

## 94TH GENERAL ASSEMBLY

## State of Illinois

## 2005 and 2006

## SB2004

Introduced 2/25/2005, by Sen. Christine Radogno - Steven J. Rauschenberger - Peter J. Roskam - Kirk W. Dillard

## SYNOPSIS AS INTRODUCED:

## New Act

15 ILCS 20/50-25 new  
15 ILCS 205/6.10 new  
15 ILCS 305/30 new  
15 ILCS 405/40 new  
15 ILCS 505/25 new  
30 ILCS 5/2-20 new  
30 ILCS 500/1-15.30  
30 ILCS 500/15-25  
30 ILCS 500/20-25  
30 ILCS 500/20-30  
30 ILCS 500/20-80  
30 ILCS 500/50-20  
30 ILCS 500/50-37 new  
30 ILCS 500/50-60

Amends the Illinois Procurement Code. Redefines "contract" to include amendments to contracts. Prohibits the use of the sole source method of procurement as the basis for amending contracts if the additions would result in extensions of cost or term beyond specified limits. Limits the terms of emergency procurements to the shorter of 2 months or the period reasonably needed for competitive sealed bidding. Redefines the State services that, if disrupted, would warrant emergency procurements. Requires State agencies to comply with the Comptroller's requests for documents and information concerning specific contracts. Authorizes the Comptroller, with the approval of the Treasurer, to void or ratify contracts (now, only the chief procurement officers). Requires that bids or offers worth \$50,000 or more annually must be accompanied by a disclosure of the potential contract executing entity and various entities with financial relationships with, or to whom political contributions may be made by, the contracting entity. Requires publication of the disclosures of winning bidders or offerors in the Procurement Bulletin. Specifies deadlines for posting certain notices in the online Procurement Bulletin. Makes other changes. Creates the Legislative Contract Disclosure Act and the Lieutenant Governor Contract Disclosure Act and amends the State Budget Law, the Attorney General Act, the Secretary of State Act, the State Comptroller Act, the State Treasurer Act, and the Illinois State Auditing Act, to require similar disclosure with respect to contracts entered into by the offices of executive branch constitutional officers, the legislative branch, and the Auditor General. Effective immediately.

LRB094 11550 JAM 42528 b

1 AN ACT concerning procurement.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 ARTICLE 1

5 Section 1-1. Short title. This Article may be cited as the  
6 Legislative Contract Disclosure Act.

7 Section 1-5. Definitions. For purposes of this Article:

8 "Contract" means any contract or agreement for goods or  
9 services executed by a legislator, legislative office, or  
10 legislative agency, with an annual value of \$50,000 or more,  
11 except, regardless of amount, "contract" as used in this  
12 Article shall not include the following:

13 (1) Contracts with State agencies or officers or other  
14 political subdivisions;

15 (2) Hiring of an individual as an employee or  
16 independent contractor, whether pursuant to an employment  
17 code or policy or by contract directly with that  
18 individual;

19 (3) Collective bargaining contracts;

20 (4) Purchase of real estate; or

21 (5) Contracts necessary to prepare for anticipated  
22 litigation, enforcement actions, or investigations.

23 "Contracting entity" means an entity that has executed a  
24 contract with the legislator, legislative office, or  
25 legislative agency.

26 "Key persons" means any persons who (i) have an ownership  
27 or distributive income share in the contracting entity that is  
28 in excess of 5%, or an amount greater than 60% of the annual  
29 salary of the Governor; (ii) serve as executive officers of the  
30 contracting entity; (iii) are employed by the contracting  
31 entity who are required to register as lobbyists under the

1 Lobbyist Registration Act; (iv) are individuals or entities  
2 with whom the contracting entity is contracting who are  
3 required to register as lobbyists under the Lobbyist  
4 Registration Act; and (v) are employed by the contracting  
5 entity who are special government agents as defined in Section  
6 4A-101(1) of the Illinois Governmental Ethics Act.

7 Section 1-10. Notice. Notice of the execution of contracts  
8 shall be posted on the website of the Illinois General Assembly  
9 that includes a brief description of the purpose of the  
10 contract and disclosure of the names of the following:

11 (1) The contracting entity;

12 (2) Any entity that is a parent of, or owns a  
13 controlling interest in, the contracting entity;

14 (3) Any entity that is a subsidiary of, or owns a  
15 controlling interest in, the contracting entity;

16 (4) Any State, local, or federal political committee  
17 that makes or may make political contributions on behalf of  
18 the contracting entity; and

19 (5) The contracting entity's key persons.

20 This notice shall be posted within 10 business days after the  
21 earlier of (i) execution of the contract or (ii) whenever  
22 services or goods begin to be provided under the contract and,  
23 in any event, prior to any payment by the State under the  
24 contract.

25 Section 1-15. Application. This Article applies to  
26 contracts executed on or after the effective date of this  
27 amendatory Act of the 94th General Assembly.

28 ARTICLE 5

29 Section 5-1. Short title. This Article may be cited as the  
30 Lieutenant Governor's Contract Disclosure Act.

31 Section 5-5. Definitions. For purposes of this Article:

1 "Contract" means any contract or agreement for goods or  
2 services executed by the office of the Lieutenant Governor with  
3 an annual value of \$50,000 or more, except, regardless of  
4 amount, "contract" as used in this Section shall not include  
5 the following:

6 (1) Contracts with State agencies or officers or other  
7 political subdivisions;

8 (2) Hiring of an individual as an employee or  
9 independent contractor, whether pursuant to an employment  
10 code or policy or by contract directly with that  
11 individual;

12 (3) Collective bargaining contracts;

13 (4) Purchase of real estate; or

14 (5) Contracts necessary to prepare for anticipated  
15 litigation, enforcement actions, or investigations.

16 "Contracting entity" means an entity that has executed a  
17 contract with the Office of the Lieutenant Governor.

18 "Key persons" means any persons who (i) have an ownership  
19 or distributive income share in the contracting entity that is  
20 in excess of 5%, or an amount greater than 60% of the annual  
21 salary of the Governor; (ii) serve as executive officers of the  
22 contracting entity; (iii) are employed by the contracting  
23 entity who are required to register as lobbyists under the  
24 Lobbyist Registration Act; (iv) are individuals or entities  
25 with whom the contracting entity is contracting who are  
26 required to register as lobbyists under the Lobbyist  
27 Registration Act; and (v) are employed by the contracting  
28 entity who are special government agents as defined in Section  
29 4A-101(1) of the Illinois Governmental Ethics Act.

30 Section 5-10. Notice. Notice of the execution of contracts  
31 shall be posted on the website of the Office of the Lieutenant  
32 Governor that includes a brief description of the purpose of  
33 the contract and disclosure of the names of the following:

34 (1) The contracting entity;

35 (2) Any entity that is a parent of, or owns a

1 controlling interest in, the contracting entity;

2 (3) Any entity that is a subsidiary of, or owns a  
3 controlling interest in, the contracting entity;

4 (4) Any State, local, or federal political committee  
5 that makes or may make political contributions on behalf of  
6 the contracting entity; and

7 (5) The contracting entity's key persons.

8 This notice shall be posted within 10 business days after the  
9 earlier of (i) execution of the contract or (ii) whenever  
10 services or goods begin to be provided under the contract and,  
11 in any event, prior to any payment by the State under the  
12 contract.

13 Section 5-15. Application. This Article applies to  
14 contracts executed on or after the effective date of this  
15 amendatory Act of the 94th General Assembly.

16 ARTICLE 90

17 Section 90-5. The State Budget Law is amended by adding  
18 Section 50-25 as follows:

19 (15 ILCS 20/50-25 new)

20 Sec. 50-25. Governor's Contract Disclosure.

21 (a) For purposes of this Section:

22 "Contract" means any contract or agreement for goods or  
23 services executed by the Office of the Governor, with an annual  
24 value of \$50,000 or more, except, regardless of amount,  
25 "contract" as used in this Section shall not include the  
26 following:

27 (1) Contracts with State agencies or officers or other  
28 political subdivisions;

29 (2) Hiring of an individual as an employee or  
30 independent contractor, whether pursuant to an employment  
31 code or policy or by contract directly with that  
32 individual;

1           (3) Collective bargaining contracts;

2           (4) Purchase of real estate; or

3           (5) Contracts necessary to prepare for anticipated  
4           litigation, enforcement actions, or investigations.

5           "Contracting entity" means an entity that has executed a  
6           contract with the Office of the Governor.

7           "Key persons" means any persons who (i) have an ownership  
8           or distributive income share in the contracting entity that is  
9           in excess of 5%, or an amount greater than 60% of the annual  
10           salary of the Governor; (ii) serve as executive officers of the  
11           contracting entity; (iii) are employed by the contracting  
12           entity who are required to register as lobbyists under the  
13           Lobbyist Registration Act; (iv) are individuals or entities  
14           with whom the contracting entity is contracting who are  
15           required to register as lobbyists under the Lobbyist  
16           Registration Act; and (v) are employed by the contracting  
17           entity who are special government agents as defined in Section  
18           4A-101(1) of the Illinois Governmental Ethics Act.

19           (b) Notice of the execution of contracts shall be posted on  
20           the website of the Office of the Governor that includes a brief  
21           description of the purpose of the contract and disclosure of  
22           the names of the following:

23           (1) The contracting entity;

24           (2) Any entity that is a parent of, or owns a  
25           controlling interest in, the contracting entity;

26           (3) Any entity that is a subsidiary of, or owns a  
27           controlling interest in, the contracting entity;

28           (4) Any State, local, or federal political committee  
29           which makes or may make political contributions on behalf  
30           of the contracting entity; and

31           (5) The contracting entity's key persons.

32           This notice shall be posted within 10 business days after the  
33           earlier of (i) execution of the contract or (ii) whenever  
34           services or goods begin to be provided under the contract and,  
35           in any event, prior to any payment by the State under the  
36           contract.

1       (c) This Section applies to contracts executed on or after  
2 the effective date of this amendatory Act of the 94th General  
3 Assembly.

4       Section 90-10. The Attorney General Act is amended by  
5 adding Section 6.10 as follows:

6       (15 ILCS 205/6.10 new)

7       Sec. 6.10. Attorney General's Contract Disclosure.

8       (a) For purposes of this Section:

9       "Contract" means any contract or agreement for goods or  
10 services executed by the Office of the Attorney General, with  
11 an annual value of \$50,000 or more, except, regardless of  
12 amount, "contract" as used in this Section shall not include  
13 the following:

14       (1) Contracts with State agencies or officers or other  
15 political subdivisions;

16       (2) Hiring of an individual as an employee or  
17 independent contractor, whether pursuant to an employment  
18 code or policy or by contract directly with that  
19 individual;

20       (3) Collective bargaining contracts;

21       (4) Purchase of real estate; or

22       (5) Contracts necessary to prepare for anticipated  
23 litigation, enforcement actions or investigations.

24       "Contracting entity" means an entity that has executed a  
25 contract with the Office of the Attorney General.

26       "Key persons" means any persons who (i) have an ownership  
27 or distributive income share in the contracting entity that is  
28 in excess of 5%, or an amount greater than 60% of the annual  
29 salary of the Governor; (ii) serve as executive officers of the  
30 contracting entity; (iii) are employed by the contracting  
31 entity who are required to register as lobbyists under the  
32 Lobbyist Registration Act; (iv) are individuals or entities  
33 with whom the contracting entity is contracting who are  
34 required to register as lobbyists under the Lobbyist

1 Registration Act; and (v) are employed by the contracting  
2 entity who are special government agents as defined in Section  
3 4A-101(1) of the Illinois Governmental Ethics Act.

4 (b) Notice of the execution of contracts shall be posted on  
5 the website of the Office of the Attorney General that includes  
6 a brief description of the purpose of the contract and  
7 disclosure of the names of the following:

8 (1) The contracting entity;

9 (2) Any entity that is a parent of, or owns a  
10 controlling interest in, the contracting entity;

11 (3) Any entity that is a subsidiary of, or owns a  
12 controlling interest in, the contracting entity;

13 (4) Any State, local, or federal political committee  
14 which makes or may make political contributions on behalf  
15 of the contracting entity; and

16 (5) The contracting entity's key persons.

17 This notice shall be posted within 10 business days after the  
18 earlier of (i) execution of the contract or (ii) whenever  
19 services or goods begin to be provided under the contract and,  
20 in any event, prior to any payment by the State under the  
21 contract.

22 (c) This Section applies to contracts executed on or after  
23 the effective date of this amendatory Act of the 94th General  
24 Assembly.

25 Section 90-12. The Secretary of State Act is amended by  
26 adding Section 30 as follows:

27 (15 ILCS 305/30 new)

28 Sec. 30. Secretary of State's Contract Disclosure.

29 (a) For purposes of this Section:

30 "Contract" means any contract or agreement for goods or  
31 services executed by the Office of the Secretary of State, with  
32 an annual value of \$50,000 or more, except, regardless of  
33 amount, "contract" as used in this Section shall not include  
34 the following:



1           (1) Contracts with State agencies or officers or other  
2           political subdivisions;

3           (2) Hiring of an individual as an employee or  
4           independent contractor, whether pursuant to an employment  
5           code or policy or by contract directly with that  
6           individual;

7           (3) Collective bargaining contracts;

8           (4) Purchase of real estate; or

9           (5) Contracts necessary to prepare for anticipated  
10          litigation, enforcement actions, or investigations.

11          "Contracting entity" means an entity that has executed a  
12          contract with the Office of the Secretary of State.

13          "Key persons" means any persons who (i) have an ownership  
14          or distributive income share in the contracting entity that is  
15          in excess of 5%, or an amount greater than 60% of the annual  
16          salary of the Governor; (ii) serve as executive officers of the  
17          contracting entity; (iii) are employed by the contracting  
18          entity who are required to register as lobbyists under the  
19          Lobbyist Registration Act; (iv) are individuals or entities  
20          with whom the contracting entity is contracting who are  
21          required to register as lobbyists under the Lobbyist  
22          Registration Act; and (v) are employed by the contracting  
23          entity who are special government agents as defined in Section  
24          4A-101(1) of the Illinois Governmental Ethics Act.

25          (b) Notice of the execution of contracts shall be posted on  
26          the website of the Office of the Secretary of State that  
27          includes a brief description of the purpose of the contract and  
28          disclosure of the names of the following:

29           (1) The contracting entity;

30           (2) Any entity that is a parent of, or owns a controlling  
31           interest in, the contracting entity;

32           (3) Any entity that is a subsidiary of, or owns a  
33           controlling interest in, the contracting entity;

34           (4) Any State, local, or federal political committee that  
35           makes or may make political contributions on behalf of the  
36           contracting entity; and

1       (5) The contracting entity's key persons. This notice shall  
2 be posted within 10 business days after the earlier of (i)  
3 execution of the contract or (ii) whenever services or goods  
4 begin to be provided under the contract and, in any event,  
5 prior to any payment by the State under the contract.

6       (c) This Section applies to contracts executed on or after  
7 the effective date of this amendatory Act of the 94th General  
8 Assembly.

9       Section 90-13. The State Comptroller Act is amended by  
10 adding Section 40 as follows:

11       (15 ILCS 405/40 new)

12       Sec. 40. Comptroller's Contract Disclosure.

13       (a) For purposes of this Section:

14       "Contract" means any contract or agreement for goods or  
15 services executed by the Office of the Comptroller, with an  
16 annual value of \$50,000 or more, except, regardless of amount,  
17 "contract" as used in this Section shall not include the  
18 following:

19       (1) Contracts with State agencies or officers or other  
20 political subdivisions;

21       (2) Hiring of an individual as an employee or  
22 independent contractor, whether pursuant to an employment code  
23 or policy or by contract directly with that individual;

24       (3) Collective bargaining contracts;

25       (4) Purchase of real estate; or

26       (5) Contracts necessary to prepare for anticipated  
27 litigation, enforcement actions, or investigations.

28       "Contracting entity" means an entity that has executed a  
29 contract with the Office of the Comptroller.

30       "Key persons" means any persons who (i) have an ownership  
31 or distributive income share in the contracting entity that is  
32 in excess of 5%, or an amount greater than 60% of the annual  
33 salary of the Governor; (ii) serve as executive officers of the  
34 contracting entity; (iii) are employed by the contracting

1 entity who are required to register as lobbyists under the  
2 Lobbyist Registration Act; (iv) are individuals or entities  
3 with whom the contracting entity is contracting who are  
4 required to register as lobbyists under the Lobbyist  
5 Registration Act; and (v) are employed by the contracting  
6 entity who are special government agents as defined in Section  
7 4A-101(1) of the Illinois Governmental Ethics Act.

8 (b) Notice of the execution of contracts shall be posted on  
9 the website of the Office of the Comptroller that includes a  
10 brief description of the purpose of the contract and disclosure  
11 of the names of the following:

12 (1) The contracting entity;

13 (2) Any entity that is a parent of, or owns a  
14 controlling interest in, the contracting entity;

15 (3) Any entity that is a subsidiary of, or owns a  
16 controlling interest in, the contracting entity;

17 (4) Any State, local, or federal political committee  
18 which makes or may make political contributions on behalf  
19 of the contracting entity; and

20 (5) The contracting entity's key persons.

21 This notice shall be posted within 10 business days after the  
22 earlier of (i) execution of the contract or (ii) whenever  
23 services or goods begin to be provided under the contract and,  
24 in any event, prior to any payment by the State under the  
25 contract.

26 (c) This Section applies to contracts executed on or after  
27 the effective date of this amendatory Act of the 94th General  
28 Assembly.

29 Section 90-15. The State Treasurer Act is amended by adding  
30 Section 25 as follows:

31 (15 ILCS 505/25 new)

32 Sec. 25. Treasurer's Contract Disclosure.

33 (a) For purposes of this Section:

34 "Contract" means any contract or agreement for goods or

1 services executed by the Office of the Treasurer, with an  
2 annual value of \$50,000 or more, except, regardless of amount,  
3 "contract" as used in this Section shall not include the  
4 following:

5 (1) Contracts with State agencies or officers or other  
6 political subdivisions;

7 (2) Hiring of an individual as an employee or  
8 independent contractor, whether pursuant to an employment code  
9 or policy or by contract directly with that individual;

10 (3) Collective bargaining contracts;

11 (4) Purchase of real estate; or

12 (5) Contracts necessary to prepare for anticipated  
13 litigation, enforcement actions, or investigations.

14 "Contracting entity" means an entity that has executed a  
15 contract with the Office of the Treasurer.

16 "Key persons" means any persons who (i) have an ownership  
17 or distributive income share in the contracting entity that is  
18 in excess of 5%, or an amount greater than 60% of the annual  
19 salary of the Governor; (ii) serve as executive officers of the  
20 contracting entity; (iii) are employed by the contracting  
21 entity who are required to register as lobbyists under the  
22 Lobbyist Registration Act; (iv) are individuals or entities  
23 with whom the contracting entity is contracting who are  
24 required to register as lobbyists under the Lobbyist  
25 Registration Act; and (v) are employed by the contracting  
26 entity who are special government agents as defined in Section  
27 4A-101(1) of the Illinois Governmental Ethics Act.

28 (b) Notice of the execution of contracts shall be posted on  
29 the website of the Office of the Treasurer that includes a  
30 brief description of the purpose of the contract and disclosure  
31 of the names of the following:

32 (1) The contracting entity;

33 (2) Any entity that is a parent of, or owns a  
34 controlling interest in, the contracting entity;

35 (3) Any entity that is a subsidiary of, or owns a  
36 controlling interest in, the contracting entity;

1           (4) Any State, local, or federal political committee  
2           which makes or may make political contributions on behalf  
3           of the contracting entity; and

4           (5) The contracting entity's key persons.

5           This notice shall be posted within 10 business days after the  
6           earlier of (i) execution of the contract or (ii) whenever  
7           services or goods begin to be provided under the contract and,  
8           in any event, prior to any payment by the State under the  
9           contract.

10           (c) This Section applies to contracts executed on or after  
11           the effective date of this amendatory Act of the 94th General  
12           Assembly.

13           Section 90-20. The Illinois State Auditing Act is amended  
14           by adding Section 2-20 as follows:

15           (30 ILCS 5/2-20 new)

16           Sec. 2-20. Auditor General's Contract Disclosure.

17           (a) For purposes of this Section:

18           "Contract" means any contract or agreement for goods or  
19           services executed by the Office of the Auditor General, with an  
20           annual value of \$50,000 or more, except, regardless of amount,  
21           "contract" as used in this Section shall not include the  
22           following:

23           (1) Contracts with State agencies or officers or other  
24           political subdivisions;

25           (2) Hiring of an individual as an employee or  
26           independent contractor, whether pursuant to an employment  
27           code or policy or by contract directly with that  
28           individual;

29           (3) Collective bargaining contracts;

30           (4) Purchase of real estate; or

31           (5) Contracts necessary to prepare for anticipated  
32           litigation, enforcement actions, or investigations.

33           "Contracting entity" means an entity that has executed a  
34           contract with the Office of the Auditor General.

1       "Key persons" means any persons who (i) have an ownership  
2 or distributive income share in the contracting entity that is  
3 in excess of 5%, or an amount greater than 60% of the annual  
4 salary of the Governor; (ii) serve as executive officers of the  
5 contracting entity; (iii) are employed by the contracting  
6 entity who are required to register as lobbyists under the  
7 Lobbyist Registration Act; (iv) are individuals or entities  
8 with whom the contracting entity is contracting who are  
9 required to register as lobbyists under the Lobbyist  
10 Registration Act; and (v) are employed by the contracting  
11 entity who are special government agents as defined in Section  
12 4A-101(1) of the Illinois Governmental Ethics Act.

13       (b) Notice of the execution of contracts shall be posted on  
14 the website of the Office of the Auditor General that includes  
15 a brief description of the purpose of the contract and  
16 disclosure of the names of the following:

17           (1) The contracting entity;

18           (2) Any entity that is a parent of, or owns a  
19 controlling interest in, the contracting entity;

20           (3) Any entity that is a subsidiary of, or owns a  
21 controlling interest in, the contracting entity;

22           (4) Any State, local, or federal political committee  
23 which makes or may make political contributions on behalf  
24 of the contracting entity; and

25           (5) The contracting entity's key persons.

26       This notice shall be posted within 10 business days after the  
27 earlier of (i) execution of the contract or (ii) whenever  
28 services or goods begin to be provided under the contract and,  
29 in any event, prior to any payment by the State under the  
30 contract.

31       (c) This Section applies to contracts executed on or after  
32 the effective date of this amendatory Act of the 94th General  
33 Assembly.

34       Section 90-25. The Illinois Procurement Code is amended by  
35 changing Sections 1-15.30, 15-25, 20-25, 20-30, 20-80, 50-20,

1 50-30, and 50-60 and by adding Section 50-37 as follows:

2 (30 ILCS 500/1-15.30)

3 Sec. 1-15.30. Contract. "Contract" means all types of State  
4 agreements, regardless of what they may be called, for the  
5 procurement, use, or disposal of supplies, services,  
6 professional or artistic services, or construction or for  
7 leases of real property or capital improvements, and including  
8 master contracts, contracts for financing through use of  
9 installment or lease-purchase arrangements, renegotiated  
10 contracts, amendments to contracts and change orders. The  
11 changes to this Section made by this amendatory Act of the 94th  
12 General Assembly apply to amendments executed on or after its  
13 effective date.

14 (Source: P.A. 90-572, eff. 2-6-98.)

15 (30 ILCS 500/15-25)

16 Sec. 15-25. Bulletin content.

17 (a) Invitations for bids. Notice of each and every contract  
18 that is offered, including renegotiated contracts and change  
19 orders, shall be published in the Bulletin. The applicable  
20 chief procurement officer may provide by rule an organized  
21 format for the publication of this information, but in any case  
22 it must include at least the date first offered, the date  
23 submission of offers is due, the location that offers are to be  
24 submitted to, the purchasing State agency, the responsible  
25 State purchasing officer, a brief purchase description, the  
26 method of source selection, and information of how to obtain a  
27 comprehensive purchase description and any disclosure and  
28 contract forms.

29 (b) Contracts let or awarded. Notice of each and every  
30 contract that is let or awarded, including renegotiated  
31 contracts and change orders, shall be published in the next  
32 available subsequent Bulletin, and the applicable chief  
33 procurement officer may provide by rule an organized format for  
34 the publication of this information, but in any case it must

1 include at least all of the information specified in subsection  
2 (a) as well as the name of the successful responsible bidder or  
3 offeror, the contract price, the number of unsuccessful  
4 responsive bidders, and any other disclosure specified in any  
5 Section of this Code. This notice shall include the disclosures  
6 required under Section 50-37. In addition, the notice shall  
7 summarize the outreach efforts undertaken by the agency to make  
8 potential bidders or offerors aware of any contract offer other  
9 than publication in the Bulletin. This notice must be posted in  
10 the online electronic Bulletin within 10 business days after  
11 the earlier of (i) execution of the contract or (ii) whenever  
12 services or goods begin to be provided under the contract and,  
13 in any event, prior to any payment by the State under the  
14 contract.

15 (c) Emergency purchase disclosure. Any chief procurement  
16 officer, State purchasing officer, or designee exercising  
17 emergency purchase authority under this Code shall publish a  
18 written description and reasons and the total cost, if known,  
19 or an estimate if unknown and the name of the responsible chief  
20 procurement officer and State purchasing officer, and the  
21 business or person contracted with for all emergency purchases  
22 in the next timely, practicable Bulletin. This notice must be  
23 posted in the online electronic Bulletin within 10 business  
24 days after the earlier of (i) execution of the contract or (ii)  
25 whenever services or goods begin to be provided under the  
26 contract and, in any event, prior to any payment by the State  
27 under the contract.

28 (c-5) Each State agency shall post online on the  
29 Procurement Bulletin a copy of its annual report of utilization  
30 of businesses owned by minorities, females, and persons with  
31 disabilities as submitted to the Business Enterprises Council  
32 for Minorities, Females, and Persons with Disabilities  
33 pursuant to Section 6(c) of the Business Enterprise for  
34 Minorities, Females, and Persons with Disabilities Act within  
35 10 business days of its submission of its report to the  
36 Council.



1 (d) Other required disclosure. The applicable chief  
2 procurement officer shall provide by rule for the organized  
3 publication of all other disclosure required in other Sections  
4 of this Code in a timely manner.

5 (e) The changes to this Section made by this amendatory Act  
6 of the 94th General Assembly apply to reports submitted, offers  
7 made, and notices on contracts executed on or after its  
8 effective date.

9 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

10 (30 ILCS 500/20-25)

11 Sec. 20-25. Sole source procurements. In accordance with  
12 standards set by rule, contracts may be awarded without use of  
13 the specified method of source selection when there is only one  
14 economically feasible source for the item. This Section may not  
15 be used as a basis for amending a contract if the amendment  
16 would result in an increase in the amount paid under the  
17 contract of more than 5% of the initial award, or would extend  
18 the contract term beyond the time reasonably needed for a  
19 competitive procurement, not to exceed 2 months. At least 2  
20 weeks before entering into a sole source contract, the  
21 purchasing agency shall publish in the Illinois Procurement  
22 Bulletin a notice of intent to do so along with a description  
23 of the item to be procured and the intended sole source  
24 contractor. The changes to this Section made by this amendatory  
25 Act of the 94th General Assembly apply to amendments executed  
26 on or after its effective date.

27 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

28 (30 ILCS 500/20-30)

29 Sec. 20-30. Emergency purchases.

30 (a) Conditions for use. In accordance with standards set by  
31 rule, a purchasing agency may make emergency procurements  
32 without competitive sealed bidding or prior notice when there  
33 exists a threat to public health or public safety, or when  
34 immediate expenditure is necessary for repairs to State

1 property in order to protect against further loss of or damage  
2 to State property, to prevent or minimize serious disruption in  
3 critical State services that affect health, safety, or  
4 collections of substantial State revenue, or to ensure the  
5 integrity of State records; provided, however, that the term of  
6 the emergency purchase shall be limited to the time reasonably  
7 needed for a competitive procurement, not to exceed 2 months.

8 Emergency procurements shall be made with as much competition  
9 as is practicable under the circumstances. A written  
10 description of the basis for the emergency and reasons for the  
11 selection of the particular contractor shall be included in the  
12 contract file.

13 (b) Notice. Before the next appropriate volume of the  
14 Illinois Procurement Bulletin, the purchasing agency shall  
15 publish in the Illinois Procurement Bulletin a copy of each  
16 written description and reasons and the total cost of each  
17 emergency procurement made during the previous month. When only  
18 an estimate of the total cost is known at the time of  
19 publication, the estimate shall be identified as an estimate  
20 and published. When the actual total cost is determined, it  
21 shall also be published in like manner before the 10th day of  
22 the next succeeding month.

23 (c) Affidavits. A purchasing agency making a procurement  
24 under this Section shall file affidavits with the chief  
25 procurement officer and the Auditor General within 10 days  
26 after the procurement setting forth the amount expended, the  
27 name of the contractor involved, and the conditions and  
28 circumstances requiring the emergency procurement. When only  
29 an estimate of the cost is available within 10 days after the  
30 procurement, the actual cost shall be reported immediately  
31 after it is determined. At the end of each fiscal quarter, the  
32 Auditor General shall file with the Legislative Audit  
33 Commission and the Governor a complete listing of all emergency  
34 procurements reported during that fiscal quarter. The  
35 Legislative Audit Commission shall review the emergency  
36 procurements so reported and, in its annual reports, advise the

1 General Assembly of procurements that appear to constitute an  
2 abuse of this Section.

3 (d) Quick purchases. The chief procurement officer may  
4 promulgate rules extending the circumstances by which a  
5 purchasing agency may make purchases under this Section,  
6 including but not limited to the procurement of items available  
7 at a discount for a limited period of time.

8 (e) The changes to this Section made by this Amendatory Act  
9 of the 94th General Assembly apply to procurements executed on  
10 or after its effective date.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

12 (30 ILCS 500/20-80)

13 Sec. 20-80. Contract files.

14 (a) Written determinations. All written determinations  
15 required under this Article shall be placed in the contract  
16 file maintained by the chief procurement officer.

17 (b) Filing with Comptroller. Whenever a grant, defined  
18 pursuant to accounting standards established by the  
19 Comptroller, or a contract liability, except for: (1) contracts  
20 paid from personal services, or (2) contracts between the State  
21 and its employees to defer compensation in accordance with  
22 Article 24 of the Illinois Pension Code, exceeding \$10,000 is  
23 incurred by any State agency, a copy of the contract, purchase  
24 order, grant, or lease or amendments thereto shall be filed  
25 with the Comptroller within 15 days of execution. ~~thereafter.~~  
26 Any cancellation or modification to any such contract liability  
27 shall be filed with the Comptroller within 15 days of its  
28 execution.

29 (c) Late filing affidavit. When a contract, purchase order,  
30 grant, or lease or amendment thereto required to be filed by  
31 this Section has not been filed within 15 ~~30~~ days of execution,  
32 notice shall be filed with the Comptroller within 15 days of  
33 execution indicating that a contract or amendment thereto  
34 described within the notice has been executed and will not be  
35 filed within 15 days of execution, and the Comptroller shall

1 refuse to issue a warrant for payment thereunder until the  
2 agency files with the Comptroller the contract, purchase order,  
3 grant, or lease or amendment thereto and an affidavit, signed  
4 by the chief executive officer of the agency or his or her  
5 designee, setting forth an explanation of why the contract  
6 liability was not filed within 15 ~~30~~ days of execution. A copy  
7 of this affidavit shall be filed with the Auditor General.

8 (d) Professional and artistic services contracts. No  
9 voucher shall be submitted to the Comptroller for a warrant to  
10 be drawn for the payment of money from the State treasury or  
11 from other funds held by the State Treasurer on account of any  
12 contract for services involving professional or artistic  
13 skills involving an expenditure of more than \$5,000 for the  
14 same type of service at the same location during any fiscal  
15 year unless the contract is reduced to writing before the  
16 services are performed and filed with the Comptroller. When a  
17 contract for professional or artistic skills in excess of  
18 \$5,000 was not reduced to writing before the services were  
19 performed, the Comptroller shall refuse to issue a warrant for  
20 payment for the services until the State agency files with the  
21 Comptroller:

22 (1) a written contract covering the services, and

23 (2) an affidavit, signed by the chief executive officer  
24 of the State agency or his or her designee, stating that  
25 the services for which payment is being made were agreed to  
26 before commencement of the services and setting forth an  
27 explanation of why the contract was not reduced to writing  
28 before the services commenced.

29 A copy of this affidavit shall be filed with the Auditor  
30 General. The Comptroller shall maintain professional or  
31 artistic service contracts filed under this Section separately  
32 from other filed contracts.

33 (e) Method of source selection. When a contract or  
34 amendment thereto is filed with the Comptroller under this  
35 Section, the Comptroller's file shall identify the method of  
36 source selection used in obtaining the contract.

1       (f) Upon the request of the Comptroller, State agencies  
2       shall supply all documents and information reasonably  
3       requested by the Comptroller with respect to compliance with  
4       this Code within 10 business days of the request.

5       (g) The changes to this Section made by this amendatory Act  
6       of the 94th General Assembly apply to contracts, purchase  
7       orders, grants, or leases or amendments thereto executed on or  
8       after its effective date.

9       (Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-904, eff.  
10       7-6-00.)

11       (30 ILCS 500/50-20)

12       Sec. 50-20. Exemptions. With the approval of the  
13       appropriate chief procurement officer involved, the Governor,  
14       or an executive ethics board or commission he or she  
15       designates, may exempt named individuals from the prohibitions  
16       of Section 50-13 when, in his, her, or its judgment, the public  
17       interest in having the individual in the service of the State  
18       outweighs the public policy evidenced in that Section. An  
19       exemption is effective only when it is filed with the Secretary  
20       of State and the Comptroller and includes a statement setting  
21       forth the name of the individual and all the pertinent facts  
22       that would make that Section applicable, setting forth the  
23       reason for the exemption, and declaring the individual exempted  
24       from that Section. Exemptions must be filed with the Secretary  
25       of State and Comptroller prior to execution of any contracts. A  
26       copy of ~~Notice of~~ each exemption shall be published in the  
27       Illinois Procurement Bulletin in its electronic form prior to  
28       execution of the contract. The changes to this Section made by  
29       this amendatory Act of the 94th General Assembly apply to  
30       exemptions granted on or after its effective date.

31       (Source: P.A. 90-572, eff. 2-6-98.)

32       (30 ILCS 500/50-37 new)

33       Sec. 50-37. Contract award disclosure.

34       (a) For purposes of this Section:

1 "Contracting entity" means an entity that would execute any  
2 contract with a State agency.

3 "Key persons" means any persons who (i) have an ownership  
4 or distributive income share in the contracting entity that is  
5 in excess of 5%, or an amount greater than 60% of the annual  
6 salary of the Governor; (ii) serve as executive officers of the  
7 contracting entity; (iii) are employed by the contracting  
8 entity who are required to register under the Lobbyist  
9 Registration Act; (iv) are individuals or entities with whom  
10 the contracting entity is contracting who are required to be  
11 registered as lobbyists under the Lobbyist Registration Act;  
12 and (v) are employed by the contracting entity who are special  
13 government agents as defined in Section 4A-101(1) of the  
14 Illinois Governmental Ethics Act.

15 (b) For contracts with an annual value of \$50,000 or more  
16 all offers from responsive bidders or offerors shall be  
17 accompanied by disclosure of the names of the following:

18 (1) The contracting entity.

19 (2) Any entity that is a parent of, or owns a  
20 controlling interest in, the contracting entity.

21 (3) Any entity that is a subsidiary of, or in which a  
22 controlling interest is owned by the contracting entity.

23 (4) Any State, local, or federal political committee  
24 that makes or may make political contributions on behalf of  
25 the contracting entity.

26 (5) The contracting entity's key persons.

27 (c) Notices of contracts let or awarded published in the  
28 Procurement Bulletin pursuant to Section 15-25 shall include as  
29 part of the notice posted online the names disclosed by the  
30 winning bidder or offeror pursuant to subsection (b).

31 (d) The changes made to this Section made by this  
32 amendatory Act of the 94th General Assembly apply to contracts  
33 first offered on or after its effective date.

34 (30 ILCS 500/50-60)

35 Sec. 50-60. Voidable contracts.

1 (a) If any contract or amendment thereto is entered into or  
2 purchase or expenditure of funds is made at any time in  
3 violation of this Code or any other law, the contract or  
4 amendment thereto may be declared void by the Comptroller, with  
5 the approval of the Treasurer, or the chief procurement officer  
6 or may be ratified and affirmed by the Comptroller, with the  
7 approval of the Treasurer, or by the chief procurement officer,  
8 provided the Comptroller, with the approval of the Treasurer,  
9 or the chief procurement officer determines that ratification  
10 is in the best interests of the State. If the contract is  
11 ratified and affirmed, it shall be without prejudice to the  
12 State's rights to any appropriate damages.

13 (b) If, during the term of a contract, the contracting  
14 agency determines that the contractor is delinquent in the  
15 payment of debt as set forth in Section 50-11 of this Code, the  
16 State agency may declare the contract void if it determines  
17 that voiding the contract is in the best interests of the  
18 State. The Debt Collection Board shall adopt rules for the  
19 implementation of this subsection (b).

20 (c) If, during the term of a contract, the contracting  
21 agency determines that the contractor is in violation of  
22 Section 50-10.5 of this Code, the contracting agency shall  
23 declare the contract void.

24 (d) The changes to this Section made by this amendatory Act  
25 of the 94th General Assembly apply to actions taken by the  
26 Comptroller and Treasurer on or after its effective date.

27 (Source: P.A. 92-404, eff. 7-1-02; 93-600, eff. 1-1-04.)

28 ARTICLE 99

29 Section 99-5. Effective date. This Act takes effect upon  
30 becoming law.