

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 20-25 and 20-60 as follows:

6 (30 ILCS 500/20-25)

7 (Text of Section before amendment by P.A. 96-795)

8 Sec. 20-25. Sole source procurements. In accordance with
9 standards set by rule, contracts may be awarded without use of
10 the specified method of source selection when there is only one
11 economically feasible source for the item. At least 2 weeks
12 before entering into a sole source contract, the purchasing
13 agency shall publish in the Illinois Procurement Bulletin a
14 notice of intent to do so along with a description of the item
15 to be procured and the intended sole source contractor.

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

17 (Text of Section after amendment by P.A. 96-795)

18 Sec. 20-25. Sole source procurements.

19 (a) In accordance with standards set by rule, contracts may
20 be awarded without use of the specified method of source
21 selection when there is only one economically feasible source
22 for the item. A State contract may not be awarded as a sole

1 source procurement unless approved by the chief procurement
2 officer following a public hearing at which the chief
3 procurement officer and purchasing agency present written
4 justification for the procurement method. The Procurement
5 Policy Board and the public may present testimony.

6 (b) This Section may not be used as a basis for amending a
7 contract for professional or artistic services if the amendment
8 would result in an increase in the amount paid under the
9 contract of more than 5% of the initial award, or would extend
10 the contract term beyond the time reasonably needed for a
11 competitive procurement, not to exceed 2 months.

12 (c) Notice of intent to enter into a sole source contract
13 shall be provided to the Procurement Policy Board and published
14 in the online electronic Bulletin at least 14 days before the
15 public hearing required in subsection (a). The notice shall
16 include the sole source procurement justification form
17 prescribed by the Board, a description of the item to be
18 procured, the intended sole source contractor, and the date,
19 time, and location of the public hearing. A copy of the notice
20 and all documents provided at the hearing shall be included in
21 the subsequent Procurement Bulletin.

22 (d) By August 1 each year, each chief procurement officer
23 shall file a report with the General Assembly identifying each
24 contract the officer sought under the sole source procurement
25 method and providing the justification given for seeking sole
26 source as the procurement method for each of those contracts.

1 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
2 for the effective date of changes made by P.A. 96-795).)

3 (30 ILCS 500/20-60)

4 Sec. 20-60. Duration of contracts; renewal or extension.

5 (a) Maximum duration. A contract, other than a contract
6 entered into pursuant to the State University Certificates of
7 Participation Act, may be entered into for any period of time
8 deemed to be in the best interests of the State but not
9 exceeding 10 years inclusive, beginning January 1, 2010, of
10 proposed contract renewals. The length of a lease for real
11 property or capital improvements shall be in accordance with
12 the provisions of Section 40-25. A contract for bond or
13 mortgage insurance awarded by the Illinois Housing Development
14 Authority, however, may be entered into for any period of time
15 less than or equal to the maximum period of time that the
16 subject bond or mortgage may remain outstanding.

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

22 (c) If a chief procurement officer proposes to extend or
23 renew a contract entered into under this Code by the State and
24 the total value of the contract for the initial term and all
25 proposed extended or renewed terms would exceed \$249,999, then

1 the chief procurement officer must first file the proposed
2 extension or renewal with the Procurement Policy Board. If the
3 Procurement Policy Board does not object to the proposed
4 extension or renewal within 30 calendar days after filing, then
5 the extension or renewal may be entered into. This subsection
6 does not apply to any emergency procurement, any procurement
7 under Article 40, or any procurement exempted by Section
8 1-10(b) of this Code. If any State agency contract is paid for
9 in whole or in part with federal-aid funds, grants, or loans
10 and the provisions of this subsection would result in the loss
11 of those federal-aid funds, grants, or loans, then the contract
12 is exempt from the provisions of this subsection in order to
13 remain eligible for those federal-aid funds, grants, or loans,
14 and the State agency shall file notice of this exemption with
15 the Procurement Policy Board. By August 1 each year, the
16 Procurement Policy Board shall file a report with the General
17 Assembly identifying the proposed extensions or renewals that
18 were filed with the Board during the previous fiscal year and
19 specifying which of those to which the Board objected.

20 (Source: P.A. 95-344, eff. 8-21-07; 96-15, eff. 6-22-09;
21 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the
22 effective date of changes made by P.A. 96-795).)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.