

**102ND GENERAL ASSEMBLY****State of Illinois****2021 and 2022****SB3885**

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

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Modifies provisions concerning design-bid-build construction and requirements concerning the use of the single prime procurement delivery method for specified building construction projects. Requires notice of specified procurement contracts with an annual specified value to be published in the appropriate procurement bulletin. Amends the Design-Build Procurement Act. Provides that the term "State construction agency" as used in the Act includes institutions of higher education. Extends repeal of the Act to January 1, 2024. Amends the Local Food, Farms, and Jobs Act. Provides that the State (rather than the Local Food, Farms, and Jobs Council) shall support and encourage that 10% of food and food products purchased by entities funded in part or in whole by State dollars be local farm or food products. Provides that all State agencies and State-owned facilities that purchase food and food products shall publish on their applicable procurement bulletin their farm or food purchases for the recently completed fiscal year. Provides that the first published report shall be due no later than January 1, 2023 and represent fiscal year 2022 purchases. Provides that a report shall be due each January 1 thereafter and be published on a form prescribed by each applicable Chief Procurement Officer. Removes provisions concerning the creation, responsibilities, and governance of the Local Food, Farms, and Jobs Council. Amends the Commission to End Hunger Act to make a conforming change concerning the Local Food, Farms, and Jobs Council. Amends the Illinois Human Rights Act. Provides that the Department of Human Rights shall establish a reasonable opportunity to cure any noncompliance with public contract requirements regarding equal employment opportunities and affirmative action by a bidder prior to the awarding of a contract. Extends repeal and inoperative dates. Makes conforming changes. Effective immediately.

LRB102 23881 RJF 33075 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 Commission to End Hunger Act is amended by
5 changing Section 15 as follows:

6 (20 ILCS 5015/15)

7 Sec. 15. Members. The Commission to End Hunger shall be
8 composed of no more than 21 voting members including 2 members
9 of the Illinois House of Representatives, one appointed by the
10 Speaker of the House and one appointed by the House Minority
11 Leader; 2 members of the Illinois Senate, one appointed by the
12 Senate President and one appointed by the Senate Minority
13 Leader; one representative of the Office of the Governor
14 appointed by the Governor; one representative of the Office of
15 the Lieutenant Governor appointed by the Lieutenant Governor;
16 and 15 public members, who shall be appointed by the Governor.

17 The public members shall include 2 representatives of food
18 banks; 2 representatives from other community food assistance
19 programs; a representative of a statewide organization focused
20 on responding to hunger; a representative from an anti-poverty
21 organization; a representative of an organization that serves
22 or advocates for children and youth; a representative of an
23 organization that serves or advocates for older adults; a

1 representative of an organization that advocates for people
2 who are homeless; a representative of an organization that
3 serves or advocates for persons with disabilities; a
4 representative of an organization that advocates for
5 immigrants; a representative of a municipal or county
6 government; and 3 at-large members. The appointed members
7 shall reflect the racial, gender, and geographic diversity of
8 the State and shall include representation from regions of the
9 State.

10 The following officials shall serve as ex-officio members:
11 the Secretary of Human Services or his or her designee; the
12 State Superintendent of Education or his or her designee; the
13 Director of Healthcare and Family Services or his or her
14 designee; the Director of Children and Family Services or his
15 or her designee; the Director of Aging or his or her designee;
16 the Director of Natural Resources or his or her designee; and
17 the Director of Agriculture or his or her designee. The
18 African-American Family Commission and, the Latino Family
19 Commission, ~~and the Local Food, Farms, and Jobs Council~~ shall
20 each designate a liaison to serve ex-officio on the
21 Commission.

22 Members shall serve without compensation and are
23 responsible for the cost of all reasonable and necessary
24 travel expenses connected to Commission business, as the State
25 of Illinois will not reimburse Commission members for these
26 costs.

1 Commission members shall be appointed within 60 days after
2 the effective date of this Act. The Commission shall hold
3 their initial meetings within 60 days after at least 50% of the
4 members have been appointed.

5 The representative of the Office of the Governor and a
6 representative of a food bank shall serve as co-chairs of the
7 Commission.

8 At the first meeting of the Commission, the members shall
9 select a 5-person Steering Committee that includes the
10 co-chairs.

11 The Commission may establish committees that address
12 specific issues or populations and may appoint individuals
13 with relevant expertise who are not appointed members of the
14 Commission to serve on committees as needed.

15 The Office of the Governor, or a designee of the
16 Governor's choosing, shall provide guidance to the Commission.
17 Under the leadership of the Office of the Governor, subject to
18 appropriation, the Department of Human Services shall also
19 provide leadership to support the Commission. The Department
20 of Human Services and the State of Illinois shall not incur any
21 costs as a result of the creation of the Commission to End
22 Hunger as the coordination of meetings, report preparation,
23 and other related duties will be completed by a representative
24 of a food bank that is serving as a co-chair of the Commission.
25 (Source: P.A. 96-1119, eff. 7-20-10; 97-419, eff. 8-16-11.)

1 Section 10. The Illinois Procurement Code is amended by
2 changing Sections 1-10, 1-12, 1-13, 1-15.93, 20-20, 20-60,
3 30-30, 33-5, and 33-50 and by adding Section 50-90 as follows:

4 (30 ILCS 500/1-10)

5 Sec. 1-10. Application.

6 (a) This Code applies only to procurements for which
7 bidders, offerors, potential contractors, or contractors were
8 first solicited on or after July 1, 1998. This Code shall not
9 be construed to affect or impair any contract, or any
10 provision of a contract, entered into based on a solicitation
11 prior to the implementation date of this Code as described in
12 Article 99, including, but not limited to, any covenant
13 entered into with respect to any revenue bonds or similar
14 instruments. All procurements for which contracts are
15 solicited between the effective date of Articles 50 and 99 and
16 July 1, 1998 shall be substantially in accordance with this
17 Code and its intent.

18 (b) This Code shall apply regardless of the source of the
19 funds with which the contracts are paid, including federal
20 assistance moneys. This Code shall not apply to:

21 (1) Contracts between the State and its political
22 subdivisions or other governments, or between State
23 governmental bodies, except as specifically provided in
24 this Code.

25 (2) Grants, except for the filing requirements of

1 Section 20-80.

2 (3) Purchase of care, except as provided in Section
3 5-30.6 of the Illinois Public Aid Code and this Section.

4 (4) Hiring of an individual as an employee and not as
5 an independent contractor, whether pursuant to an
6 employment code or policy or by contract directly with
7 that individual.

8 (5) Collective bargaining contracts.

9 (6) Purchase of real estate, except that notice of
10 this type of contract with a value of more than \$25,000
11 must be published in the Procurement Bulletin within 10
12 calendar days after the deed is recorded in the county of
13 jurisdiction. The notice shall identify the real estate
14 purchased, the names of all parties to the contract, the
15 value of the contract, and the effective date of the
16 contract.

17 (7) Contracts necessary to prepare for anticipated
18 litigation, enforcement actions, or investigations,
19 provided that the chief legal counsel to the Governor
20 shall give his or her prior approval when the procuring
21 agency is one subject to the jurisdiction of the Governor,
22 and provided that the chief legal counsel of any other
23 procuring entity subject to this Code shall give his or
24 her prior approval when the procuring entity is not one
25 subject to the jurisdiction of the Governor.

26 (8) (Blank).

1 (9) Procurement expenditures by the Illinois
2 Conservation Foundation when only private funds are used.

3 (10) (Blank).

4 (11) Public-private agreements entered into according
5 to the procurement requirements of Section 20 of the
6 Public-Private Partnerships for Transportation Act and
7 design-build agreements entered into according to the
8 procurement requirements of Section 25 of the
9 Public-Private Partnerships for Transportation Act.

10 (12) (A) Contracts for legal, financial, and other
11 professional and artistic services entered into by the
12 Illinois Finance Authority in which the State of Illinois
13 is not obligated. Such contracts shall be awarded through
14 a competitive process authorized by the members of the
15 Illinois Finance Authority and are subject to Sections
16 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
17 as well as the final approval by the members of the
18 Illinois Finance Authority of the terms of the contract.

19 (B) Contracts for legal and financial services entered
20 into by the Illinois Housing Development Authority in
21 connection with the issuance of bonds in which the State
22 of Illinois is not obligated. Such contracts shall be
23 awarded through a competitive process authorized by the
24 members of the Illinois Housing Development Authority and
25 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
26 and 50-37 of this Code, as well as the final approval by

1 the members of the Illinois Housing Development Authority
2 of the terms of the contract.

3 (13) Contracts for services, commodities, and
4 equipment to support the delivery of timely forensic
5 science services in consultation with and subject to the
6 approval of the Chief Procurement Officer as provided in
7 subsection (d) of Section 5-4-3a of the Unified Code of
8 Corrections, except for the requirements of Sections
9 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
10 Code; however, the Chief Procurement Officer may, in
11 writing with justification, waive any certification
12 required under Article 50 of this Code. For any contracts
13 for services which are currently provided by members of a
14 collective bargaining agreement, the applicable terms of
15 the collective bargaining agreement concerning
16 subcontracting shall be followed.

17 On and after January 1, 2019, this paragraph (13),
18 except for this sentence, is inoperative.

19 (14) Contracts for participation expenditures required
20 by a domestic or international trade show or exhibition of
21 an exhibitor, member, or sponsor.

22 (15) Contracts with a railroad or utility that
23 requires the State to reimburse the railroad or utilities
24 for the relocation of utilities for construction or other
25 public purpose. Contracts included within this paragraph
26 (15) shall include, but not be limited to, those

1 associated with: relocations, crossings, installations,
2 and maintenance. For the purposes of this paragraph (15),
3 "railroad" means any form of non-highway ground
4 transportation that runs on rails or electromagnetic
5 guideways and "utility" means: (1) public utilities as
6 defined in Section 3-105 of the Public Utilities Act, (2)
7 telecommunications carriers as defined in Section 13-202
8 of the Public Utilities Act, (3) electric cooperatives as
9 defined in Section 3.4 of the Electric Supplier Act, (4)
10 telephone or telecommunications cooperatives as defined in
11 Section 13-212 of the Public Utilities Act, (5) rural
12 water or waste water systems with 10,000 connections or
13 less, (6) a holder as defined in Section 21-201 of the
14 Public Utilities Act, and (7) municipalities owning or
15 operating utility systems consisting of public utilities
16 as that term is defined in Section 11-117-2 of the
17 Illinois Municipal Code.

18 (16) Procurement expenditures necessary for the
19 Department of Public Health to provide the delivery of
20 timely newborn screening services in accordance with the
21 Newborn Metabolic Screening Act.

22 (17) Procurement expenditures necessary for the
23 Department of Agriculture, the Department of Financial and
24 Professional Regulation, the Department of Human Services,
25 and the Department of Public Health to implement the
26 Compassionate Use of Medical Cannabis Program and Opioid

1 Alternative Pilot Program requirements and ensure access
2 to medical cannabis for patients with debilitating medical
3 conditions in accordance with the Compassionate Use of
4 Medical Cannabis Program Act.

5 (18) This Code does not apply to any procurements
6 necessary for the Department of Agriculture, the
7 Department of Financial and Professional Regulation, the
8 Department of Human Services, the Department of Commerce
9 and Economic Opportunity, and the Department of Public
10 Health to implement the Cannabis Regulation and Tax Act if
11 the applicable agency has made a good faith determination
12 that it is necessary and appropriate for the expenditure
13 to fall within this exemption and if the process is
14 conducted in a manner substantially in accordance with the
15 requirements of Sections 20-160, 25-60, 30-22, 50-5,
16 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
17 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
18 Section 50-35, compliance applies only to contracts or
19 subcontracts over \$100,000. Notice of each contract
20 entered into under this paragraph (18) that is related to
21 the procurement of goods and services identified in
22 paragraph (1) through (9) of this subsection shall be
23 published in the Procurement Bulletin within 14 calendar
24 days after contract execution. The Chief Procurement
25 Officer shall prescribe the form and content of the
26 notice. Each agency shall provide the Chief Procurement

1 Officer, on a monthly basis, in the form and content
2 prescribed by the Chief Procurement Officer, a report of
3 contracts that are related to the procurement of goods and
4 services identified in this subsection. At a minimum, this
5 report shall include the name of the contractor, a
6 description of the supply or service provided, the total
7 amount of the contract, the term of the contract, and the
8 exception to this Code utilized. A copy of any or all of
9 these contracts shall be made available to the Chief
10 Procurement Officer immediately upon request. The Chief
11 Procurement Officer shall submit a report to the Governor
12 and General Assembly no later than November 1 of each year
13 that includes, at a minimum, an annual summary of the
14 monthly information reported to the Chief Procurement
15 Officer. This exemption becomes inoperative 5 years after
16 June 25, 2019 (the effective date of Public Act 101-27).

17 (19) Acquisition of modifications or adjustments,
18 limited to assistive technology devices and assistive
19 technology services, adaptive equipment, repairs, and
20 replacement parts to provide reasonable accommodations (i)
21 that enable a qualified applicant with a disability to
22 complete the job application process and be considered for
23 the position such qualified applicant desires, (ii) that
24 modify or adjust the work environment to enable a
25 qualified current employee with a disability to perform
26 the essential functions of the position held by that

1 employee, (iii) to enable a qualified current employee
2 with a disability to enjoy equal benefits and privileges
3 of employment as are enjoyed by ~~its~~ other similarly
4 situated employees without disabilities, and (iv) that
5 allow a customer, client, claimant, or member of the
6 public seeking State services full use and enjoyment of
7 and access to its programs, services, or benefits.

8 For purposes of this paragraph (19):

9 "Assistive technology devices" means any item, piece
10 of equipment, or product system, whether acquired
11 commercially off the shelf, modified, or customized, that
12 is used to increase, maintain, or improve functional
13 capabilities of individuals with disabilities.

14 "Assistive technology services" means any service that
15 directly assists an individual with a disability in
16 selection, acquisition, or use of an assistive technology
17 device.

18 "Qualified" has the same meaning and use as provided
19 under the federal Americans with Disabilities Act when
20 describing an individual with a disability.

21 (20) ~~(19)~~ Procurement expenditures necessary for the
22 Illinois Commerce Commission to hire third-party
23 facilitators pursuant to Sections 16-105.17 and ~~Section~~
24 16-108.18 of the Public Utilities Act or an ombudsman
25 pursuant to Section 16-107.5 of the Public Utilities Act,
26 a facilitator pursuant to Section 16-105.17 of the Public

1 Utilities Act, or a grid auditor pursuant to Section
2 16-105.10 of the Public Utilities Act.

3 Notwithstanding any other provision of law, for contracts
4 with an annual value of more than \$100,000 entered into on or
5 after October 1, 2017 under an exemption provided in any
6 paragraph of this subsection (b), except paragraph (1), (2),
7 or (5), each State agency shall post to the appropriate
8 procurement bulletin the name of the contractor, a description
9 of the supply or service provided, the total amount of the
10 contract, the term of the contract, and the exception to the
11 Code utilized. The chief procurement officer shall submit a
12 report to the Governor and General Assembly no later than
13 November 1 of each year that shall include, at a minimum, an
14 annual summary of the monthly information reported to the
15 chief procurement officer.

16 (c) This Code does not apply to the electric power
17 procurement process provided for under Section 1-75 of the
18 Illinois Power Agency Act and Section 16-111.5 of the Public
19 Utilities Act.

20 (d) Except for Section 20-160 and Article 50 of this Code,
21 and as expressly required by Section 9.1 of the Illinois
22 Lottery Law, the provisions of this Code do not apply to the
23 procurement process provided for under Section 9.1 of the
24 Illinois Lottery Law.

25 (e) This Code does not apply to the process used by the
26 Capital Development Board to retain a person or entity to

1 assist the Capital Development Board with its duties related
2 to the determination of costs of a clean coal SNG brownfield
3 facility, as defined by Section 1-10 of the Illinois Power
4 Agency Act, as required in subsection (h-3) of Section 9-220
5 of the Public Utilities Act, including calculating the range
6 of capital costs, the range of operating and maintenance
7 costs, or the sequestration costs or monitoring the
8 construction of clean coal SNG brownfield facility for the
9 full duration of construction.

10 (f) (Blank).

11 (g) (Blank).

12 (h) This Code does not apply to the process to procure or
13 contracts entered into in accordance with Sections 11-5.2 and
14 11-5.3 of the Illinois Public Aid Code.

15 (i) Each chief procurement officer may access records
16 necessary to review whether a contract, purchase, or other
17 expenditure is or is not subject to the provisions of this
18 Code, unless such records would be subject to attorney-client
19 privilege.

20 (j) This Code does not apply to the process used by the
21 Capital Development Board to retain an artist or work or works
22 of art as required in Section 14 of the Capital Development
23 Board Act.

24 (k) This Code does not apply to the process to procure
25 contracts, or contracts entered into, by the State Board of
26 Elections or the State Electoral Board for hearing officers

1 appointed pursuant to the Election Code.

2 (l) This Code does not apply to the processes used by the
3 Illinois Student Assistance Commission to procure supplies and
4 services paid for from the private funds of the Illinois
5 Prepaid Tuition Fund. As used in this subsection (l), "private
6 funds" means funds derived from deposits paid into the
7 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

8 (m) This Code shall apply regardless of the source of
9 funds with which contracts are paid, including federal
10 assistance moneys. Except as specifically provided in this
11 Code, this Code shall not apply to procurement expenditures
12 necessary for the Department of Public Health to conduct the
13 Healthy Illinois Survey in accordance with Section 2310-431 of
14 the Department of Public Health Powers and Duties Law of the
15 Civil Administrative Code of Illinois.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
17 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff
18 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
19 eff. 9-15-21; revised 11-23-21.)

20 (30 ILCS 500/1-12)

21 Sec. 1-12. Applicability to artistic or musical services.

22 (a) This Code shall not apply to procurement expenditures
23 necessary to provide artistic or musical services,
24 performances, or theatrical productions held at a venue
25 operated or leased by a State agency.

1 (b) Notice of each contract with an annual value of more
2 than \$100,000 entered into by a State agency that is related to
3 the procurement of goods and services identified in this
4 Section shall be published in the Illinois Procurement
5 Bulletin within 14 calendar days after contract execution. The
6 chief procurement officer shall prescribe the form and content
7 of the notice. Each State agency shall provide the chief
8 procurement officer, on a monthly basis, in the form and
9 content prescribed by the chief procurement officer, a report
10 of contracts that are related to the procurement of supplies
11 and services identified in this Section. At a minimum, this
12 report shall include the name of the contractor, a description
13 of the supply or service provided, the total amount of the
14 contract, the term of the contract, and the exception to the
15 Code utilized. A copy of any or all of these contracts shall be
16 made available to the chief procurement officer immediately
17 upon request. The chief procurement officer shall submit a
18 report to the Governor and General Assembly no later than
19 November 1 of each year that shall include, at a minimum, an
20 annual summary of the monthly information reported to the
21 chief procurement officer.

22 (c) (Blank).

23 (d) The General Assembly finds and declares that:

24 (1) 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 (2) 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, 2016 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, 2016.

10 This Section shall be deemed to have been in continuous
11 effect since August 3, 2012 (the effective date of Public Act
12 97-895), and it shall continue to be in effect henceforward
13 until it is otherwise lawfully repealed. All previously
14 enacted amendments to this Section taking effect on or after
15 December 31, 2016, are hereby validated.

16 All actions taken in reliance on or pursuant to this
17 Section in the procurement of artistic or musical services are
18 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 this Section is set forth as amended by Public Act

1 98-1076. Striking and underscoring is used only to show
2 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. 100-43, eff. 8-9-17.)

7 (30 ILCS 500/1-13)

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

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

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

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

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

25 (3) Procurement expenditures for events or activities

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

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

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

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

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

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

25 (9) Contracts with a foreign entity for research or
26 educational activities, provided that the foreign entity

1 either does not maintain an office in the United States or
2 is the sole source of the service or product.

3 Notice of each contract with an annual value of more than
4 \$100,000 entered into by a public institution of higher
5 education that is related to the procurement of goods and
6 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) Procurements made by or on behalf of the University
17 of Illinois for investment services scheduled to expire June
18 2021 may be extended through June 2022 without being subject
19 to the requirements of this Code. Any contract extended,
20 renewed, or entered pursuant to this exception shall be
21 published on the Executive Ethics Commission's website within
22 5 days of contract execution. This subsection is inoperative
23 on and after July 1, 2022.

24 (c) Procurements made by or on behalf of public
25 institutions of higher education for the fulfillment of a
26 grant shall be made in accordance with the requirements of

1 this Code to the extent practical.

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

21 (d) Notwithstanding this Section, a waiver of the
22 registration requirements of Section 20-160 does not permit a
23 business entity and any affiliated entities or affiliated
24 persons to make campaign contributions if otherwise prohibited
25 by Section 50-37. The total amount of contracts awarded in
26 accordance with this Section shall be included in determining

1 the aggregate amount of contracts or pending bids of a
2 business entity and any affiliated entities or affiliated
3 persons.

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

23 (f) As used in this Section:

24 "Grant" means non-appropriated funding provided by a
25 federal or private entity to support a project or program
26 administered by a public institution of higher education and

1 any non-appropriated funding provided to a sub-recipient of
2 the grant.

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

10 (g) (Blank).

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

12 (1) Public Act 98-1076, which took effect on January
13 1, 2015, changed the repeal date set for this Section from
14 December 31, 2014 to December 31, 2016.

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

21 (3) This amendatory Act of the 100th General Assembly
22 manifests the intention of the General Assembly to remove
23 the repeal of this Section.

24 (4) This Section was originally enacted to protect,
25 promote, and preserve the general welfare. Any
26 construction of this Section that results in the repeal of

1 this Section on December 31, 2014 would be inconsistent
2 with the manifest intent of the General Assembly and
3 repugnant to the context of this Code.

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

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

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

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

22 In this amendatory Act of the 100th General Assembly, the
23 base text of the reenacted Section is set forth as amended by
24 Public Act 98-1076. Striking and underscoring is used only to
25 show changes being made to the base text.

26 This Section applies to all procurements made on or before

1 the effective date of this amendatory Act of the 100th General
2 Assembly.

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

4 (30 ILCS 500/1-15.93)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 1-15.93. Single prime. "Single prime" means the
7 design-bid-build procurement delivery method for a building
8 construction project in which the Capital Development Board or
9 public institution of higher education is the construction
10 agency procuring 2 or more subdivisions of work enumerated in
11 paragraphs (1) through (5) of subsection (a) of Section 30-30
12 of this Code under a single contract. This Section is repealed
13 on January 1, 2024.

14 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;
15 102-671, eff. 11-30-21.)

16 (30 ILCS 500/20-20)

17 Sec. 20-20. Small purchases.

18 (a) Amount. Any individual procurement of supplies or
19 services not exceeding \$100,000 and any procurement of
20 construction not exceeding \$100,000, or any individual
21 procurement of professional or artistic services not exceeding
22 \$100,000 may be made without competitive source selection.
23 Procurements shall not be artificially divided so as to
24 constitute a small purchase under this Section. Any

1 procurement of construction not exceeding \$100,000 may be made
2 by an alternative competitive source selection. The
3 construction agency shall establish rules for an alternative
4 competitive source selection process. This Section does not
5 apply to construction-related professional services contracts
6 awarded in accordance with the provisions of the
7 Architectural, Engineering, and Land Surveying Qualifications
8 Based Selection Act.

9 (b) Adjustment. Each July 1, the small purchase maximum
10 established in subsection (a) shall be adjusted for inflation
11 as determined by the Consumer Price Index for All Urban
12 Consumers as determined by the United States Department of
13 Labor and rounded to the nearest \$100.

14 (c) Based upon rules proposed by the Board and rules
15 promulgated by the chief procurement officers, the small
16 purchase maximum established in subsection (a) may be
17 modified.

18 (d) Certification. All small purchases with an annual
19 value of more than \$50,000 shall be accompanied by Standard
20 Illinois Certifications in a form prescribed by each Chief
21 Procurement Officer.

22 (Source: P.A. 100-43, eff. 8-9-17.)

23 (30 ILCS 500/20-60)

24 Sec. 20-60. Duration of contracts.

25 (a) Maximum duration. A contract may be entered into for

1 any period of time deemed to be in the best interests of the
2 State but not exceeding 10 years inclusive, beginning January
3 1, 2010, of proposed contract renewals. Third parties may
4 lease State-owned dark fiber networks for any period of time
5 deemed to be in the best interest of the State, but not
6 exceeding 20 years. The length of a lease for real property or
7 capital improvements shall be in accordance with the
8 provisions of Section 40-25. The length of energy conservation
9 program contracts or energy savings contracts or leases shall
10 be in accordance with the provisions of Section 25-45. A
11 contract for bond or mortgage insurance awarded by the
12 Illinois Housing Development Authority, however, may be
13 entered into for any period of time less than or equal to the
14 maximum period of time that the subject bond or mortgage may
15 remain outstanding.

16 (b) Subject to appropriation. All contracts made or
17 entered into shall recite that they are subject to termination
18 and cancellation in any year for which the General Assembly
19 fails to make an appropriation to make payments under the
20 terms of the contract.

21 (c) The chief procurement officer shall file a proposed
22 extension or renewal of a contract with the Procurement Policy
23 Board and the Commission on Equity and Inclusion prior to
24 entering into any extension or renewal if the cost associated
25 with the extension or renewal exceeds \$249,999. The
26 Procurement Policy Board or the Commission on Equity and

1 Inclusion may object to the proposed extension or renewal
2 within 30 calendar days and require a hearing before the Board
3 or the Commission on Equity and Inclusion prior to entering
4 into the extension or renewal. If the Procurement Policy Board
5 or the Commission on Equity and Inclusion does not object
6 within 30 calendar days or takes affirmative action to
7 recommend the extension or renewal, the chief procurement
8 officer may enter into the extension or renewal of a contract.
9 This subsection does not apply to any emergency procurement,
10 any procurement under Article 40, or any procurement exempted
11 by Section 1-10(b) of this Code. If any State agency contract
12 is paid for in whole or in part with federal-aid funds, grants,
13 or loans and the provisions of this subsection would result in
14 the loss of those federal-aid funds, grants, or loans, then
15 the contract is exempt from the provisions of this subsection
16 in order to remain eligible for those federal-aid funds,
17 grants, or loans, and the State agency shall file notice of
18 this exemption with the Procurement Policy Board or the
19 Commission on Equity and Inclusion prior to entering into the
20 proposed extension or renewal. Nothing in this subsection
21 permits a chief procurement officer to enter into an extension
22 or renewal in violation of subsection (a). By August 1 each
23 year, the Procurement Policy Board and the Commission on
24 Equity and Inclusion shall each file a report with the General
25 Assembly identifying for the previous fiscal year (i) the
26 proposed extensions or renewals that were filed and whether

1 such extensions and renewals were objected to and (ii) the
2 contracts exempt from this subsection.

3 (d) Notwithstanding the provisions of subsection (a) of
4 this Section, the Department of Innovation and Technology may
5 enter into leases for dark fiber networks for any period of
6 time deemed to be in the best interests of the State but not
7 exceeding 20 years inclusive. The Department of Innovation and
8 Technology may lease dark fiber networks from third parties
9 only for the primary purpose of providing services (i) to the
10 offices of Governor, Lieutenant Governor, Attorney General,
11 Secretary of State, Comptroller, or Treasurer and State
12 agencies, as defined under Section 5-15 of the Civil
13 Administrative Code of Illinois or (ii) for anchor
14 institutions, as defined in Section 7 of the Illinois Century
15 Network Act. Dark fiber network lease contracts shall be
16 subject to all other provisions of this Code and any
17 applicable rules or requirements, including, but not limited
18 to, publication of lease solicitations, use of standard State
19 contracting terms and conditions, and approval of vendor
20 certifications and financial disclosures.

21 (e) As used in this Section, "dark fiber network" means a
22 network of fiber optic cables laid but currently unused by a
23 third party that the third party is leasing for use as network
24 infrastructure.

25 (f) No vendor shall be eligible for renewal of a contract
26 when that vendor has failed to meet the goals agreed to in the

1 vendor's utilization plan, as defined in Section 2 of the
2 Business Enterprise for Minorities, Women, and Persons with
3 Disabilities Act, unless the State agency or public
4 institution of higher education has determined that the vendor
5 made good faith efforts toward meeting the contract goals. If
6 the State agency or public institution of higher education
7 determines that the vendor made good faith efforts, the agency
8 or public institution of higher education may issue a waiver
9 after concurrence by the chief procurement officer. The form
10 and content of the waiver shall be prescribed by each chief
11 procurement officer, but shall not impair a State agency or
12 public institution of higher education determination to
13 execute the renewal. The chief procurement officer shall post
14 the completed form on his or her official website within 5
15 business days after receipt from the State agency or public
16 institution of higher education. The chief procurement officer
17 ~~who~~ shall maintain on his or her official website a database of
18 waivers granted under this Section with respect to contracts
19 under his or her jurisdiction. The database shall be updated
20 periodically and shall be searchable by contractor name and by
21 contracting State agency or public institution of higher
22 education.

23 (Source: P.A. 101-81, eff. 7-12-19; 101-657, Article 5,
24 Section 5-5, eff. 7-1-21 (See Section 25 of P.A. 102-29 for
25 effective date of P.A. 101-657, Article 5, Section 5-5);
26 101-657, Article 40, Section 40-125, eff. 1-1-22; 102-29, eff.

1 6-25-21.)

2 (30 ILCS 500/30-30)

3 Sec. 30-30. Design-bid-build construction.

4 (a) The provisions of this subsection are operative
5 through December 31, ~~2024~~2023.

6 Except as provided in subsection (a-5), for~~For~~ building
7 construction contracts in excess of \$250,000, separate
8 specifications may be prepared for all equipment, labor, and
9 materials in connection with the following 5 subdivisions of
10 the work to be performed:

11 (1) plumbing;

12 (2) heating, piping, refrigeration, and automatic
13 temperature control systems, including the testing and
14 balancing of those systems;

15 (3) ventilating and distribution systems for
16 conditioned air, including the testing and balancing of
17 those systems;

18 (4) electric wiring; and

19 (5) general contract work.

20 Except as provided in subsection (a-5), the~~The~~
21 specifications may be so drawn as to permit separate and
22 independent bidding upon each of the 5 subdivisions of work.
23 All contracts awarded for any part thereof may award the 5
24 subdivisions of work separately to responsible and reliable
25 persons, firms, or corporations engaged in these classes of

1 work. The contracts, at the discretion of the construction
2 agency, may be assigned to the successful bidder on the
3 general contract work or to the successful bidder on the
4 subdivision of work designated by the construction agency
5 before the bidding as the prime subdivision of work, provided
6 that all payments will be made directly to the contractors for
7 the 5 subdivisions of work upon compliance with the conditions
8 of the contract.

9 Beginning on the effective date of this amendatory Act of
10 the 101st General Assembly and through December 31, 2024 ~~2023~~,
11 for single prime projects: (i) the bid of the successful low
12 bidder shall identify the name of the subcontractor, if any,
13 and the bid proposal costs for each of the 5 subdivisions of
14 work set forth in this Section; (ii) the contract entered into
15 with the successful bidder shall provide that no identified
16 subcontractor may be terminated without the written consent of
17 the Capital Development Board; (iii) the contract shall comply
18 with the disadvantaged business practices of the Business
19 Enterprise for Minorities, Women, and Persons with
20 Disabilities Act and the equal employment practices of Section
21 2-105 of the Illinois Human Rights Act; and (iv) the Capital
22 Development Board shall submit an annual report to the General
23 Assembly and Governor on the bidding, award, and performance
24 of all single prime projects.

25 For building construction projects with a total
26 construction cost valued at \$5,000,000 or less, the Capital

1 Development Board shall not use the single prime procurement
2 delivery method for more than 50% of the total number of
3 projects bid for each fiscal year. Any project with a total
4 construction cost valued greater than \$5,000,000 may be bid
5 using single prime at the discretion of the Executive Director
6 of the Capital Development Board.

7 (a-5) Beginning on the effective date of this amendatory
8 Act of the 102nd General Assembly and through December 31,
9 2024, for single prime projects in which a public institution
10 of higher education is a construction agency procuring for
11 building construction contracts in excess of \$250,000,
12 separate specifications may be prepared for all equipment,
13 labor, and materials in connection with the 5 subdivisions of
14 work enumerated in subsection (a). Any public institution of
15 higher education contract awarded for any part thereof may
16 award 2 or more of the 5 subdivisions of work together or
17 separately to responsible and reliable persons, firms, or
18 corporations engaged in these classes of work if: (i) the
19 public institution of higher education has submitted to the
20 Procurement Policy Board a written notice that shall include
21 the reasons for using the single prime method and an
22 explanation of why the use of that method is in the best
23 interest of the State. The notice provided under this item (i)
24 shall be posted on the public institution of higher
25 education's online procurement webpage and on the online
26 Procurement Bulletin at least 3 business days following

1 submission to the Procurement Policy Board; (ii) the
2 successful low bidder has prequalified with the public
3 institution of higher education; (iii) the bid of the
4 successful low bidder identifies the name of the
5 subcontractor, if any, and the bid proposal costs for each of
6 the 5 subdivisions of work set forth in subsection (a); (iv)
7 the contract entered into with the successful bidder provides
8 that no identified subcontractor may be terminated without the
9 written consent of the public institution of higher education;
10 and (v) the successful low bidder has prequalified with the
11 University of Illinois or with Capital Development Board.

12 For building construction projects with a total
13 construction cost valued at \$20,000,000 or less, public
14 institutions of higher education shall not use the single
15 prime delivery method for more than 50% of the total number of
16 projects bid for each fiscal year. Projects with a total
17 construction cost valued greater than \$20,000,000 may be bid
18 using the single prime delivery method at the discretion of
19 the public institution of higher education.

20 With respect to any construction project described in this
21 subsection (a-5), the public institution of higher education
22 shall: (i) specify in writing as a public record that the
23 project shall comply with the Business Enterprise for
24 Minorities, Women, and Persons with Disabilities Act and the
25 equal employment practices of Section 2-105 of the Illinois
26 Human Rights Act; and (ii) report annually to the Governor,

1 General Assembly, Procurement Policy Board, and Auditor
2 General on the bidding, award, and performance of all single
3 prime projects. On or after the effective date of this
4 amendatory Act of the 102nd General Assembly, the public
5 institution of higher education may award in each fiscal year
6 single prime contracts with an aggregate total value of no
7 more than \$100,000,000. The Board of Trustees of the
8 University of Illinois may award in each fiscal year single
9 prime contracts with an aggregate total value of no more than
10 \$300,000,000.

11 (b) The provisions of this subsection are operative on and
12 after January 1, 2025 ~~2024~~. For building construction
13 contracts in excess of \$250,000, separate specifications shall
14 be prepared for all equipment, labor, and materials in
15 connection with the following 5 subdivisions of the work to be
16 performed:

17 (1) plumbing;

18 (2) heating, piping, refrigeration, and automatic
19 temperature control systems, including the testing and
20 balancing of those systems;

21 (3) ventilating and distribution systems for
22 conditioned air, including the testing and balancing of
23 those systems;

24 (4) electric wiring; and

25 (5) general contract work.

26 The specifications must be so drawn as to permit separate

1 and independent bidding upon each of the 5 subdivisions of
2 work. All contracts awarded for any part thereof shall award
3 the 5 subdivisions of work separately to responsible and
4 reliable persons, firms, or corporations engaged in these
5 classes of work. The contracts, at the discretion of the
6 construction agency, may be assigned to the successful bidder
7 on the general contract work or to the successful bidder on the
8 subdivision of work designated by the construction agency
9 before the bidding as the prime subdivision of work, provided
10 that all payments will be made directly to the contractors for
11 the 5 subdivisions of work upon compliance with the conditions
12 of the contract.

13 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;
14 102-671, eff. 11-30-21.)

15 (30 ILCS 500/33-5)

16 Sec. 33-5. Definitions. In this Article:

17 "Construction management services" includes:

18 (1) services provided in the planning and
19 pre-construction phases of a construction project
20 including, but not limited to, consulting with, advising,
21 assisting, and making recommendations to the ~~Capital~~
22 ~~Development~~ Board and architect, engineer, or licensed
23 land surveyor on all aspects of planning for project
24 construction; reviewing all plans and specifications as
25 they are being developed and making recommendations with

1 respect to construction feasibility, availability of
2 material and labor, time requirements for procurement and
3 construction, and projected costs; making, reviewing, and
4 refining budget estimates based on the Board's program and
5 other available information; making recommendations to the
6 Board and the architect or engineer regarding the division
7 of work in the plans and specifications to facilitate the
8 bidding and awarding of contracts; soliciting the interest
9 of capable contractors and taking bids on the project;
10 analyzing the bids received; and preparing and maintaining
11 a progress schedule during the design phase of the project
12 and preparation of a proposed construction schedule; and

13 (2) services provided in the construction phase of the
14 project including, but not limited to, maintaining
15 competent supervisory staff to coordinate and provide
16 general direction of the work and progress of the
17 contractors on the project; directing the work as it is
18 being performed for general conformance with working
19 drawings and specifications; establishing procedures for
20 coordinating among the Board, architect or engineer,
21 contractors, and construction manager with respect to all
22 aspects of the project and implementing those procedures;
23 maintaining job site records and making appropriate
24 progress reports; implementing labor policy in conformance
25 with the requirements of the public owner; reviewing the
26 safety and equal opportunity programs of each contractor

1 for conformance with the public owner's policy and making
2 recommendations; reviewing and processing all applications
3 for payment by involved contractors and material suppliers
4 in accordance with the terms of the contract; making
5 recommendations and processing requests for changes in the
6 work and maintaining records of change orders; scheduling
7 and conducting job meetings to ensure orderly progress of
8 the work; developing and monitoring a project progress
9 schedule, coordinating and expediting the work of all
10 contractors and providing periodic status reports to the
11 owner and the architect or engineer; and establishing and
12 maintaining a cost control system and conducting meetings
13 to review costs.

14 "Construction manager" means any individual, sole
15 proprietorship, firm, partnership, corporation, or other legal
16 entity providing construction management services for the
17 Board and prequalified by the State in accordance with 30 ILCS
18 500/33-10.

19 "Board" means the Capital Development Board and public
20 institutions of higher education.

21 (Source: P.A. 94-532, eff. 8-10-05.)

22 (30 ILCS 500/33-50)

23 Sec. 33-50. Duties of construction manager; additional
24 requirements for persons performing construction work.

25 (a) Upon the award of a construction management services

1 contract, a construction manager must contract with the Board
2 to furnish his or her skill and judgment in cooperation with,
3 and reliance upon, the services of the project architect or
4 engineer. The construction manager must furnish business
5 administration, management of the construction process, and
6 other specified services to the Board and must perform his or
7 her obligations in an expeditious and economical manner
8 consistent with the interest of the Board. If it is in the
9 State's best interest, the construction manager may provide or
10 perform basic services for which reimbursement is provided in
11 the general conditions to the construction management services
12 contract.

13 (b) The actual construction work on the project must be
14 awarded to contractors under this Code. The ~~Capital~~
15 ~~Development~~ Board may further separate additional divisions of
16 work under this Article. This subsection is subject to the
17 applicable provisions of the following Acts:

- 18 (1) the Prevailing Wage Act;
- 19 (2) the Public Construction Bond Act;
- 20 (3) the Public Works Employment Discrimination Act;
- 21 (4) the Public Works Preference Act (repealed on June
22 16, 2010 by Public Act 96-929);
- 23 (5) the Employment of Illinois Workers on Public Works
24 Act;
- 25 (6) the Public Contract Fraud Act;
- 26 (7) (blank); and

1 (8) the Illinois Architecture Practice Act of 1989,
2 the Professional Engineering Practice Act of 1989, the
3 Illinois Professional Land Surveyor Act of 1989, and the
4 Structural Engineering Practice Act of 1989.

5 (Source: P.A. 101-149, eff. 7-26-19.)

6 (30 ILCS 500/50-90 new)

7 Sec. 50-90. Certifications. All contracts under this Code
8 with an annual value of more than \$50,000 annually shall be
9 accompanied by Standard Illinois Certifications in a form
10 prescribed by each Chief Procurement Officer.

11 Section 15. The Design-Build Procurement Act is amended by
12 changing Sections 5, 10, and 90 as follows:

13 (30 ILCS 537/5)

14 (Section scheduled to be repealed on July 1, 2022)

15 Sec. 5. Legislative policy. It is the intent of the
16 General Assembly that the State construction agency ~~Capital~~
17 ~~Development Board~~ be allowed to use the design-build delivery
18 method for public projects if it is shown to be in the State's
19 best interest for that particular project. It shall be the
20 policy of the State construction agency ~~Capital Development~~
21 ~~Board~~ in the procurement of design-build services to publicly
22 announce all requirements for design-build services and to
23 procure these services on the basis of demonstrated competence

1 and qualifications and with due regard for the principles of
2 competitive selection.

3 The State construction agency ~~Capital Development Board~~
4 shall, prior to issuing requests for proposals, promulgate and
5 publish procedures for the solicitation and award of contracts
6 pursuant to this Act.

7 The State construction agency ~~Capital Development Board~~
8 shall, for each public project or projects permitted under
9 this Act, make a written determination, including a
10 description as to the particular advantages of the
11 design-build procurement method, that it is in the best
12 interests of this State to enter into a design-build contract
13 for the project or projects. In making that determination, the
14 following factors shall be considered:

15 (1) The probability that the design-build procurement
16 method will be in the best interests of the State by
17 providing a material savings of time or cost over the
18 design-bid-build or other delivery system.

19 (2) The type and size of the project and its
20 suitability to the design-build procurement method.

21 (3) The ability of the State construction agency to
22 define and provide comprehensive scope and performance
23 criteria for the project.

24 No State construction agency may use a design-build
25 procurement method unless the agency determines in writing
26 that the project will comply with the disadvantaged business

1 and equal employment practices of the State as established in
2 the Business Enterprise for Minorities, Women, and Persons
3 with Disabilities Act and Section 2-105 of the Illinois Human
4 Rights Act.

5 The State construction agency ~~Capital Development Board~~
6 shall within 15 days after the initial determination provide
7 an advisory copy to the Procurement Policy Board and maintain
8 the full record of determination for 5 years.

9 (Source: P.A. 100-391, eff. 8-25-17.)

10 (30 ILCS 537/10)

11 (Section scheduled to be repealed on July 1, 2022)

12 Sec. 10. Definitions. As used in this Act:

13 "State construction agency" means the Capital Development
14 Board and public institutions of higher education.

15 "Delivery system" means the design and construction
16 approach used to develop and construct a project.

17 "Design-bid-build" means the traditional delivery system
18 used on public projects in this State that incorporates the
19 Architectural, Engineering, and Land Surveying Qualification
20 Based Selection Act (30 ILCS 535/) and the principles of
21 competitive selection in the Illinois Procurement Code (30
22 ILCS 500/).

23 "Design-build" means a delivery system that provides
24 responsibility within a single contract for the furnishing of
25 architecture, engineering, land surveying and related services

1 as required, and the labor, materials, equipment, and other
2 construction services for the project.

3 "Design-build contract" means a contract for a public
4 project under this Act between the State construction agency
5 and a design-build entity to furnish architecture,
6 engineering, land surveying, and related services as required,
7 and to furnish the labor, materials, equipment, and other
8 construction services for the project. The design-build
9 contract may be conditioned upon subsequent refinements in
10 scope and price and may allow the State construction agency to
11 make modifications in the project scope without invalidating
12 the design-build contract.

13 "Design-build entity" means any individual, sole
14 proprietorship, firm, partnership, joint venture, corporation,
15 professional corporation, or other entity that proposes to
16 design and construct any public project under this Act. A
17 design-build entity and associated design-build professionals
18 shall conduct themselves in accordance with the laws of this
19 State and the related provisions of the Illinois
20 Administrative Code, as referenced by the licensed design
21 professionals Acts of this State.

22 "Design professional" means any individual, sole
23 proprietorship, firm, partnership, joint venture, corporation,
24 professional corporation, or other entity that offers services
25 under the Illinois Architecture Practice Act of 1989 (225 ILCS
26 305/), the Professional Engineering Practice Act of 1989 (225

1 ILCS 325/), the Structural Engineering Licensing Act of 1989
2 (225 ILCS 340/), or the Illinois Professional Land Surveyor
3 Act of 1989 (225 ILCS 330/).

4 "Evaluation criteria" means the requirements for the
5 separate phases of the selection process as defined in this
6 Act and may include the specialized experience, technical
7 qualifications and competence, capacity to perform, past
8 performance, experience with similar projects, assignment of
9 personnel to the project, and other appropriate factors. Price
10 may not be used as a factor in the evaluation of Phase I
11 proposals.

12 "Proposal" means the offer to enter into a design-build
13 contract as submitted by a design-build entity in accordance
14 with this Act.

15 "Request for proposal" means the document used by the
16 State construction agency to solicit proposals for a
17 design-build contract.

18 "Scope and performance criteria" means the requirements
19 for the public project, including but not limited to, the
20 intended usage, capacity, size, scope, quality and performance
21 standards, life-cycle costs, and other programmatic criteria
22 that are expressed in performance-oriented and quantifiable
23 specifications and drawings that can be reasonably inferred
24 and are suited to allow a design-build entity to develop a
25 proposal.

26 (Source: P.A. 94-716, eff. 12-13-05.)

1 (30 ILCS 537/90)

2 (Section scheduled to be repealed on July 1, 2022)

3 Sec. 90. Repealer. This Act is repealed on January 1, 2024
4 ~~July 1, 2022~~.

5 (Source: P.A. 100-1189, eff. 4-5-19.)

6 Section 20. The Local Food, Farms, and Jobs Act is amended
7 by changing Section 10 as follows:

8 (30 ILCS 595/10)

9 Sec. 10. Procurement goals for local farm or food
10 products.

11 (a) In order to create, strengthen, and expand local farm
12 and food economies throughout Illinois, it shall be the goal
13 of this State that 20% of all food and food products purchased
14 by State agencies and State-owned facilities, including,
15 without limitation, facilities for persons with mental health
16 and developmental disabilities, correctional facilities, and
17 public universities, shall, by 2020, be local farm or food
18 products.

19 (b) The State ~~Local Food, Farms, and Jobs Council~~
20 ~~established under this Act~~ shall support and encourage that
21 10% of food and food products purchased by entities funded in
22 part or in whole by State dollars, which spend more than
23 \$25,000 per year on food or food products for its students,

1 residents, or clients, including, without limitation, public
2 schools, child care facilities, after-school programs, and
3 hospitals, shall, by 2020, be local farm or food products.

4 (c) To meet the goals set forth in this Section, when a
5 State contract for purchase of food or food products is to be
6 awarded to the lowest responsible bidder, an otherwise
7 qualified bidder who will fulfill the contract through the use
8 of local farm or food products may be given preference over
9 other bidders, provided that the cost included in the bid of
10 local farm or food products is not more than 10% greater than
11 the cost included in a bid that is not for local farm or food
12 products.

13 (d) All State agencies and State-owned facilities that
14 purchase food and food products shall, ~~with the assistance of~~
15 ~~the Local Food, Farms, and Jobs Council,~~ develop a system for
16 (i) identifying the percentage of local farm or food products
17 purchased for fiscal year 2021 ~~2011~~ as the baseline; and (ii)
18 tracking and reporting local farm or food products purchases
19 on an annual basis.

20 (e) All State agencies and State-owned facilities that
21 purchase food and food products shall publish on their
22 applicable procurement bulletin their farm or food purchases
23 for the recently completed fiscal year. The first published
24 report shall be due no later than January 1, 2023 and represent
25 fiscal year 2022 purchases. A report shall be due each January
26 1 thereafter and be published on a form prescribed by each

1 applicable Chief Procurement Officer.

2 (Source: P.A. 96-579, eff. 8-18-09.)

3 (30 ILCS 595/15 rep.)

4 (30 ILCS 595/20 rep.)

5 (30 ILCS 595/25 rep.)

6 Section 25. The Local Food, Farms, and Jobs Act is amended
7 by repealing Sections 15, 20, and 25.

8 Section 30. The Illinois Human Rights Act is amended by
9 changing Section 2-105 as follows:

10 (775 ILCS 5/2-105) (from Ch. 68, par. 2-105)

11 Sec. 2-105. Equal Employment Opportunities; Affirmative
12 Action.

13 (A) Public Contracts. Every party to a public contract and
14 every eligible bidder shall:

15 (1) Refrain from unlawful discrimination and
16 discrimination based on citizenship status in employment
17 and undertake affirmative action to assure equality of
18 employment opportunity and eliminate the effects of past
19 discrimination;

20 (2) Comply with the procedures and requirements of the
21 Department's regulations concerning equal employment
22 opportunities and affirmative action;

23 (3) Provide such information, with respect to its

1 employees and applicants for employment, and assistance as
2 the Department may reasonably request;

3 (4) Have written sexual harassment policies that shall
4 include, at a minimum, the following information: (i) the
5 illegality of sexual harassment; (ii) the definition of
6 sexual harassment under State law; (iii) a description of
7 sexual harassment, utilizing examples; (iv) the vendor's
8 internal complaint process including penalties; (v) the
9 legal recourse, investigative, and complaint process
10 available through the Department and the Commission; (vi)
11 directions on how to contact the Department and
12 Commission; and (vii) protection against retaliation as
13 provided by Sections 6-101 and 6-101.5 of this Act. A copy
14 of the policies shall be provided to the Department upon
15 request. Additionally, each bidder who submits a bid or
16 offer for a State contract under the Illinois Procurement
17 Code shall have a written copy of the bidder's sexual
18 harassment policy as required under this paragraph (4). A
19 copy of the policy shall be provided to the State agency
20 entering into the contract upon request.

21 The Department, by rule, shall establish a reasonable
22 opportunity to cure any noncompliance with this subsection by
23 a bidder prior to the awarding of a contract.

24 (B) State Agencies. Every State executive department,
25 State agency, board, commission, and instrumentality shall:

26 (1) Comply with the procedures and requirements of the

1 Department's regulations concerning equal employment
2 opportunities and affirmative action.~~+~~

3 (2) Provide such information and assistance as the
4 Department may request.

5 (3) Establish, maintain, and carry out a continuing
6 affirmative action plan consistent with this Act and the
7 regulations of the Department designed to promote equal
8 opportunity for all State residents in every aspect of
9 agency personnel policy and practice. For purposes of
10 these affirmative action plans, the race and national
11 origin categories to be included in the plans are:
12 American Indian or Alaska Native, Asian, Black or African
13 American, Hispanic or Latino, Native Hawaiian or Other
14 Pacific Islander.

15 This plan shall include a current detailed status
16 report:

17 (a) indicating, by each position in State service,
18 the number, percentage, and average salary of
19 individuals employed by race, national origin, sex and
20 disability, and any other category that the Department
21 may require by rule;

22 (b) identifying all positions in which the
23 percentage of the people employed by race, national
24 origin, sex and disability, and any other category
25 that the Department may require by rule, is less than
26 four-fifths of the percentage of each of those

1 components in the State work force;

2 (c) specifying the goals and methods for
3 increasing the percentage by race, national origin,
4 sex, and disability, and any other category that the
5 Department may require by rule, in State positions;

6 (d) indicating progress and problems toward
7 meeting equal employment opportunity goals, including,
8 if applicable, but not limited to, Department of
9 Central Management Services recruitment efforts,
10 publicity, promotions, and use of options designating
11 positions by linguistic abilities;

12 (e) establishing a numerical hiring goal for the
13 employment of qualified persons with disabilities in
14 the agency as a whole, to be based on the proportion of
15 people with work disabilities in the Illinois labor
16 force as reflected in the most recent employment data
17 made available by the United States Census Bureau.

18 (4) If the agency has 1000 or more employees, appoint
19 a full-time Equal Employment Opportunity officer, subject
20 to the Department's approval, whose duties shall include:

21 (a) Advising the head of the particular State
22 agency with respect to the preparation of equal
23 employment opportunity programs, procedures,
24 regulations, reports, and the agency's affirmative
25 action plan.

26 (b) Evaluating in writing each fiscal year the

1 sufficiency of the total agency program for equal
2 employment opportunity and reporting thereon to the
3 head of the agency with recommendations as to any
4 improvement or correction in recruiting, hiring or
5 promotion needed, including remedial or disciplinary
6 action with respect to managerial or supervisory
7 employees who have failed to cooperate fully or who
8 are in violation of the program.

9 (c) Making changes in recruitment, training and
10 promotion programs and in hiring and promotion
11 procedures designed to eliminate discriminatory
12 practices when authorized.

13 (d) Evaluating tests, employment policies,
14 practices, and qualifications and reporting to the
15 head of the agency and to the Department any policies,
16 practices and qualifications that have unequal impact
17 by race, national origin as required by Department
18 rule, sex, or disability or any other category that
19 the Department may require by rule, and to assist in
20 the recruitment of people in underrepresented
21 classifications. This function shall be performed in
22 cooperation with the ~~State~~ Department of Central
23 Management Services.

24 (e) Making any aggrieved employee or applicant for
25 employment aware of his or her remedies under this
26 Act.

1 In any meeting, investigation, negotiation,
2 conference, or other proceeding between a State
3 employee and an Equal Employment Opportunity officer,
4 a State employee (1) who is not covered by a collective
5 bargaining agreement and (2) who is the complaining
6 party or the subject of such proceeding may be
7 accompanied, advised and represented by (1) an
8 attorney licensed to practice law in the State of
9 Illinois or (2) a representative of an employee
10 organization whose membership is composed of employees
11 of the State and of which the employee is a member. A
12 representative of an employee, other than an attorney,
13 may observe but may not actively participate, or
14 advise the State employee during the course of such
15 meeting, investigation, negotiation, conference, or
16 other proceeding. Nothing in this Section shall be
17 construed to permit any person who is not licensed to
18 practice law in Illinois to deliver any legal services
19 or otherwise engage in any activities that would
20 constitute the unauthorized practice of law. Any
21 representative of an employee who is present with the
22 consent of the employee, shall not, during or after
23 termination of the relationship permitted by this
24 Section with the State employee, use or reveal any
25 information obtained during the course of the meeting,
26 investigation, negotiation, conference, or other

1 proceeding without the consent of the complaining
2 party and any State employee who is the subject of the
3 proceeding and pursuant to rules and regulations
4 governing confidentiality of such information as
5 promulgated by the appropriate State agency.
6 Intentional or reckless disclosure of information in
7 violation of these confidentiality requirements shall
8 constitute a Class B misdemeanor.

9 (5) Establish, maintain, and carry out a continuing
10 sexual harassment program that shall include the
11 following:

12 (a) Develop a written sexual harassment policy
13 that includes at a minimum the following information:
14 (i) the illegality of sexual harassment; (ii) the
15 definition of sexual harassment under State law; (iii)
16 a description of sexual harassment, utilizing
17 examples; (iv) the agency's internal complaint process
18 including penalties; (v) the legal recourse,
19 investigative, and complaint process available through
20 the Department and the Commission; (vi) directions on
21 how to contact the Department and Commission; and
22 (vii) protection against retaliation as provided by
23 Section 6-101 of this Act. The policy shall be
24 reviewed annually.

25 (b) Post in a prominent and accessible location
26 and distribute in a manner to assure notice to all

1 agency employees without exception the agency's sexual
2 harassment policy. Such documents may meet, but shall
3 not exceed, the 6th grade literacy level. Distribution
4 shall be effectuated within 90 days of the effective
5 date of this amendatory Act of 1992 and shall occur
6 annually thereafter.

7 (c) Provide training on sexual harassment
8 prevention and the agency's sexual harassment policy
9 as a component of all ongoing or new employee training
10 programs.

11 (6) Notify the Department 30 days before effecting any
12 layoff. Once notice is given, the following shall occur:

13 (a) No layoff may be effective earlier than 10
14 working days after notice to the Department, unless an
15 emergency layoff situation exists.

16 (b) The State executive department, State agency,
17 board, commission, or instrumentality in which the
18 layoffs are to occur must notify each employee
19 targeted for layoff, the employee's union
20 representative (if applicable), and the State
21 Dislocated Worker Unit at the Department of Commerce
22 and Economic Opportunity.

23 (c) The State executive department, State agency,
24 board, commission, or instrumentality in which the
25 layoffs are to occur must conform to applicable
26 collective bargaining agreements.

1 (d) The State executive department, State agency,
2 board, commission, or instrumentality in which the
3 layoffs are to occur should notify each employee
4 targeted for layoff that transitional assistance may
5 be available to him or her under the Economic
6 Dislocation and Worker Adjustment Assistance Act
7 administered by the Department of Commerce and
8 Economic Opportunity. Failure to give such notice
9 shall not invalidate the layoff or postpone its
10 effective date.

11 As used in this subsection (B), "disability" shall be
12 defined in rules promulgated under the Illinois Administrative
13 Procedure Act.

14 (C) Civil Rights Violations. It is a civil rights
15 violation for any public contractor or eligible bidder to:

16 (1) fail to comply with the public contractor's or
17 eligible bidder's duty to refrain from unlawful
18 discrimination and discrimination based on citizenship
19 status in employment under subsection (A)(1) of this
20 Section; or

21 (2) fail to comply with the public contractor's or
22 eligible bidder's duties of affirmative action under
23 subsection (A) of this Section, provided however, that the
24 Department has notified the public contractor or eligible
25 bidder in writing by certified mail that the public
26 contractor or eligible bidder may not be in compliance

1 with affirmative action requirements of subsection (A). A
2 minimum of 60 days to comply with the requirements shall
3 be afforded to the public contractor or eligible bidder
4 before the Department may issue formal notice of
5 non-compliance.

6 (D) As used in this Section:

7 (1) "American Indian or Alaska Native" means a person
8 having origins in any of the original peoples of North and
9 South America, including Central America, and who
10 maintains tribal affiliation or community attachment.

11 (2) "Asian" means a person having origins in any of
12 the original peoples of the Far East, Southeast Asia, or
13 the Indian subcontinent, including, but not limited to,
14 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
15 the Philippine Islands, Thailand, and Vietnam.

16 (3) "Black or African American" means a person having
17 origins in any of the black racial groups of Africa.

18 (4) "Hispanic or Latino" means a person of Cuban,
19 Mexican, Puerto Rican, South or Central American, or other
20 Spanish culture or origin, regardless of race.

21 (5) "Native Hawaiian or Other Pacific Islander" means
22 a person having origins in any of the original peoples of
23 Hawaii, Guam, Samoa, or other Pacific Islands.

24 (Source: P.A. 102-362, eff. 1-1-22; 102-465, eff. 1-1-22;
25 revised 9-22-21.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 20 ILCS 5015/15
- 4 30 ILCS 500/1-10
- 5 30 ILCS 500/1-12
- 6 30 ILCS 500/1-13
- 7 30 ILCS 500/1-15.93
- 8 30 ILCS 500/20-20
- 9 30 ILCS 500/20-60
- 10 30 ILCS 500/30-30
- 11 30 ILCS 500/33-5
- 12 30 ILCS 500/33-50
- 13 30 ILCS 500/50-90 new
- 14 30 ILCS 537/5
- 15 30 ILCS 537/10
- 16 30 ILCS 537/90
- 17 30 ILCS 595/10
- 18 30 ILCS 595/15 rep.
- 19 30 ILCS 595/20 rep.
- 20 30 ILCS 595/25 rep.
- 21 775 ILCS 5/2-105 from Ch. 68, par. 2-105