



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 3884

2 AMENDMENT NO. _____. Amend Senate Bill 3884 by replacing
3 line 8 on page 1 through line 4 on page 2 with the following:

4 "(30 ILCS 500/1-13.5 new)

5 Sec. 1-13.5. Applicability to public institutions of
6 higher education.

7 (a) Public institutions of higher education shall procure
8 their needs in a manner substantially in accordance with the
9 requirements of this Code and a Chief Procurement Officer
10 appointed by a committee composed of the Illinois Public
11 University Presidents or their designee, with the advice and
12 consent of the Senate, shall adopt rules to meet their needs.
13 The Chief Procurement Officer shall adopt such rules in
14 accordance with Section 5-25.

15 (b) The Chief Procurement Officer shall have
16 qualifications meeting those outlined in subsection (c) of
17 Section 10-35 at minimum, but shall have past experience in

1 Higher Education or exhibit an above average understanding of
2 Higher Education.

3 (c) Public institutions of higher education shall observe
4 Article 5 of this Code and be responsible to the authority of
5 the Procurement Policy Board and the Commission on Equity and
6 Inclusion.

7 (d) This Code shall not apply to procurements made by or on
8 behalf of public institutions of higher education for any of
9 the following:

10 (1) Memberships in professional, academic, research,
11 or athletic organizations on behalf of a public
12 institution of higher education, an employee of a public
13 institution of higher education, or a student at a public
14 institution of higher education.

15 (2) Procurement expenditures for events or activities
16 paid for exclusively by revenues generated by the event or
17 activity, gifts or donations for the event or activity,
18 private grants, or any combination thereof.

19 (3) Procurement expenditures for events or activities
20 for which the use of specific potential contractors is
21 mandated or identified by the sponsor of the event or
22 activity, provided that the sponsor is providing a
23 majority of the funding for the event or activity.

24 (4) Procurement expenditures necessary to provide
25 athletic, artistic or musical services, performances,
26 events, or productions by or for a public institution of

1 higher education.

2 (5) Procurement expenditures for periodicals, books,
3 subscriptions, database licenses, and other publications
4 procured for use by a university library or academic
5 department, except for expenditures related to procuring
6 textbooks for student use or materials for resale or
7 rental.

8 (6) Procurement expenditures for placement of students
9 in externships, practicums, field experiences, and medical
10 residencies and rotations.

11 (7) Contracts for programming and broadcast license
12 rights for university-operated radio and television
13 stations.

14 (8) Procurement expenditures necessary to perform
15 sponsored research and other sponsored activities under
16 grants and contracts funded by the sponsor or by sources
17 other than State appropriations.

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

22 Notice of each contract in excess of the small purchase
23 threshold entered into by a public institution of higher
24 education that is related to the procurement of goods and
25 services identified in items (1) through (9) of this
26 subsection shall be published in the Procurement Bulletin

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

18 (e) Except as provided in this subsection, the provisions
19 of this Code shall not apply to contracts for medical
20 supplies, and to contracts for medical services necessary for
21 the delivery of care and treatment at medical, dental, or
22 veterinary teaching facilities utilized by Southern Illinois
23 University or the University of Illinois and at any
24 university-operated health care center or dispensary that
25 provides care, treatment, and medications for students,
26 faculty and staff. Other supplies and services needed for

1 these teaching facilities shall be subject to the jurisdiction
2 of the Chief Procurement Officer for Public Institutions of
3 Higher Education who may establish expedited procurement
4 procedures and may waive or modify certification, contract,
5 hearing, process and registration requirements required by the
6 Code. All procurements made under this subsection shall be
7 documented and may require publication in the Illinois
8 Procurement Bulletin.

9 (f) Procurements made by or on behalf of the University of
10 Illinois for investment services may be procured without being
11 subject to the requirements of this Code. Any contract
12 extended, renewed, or entered pursuant to this exception shall
13 be published on the Higher Education Bulletin.

14 (g) Upon the written request of a public institution of
15 higher education, the Chief Procurement Officer may waive
16 contract, registration, certification, and hearing
17 requirements of this Code if, based on the item to be procured
18 or the terms of a grant, compliance is impractical. The public
19 institution of higher education shall provide the Chief
20 Procurement Officer with specific reasons for the waiver,
21 including the necessity of contracting with a particular
22 potential contractor, and shall certify that an effort was
23 made in good faith to comply with the provisions of this Code.
24 The Chief Procurement Officer shall provide written
25 justification for any waivers. By November 1 of each year, the
26 Chief Procurement Officer shall file a report with the General

1 Assembly identifying each contract approved with waivers and
2 providing the justification given for any waivers for each of
3 those contracts. Notice of each waiver made under this
4 subsection shall be published in the Procurement Bulletin
5 within 14 calendar days after contract execution. The Chief
6 Procurement Officer shall prescribe the form and content of
7 the notice.

8 (h) Notwithstanding this Section, a waiver of the
9 registration requirements of Section 20-160 does not permit a
10 business entity and any affiliated entities or affiliated
11 persons to make campaign contributions if otherwise prohibited
12 by Section 50-37. The total amount of contracts awarded in
13 accordance with this Section shall be included in determining
14 the aggregate amount of contracts or pending bids of a
15 business entity and any affiliated entities or affiliated
16 persons.

17 (i) Notwithstanding subsection (e) of Section 50-10.5 of
18 this Code, the Chief Procurement Officer, may permit a public
19 institution of higher education to accept a bid or enter into a
20 contract with a business that assisted the public institution
21 of higher education in determining whether there is a need for
22 a contract or assisted in reviewing, drafting, or preparing
23 documents related to a bid or contract, provided that the bid
24 or contract is essential to research administered by the
25 public institution of higher education and it is in the best
26 interest of the public institution of higher education to

1 accept the bid or contract. For purposes of this subsection,
2 "business" includes all individuals with whom a business is
3 affiliated, including, but not limited to, any officer, agent,
4 employee, consultant, independent contractor, director,
5 partner, manager, or shareholder of a business. The Chief
6 Procurement Officer for Higher Education may adopt rules for
7 the implementation and administration of the provisions of
8 this subsection.

9 (j) As used in this Section:

10 "Grant" means nonappropriated funding provided by a
11 federal or private entity to support a project or program
12 administered by a public institution of higher education and
13 any nonappropriated funding provided to a sub-recipient of the
14 grant.

15 "Public institution of higher education" means Chicago
16 State University, Eastern Illinois University, Governors State
17 University, Illinois State University, Northeastern Illinois
18 University, Northern Illinois University, Southern Illinois
19 University, University of Illinois, Western Illinois
20 University, and, for purposes of this Code only, the Illinois
21 Mathematics and Science Academy."