

**SB3827**



**102ND GENERAL ASSEMBLY**

**State of Illinois**

**2021 and 2022**

**SB3827**

Introduced 1/21/2022, by Sen. Antonio Muñoz

**SYNOPSIS AS INTRODUCED:**

30 ILCS 500/1-13

Amends the Illinois Procurement Code. Provides that the provisions of the Code shall not apply to procurement expenditures and contracts for investment services by or on behalf of the University of Illinois. Removes prior provisions concerning procurements made by or on behalf of the University of Illinois for investment services.

LRB102 23879 RJF 33073 b

**A BILL FOR**

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 Section 1-13 as follows:

6 (30 ILCS 500/1-13)

7 Sec. 1-13. Applicability to public institutions of higher  
8 education.

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

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

15 (1) Memberships in professional, academic, research,  
16 or athletic organizations on behalf of a public  
17 institution of higher education, an employee of a public  
18 institution of higher education, or a student at a public  
19 institution of higher education.

20 (2) Procurement expenditures for events or activities  
21 paid for exclusively by revenues generated by the event or  
22 activity, gifts or donations for the event or activity,  
23 private grants, or any combination thereof.

1           (3) Procurement expenditures for events or activities  
2           for which the use of specific potential contractors is  
3           mandated or identified by the sponsor of the event or  
4           activity, provided that the sponsor is providing a  
5           majority of the funding for the event or activity.

6           (4) Procurement expenditures necessary to provide  
7           athletic, artistic or musical services, performances,  
8           events, or productions by or for a public institution of  
9           higher education.

10          (5) Procurement expenditures for periodicals, books,  
11          subscriptions, database licenses, and other publications  
12          procured for use by a university library or academic  
13          department, except for expenditures related to procuring  
14          textbooks for student use or materials for resale or  
15          rental.

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

19          (7) Contracts for programming and broadcast license  
20          rights for university-operated radio and television  
21          stations.

22          (8) Procurement expenditures necessary to perform  
23          sponsored research and other sponsored activities under  
24          grants and contracts funded by the sponsor or by sources  
25          other than State appropriations.

26          (9) Contracts with a foreign entity for research or

1 educational activities, provided that the foreign entity  
2 either does not maintain an office in the United States or  
3 is the sole source of the service or product.

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

25 (b-5) Except as provided in this subsection, the  
26 provisions of this Code shall not apply to contracts for

1 medical supplies, and to contracts for medical services  
2 necessary for the delivery of care and treatment at medical,  
3 dental, or veterinary teaching facilities utilized by Southern  
4 Illinois University or the University of Illinois and at any  
5 university-operated health care center or dispensary that  
6 provides care, treatment, and medications for students,  
7 faculty and staff. Other supplies and services needed for  
8 these teaching facilities shall be subject to the jurisdiction  
9 of the Chief Procurement Officer for Public Institutions of  
10 Higher Education who may establish expedited procurement  
11 procedures and may waive or modify certification, contract,  
12 hearing, process and registration requirements required by the  
13 Code. All procurements made under this subsection shall be  
14 documented and may require publication in the Illinois  
15 Procurement Bulletin.

16 (b-10) The provisions of this Code shall not apply to  
17 procurement expenditures and contracts for investment services  
18 by or on behalf of the University of Illinois. Procurements  
19 ~~made by or on behalf of the University of Illinois for~~  
20 ~~investment services scheduled to expire June 2021 may be~~  
21 ~~extended through June 2022 without being subject to the~~  
22 ~~requirements of this Code. Any contract extended, renewed, or~~  
23 ~~entered pursuant to this exception shall be published on the~~  
24 ~~Executive Ethics Commission's website within 5 days of~~  
25 ~~contract execution. This subsection is inoperative on and~~  
26 ~~after July 1, 2022.~~

1           (c) Procurements made by or on behalf of public  
2 institutions of higher education for the fulfillment of a  
3 grant shall be made in accordance with the requirements of  
4 this Code to the extent practical.

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

24           (d) Notwithstanding this Section, a waiver of the  
25 registration requirements of Section 20-160 does not permit a  
26 business entity and any affiliated entities or affiliated

1 persons to make campaign contributions if otherwise prohibited  
2 by Section 50-37. The total amount of contracts awarded in  
3 accordance with this Section shall be included in determining  
4 the aggregate amount of contracts or pending bids of a  
5 business entity and any affiliated entities or affiliated  
6 persons.

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

26 (f) As used in this Section:

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

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

13 (g) (Blank).

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

15 (1) Public Act 98-1076, which took effect on January  
16 1, 2015, changed the repeal date set for this Section from  
17 December 31, 2014 to December 31, 2016.

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

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



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

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

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

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

19           In order to ensure the continuing effectiveness of this  
20           Section, it is set forth in full and re-enacted by this  
21           amendatory Act of the 100th General Assembly. This  
22           re-enactment is intended as a continuation of this Section. It  
23           is not intended to supersede any amendment to this Section  
24           that is enacted by the 100th General Assembly.

25           In this amendatory Act of the 100th General Assembly, the  
26           base text of the reenacted Section is set forth as amended by

1 Public Act 98-1076. Striking and underscoring is used only to  
2 show changes being made to the base text.

3 This Section applies to all procurements made on or before  
4 the effective date of this amendatory Act of the 100th General  
5 Assembly.

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