

1 AMENDMENT TO HOUSE BILL 2568

2 AMENDMENT NO. _____. Amend House Bill 2568 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Section 50-10.5 as follows:

6 (30 ILCS 500/50-10.5 new)

7 Sec. 50-10.5. Prohibited bidders and contractors.

8 (a) Unless otherwise provided, no business shall bid or
9 enter into a contract with the State of Illinois or any State
10 agency if the business or any officer, director, partner, or
11 other managerial agent of the business has been convicted of
12 a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or
13 Class 2 felony under the Illinois Securities Law of 1953 for
14 a period of 5 years from the date of conviction.

15 (b) Every bid submitted to and contract executed by the
16 State shall contain a certification by the bidder or
17 contractor that the contractor is not barred from being
18 awarded a contract under this Section and that the contractor
19 acknowledges that the contracting State agency may declare
20 the contract void if the certification completed pursuant to
21 this subsection (b) is false.

22 (c) If a business is not a natural person, the

1 prohibition in subsection (a) applies only if:

2 (1) the business itself is convicted of a felony
3 referenced in subsection (a); or

4 (2) any officer, director, partner, or other
5 managerial agent convicted of a felony referenced in
6 subsection (a) was acting in the scope of his or her
7 employment when he or she committed the felony such that
8 the business could be found liable under the common law
9 doctrine of corporate complicity.

10 (d) A natural person who is convicted of a felony
11 referenced in subsection (a) remains subject to Section
12 50-10."