



Sen. Robert Peters

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10200HB5108sam002

LRB102 25018 HLH 38007 a

1 AMENDMENT TO HOUSE BILL 5108

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5108 by replacing  
3 everything after the enacting clause with the following:

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

1 Commission.

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

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

19 (4) (Blank).

20 (4.5) 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, the independent chief  
24 procurement officer appointed by a majority of the members  
25 of the Executive Ethics Commission.

26 (5) for all other procurements, the independent chief

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

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

6 (30 ILCS 500/1-15.43 new)

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

18 (30 ILCS 500/1-15.44 new)

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

1           (3.5) for all procurements for information technology  
2           and information technology functions committed by law to  
3           the jurisdiction or responsibility of the Department of  
4           Innovation and Technology; and

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

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

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

26           (b) Terms and independence. Each chief procurement officer

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

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

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

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

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

13 (f) (Blank).

14 (g) (Blank).

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

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

19 (30 ILCS 575/8m new)

20 Sec. 8m. Information technology vendors. For contracts  
21 entered into by the Department of Innovation and Technology,  
22 it shall be established as the aspirational goal that at least  
23 30% of the total dollar amount of such contracts shall be  
24 awarded to prime vendors who have been certified by the

1 Business Enterprise Program; provided that: (i) contracts  
2 representing at least 16% of the total annual premiums or fees  
3 shall be awarded to minority-owned businesses; (ii) contracts  
4 representing at least 10% of the total annual premiums or fees  
5 shall be awarded to women-owned businesses; and (iii)  
6 contracts representing at least 4% of the total annual  
7 premiums or fees shall be awarded to businesses owned by  
8 persons with disabilities."