persons with Disabilities Act is amended by adding Section
19 8m as follows:

20 (30 ILCS 575/8m new)

21 Sec. 8m. Information technology vendors. For contracts
22 entered into by the Department for Information Technology, it
23 shall be established as the aspirational goal that at least
24 20% of the total dollar amount of such contracts shall be

1 awarded to prime vendors who have been certified by the
2 Business Enterprise Program; provided that: (i) contracts
3 representing at least 11% of the total annual premiums or fees
4 shall be awarded to minority-owned businesses; (ii) contracts
5 representing at least 7% of the total annual premiums or fees
6 shall be awarded to women-owned businesses; and (iii)
7 contracts representing at least 2% of the total annual
8 premiums or fees shall be awarded to businesses owned by
9 persons with disabilities."