



Sen. Christine Radogno

Filed: 3/4/2009

09600SB1470sam001

LRB096 04834 JAM 22818 a

1 AMENDMENT TO SENATE BILL 1470

2 AMENDMENT NO. _____. Amend Senate Bill 1470 by replacing
3 everything after the enacting clause with the following:

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 "Affiliated entity" has the same meaning as in Section
9 50-37 of the Illinois Procurement Code.

10 "Affiliated person" has the same meaning as in Section
11 50-37 of the Illinois Procurement Code.

12 "Contract" means any contract or agreement for goods or
13 services executed by a member of the General Assembly,
14 legislative office, or legislative agency, with an annual value
15 of \$50,000 or more, except, regardless of amount, "contract" as

1 used in this Article shall not include the following:

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

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

8 (3) Collective bargaining contracts;

9 (4) Purchase of real estate; or

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

12 "Contracting entity" means an entity that has executed a
13 contract with the member of the General Assembly, legislative
14 office, or legislative agency.

15 "Executive employee" has the same meaning as in Section
16 50-37 of the Illinois Procurement Code.

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

21 (1) The contracting entity;

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

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

1 amount, "contract" as used in this Section shall not include
2 the following:

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

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

9 (3) Collective bargaining contracts;

10 (4) Purchase of real estate; or

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

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

15 "Executive employee" has the same meaning as in Section
16 50-37 of the Illinois Procurement Code.

17 Section 5-10. Notice. Notice of the execution of contracts
18 shall be posted on the website of the Office of the Lieutenant
19 Governor that includes a brief description of the purpose of
20 the contract and disclosure of the names of the following:

21 (1) The contracting entity;

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

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

1 (4) Any subcontractor that will be contracting with the
2 contracting entity;

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

6 (6) The affiliated entities and affiliated persons of
7 the contracting entity and any subcontractor.

8 This notice shall be posted within 10 business days after the
9 contract is awarded.

10 Section 5-15. Application. This Article applies to
11 contracts executed on or after the effective date of this Act.

12 ARTICLE 90

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

15 (15 ILCS 20/50-25 new)

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

17 (a) For purposes of this Section:

18 "Affiliated entity" has the same meaning as in Section
19 50-37 of the Illinois Procurement Code.

20 "Affiliated person" has the same meaning as in Section
21 50-37 of the Illinois Procurement Code.

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

1 services executed by the Office of the Governor, with an annual
2 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
9 code or policy or by contract directly with that
10 individual;

11 (3) Collective bargaining contracts;

12 (4) Purchase of real estate; or

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

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

17 "Executive employee" has the same meaning as in Section
18 50-37 of the Illinois Procurement Code.

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

1 controlling interest in, the contracting entity;

2 (4) Any subcontractor that will be contracting with the
3 contracting entity;

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

7 (6) The affiliated entities and affiliated persons of
8 the contracting entity and any subcontractor.

9 This notice shall be posted within 10 business days after the
10 contract is awarded.

11 (c) This Section applies to contracts executed on or after
12 the effective date of this amendatory Act of the 96th General
13 Assembly.

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

16 (15 ILCS 205/6.10 new)

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

18 (a) For purposes of this Section:

19 "Affiliated entity" has the same meaning as in Section
20 50-37 of the Illinois Procurement Code.

21 "Affiliated person" has the same meaning as in Section
22 50-37 of the Illinois Procurement Code.

23 "Contract" means any contract or agreement for goods or
24 services executed by the Office of the Attorney General, with

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

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

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

16 "Executive employee" has the same meaning as in Section
17 50-37 of the Illinois Procurement Code.

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

22 (1) The contracting entity;

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

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

1 (4) Any subcontractor that will be contracting with the
2 contracting entity;

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

6 (6) The affiliated entities and affiliated persons of
7 the contracting entity and any subcontractor.

8 This notice shall be posted within 10 business days after the
9 contract is awarded.

10 (c) This Section applies to contracts executed on or after
11 the effective date of this amendatory Act of the 96th General
12 Assembly.

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

15 (15 ILCS 305/30 new)

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

17 (a) For purposes of this Section:

18 "Affiliated entity" has the same meaning as in Section
19 50-37 of the Illinois Procurement Code.

20 "Affiliated person" has the same meaning as in Section
21 50-37 of the Illinois Procurement Code.

22 "Contract" means any contract or agreement for goods or
23 services executed by the Office of the Secretary of State, with
24 an annual value of \$50,000 or more, except, regardless of

1 amount, "contract" as used in this Section shall not include
2 the following:

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

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

9 (3) Collective bargaining contracts;

10 (4) Purchase of real estate; or

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

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

15 "Executive employee" has the same meaning as in Section
16 50-37 of the Illinois Procurement Code.

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

21 (1) The contracting entity;

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

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

26 (4) Any subcontractor that will be contracting with the

1 contracting entity;

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

5 (6) The affiliated entities and affiliated persons of
6 the contracting entity and any subcontractor.

7 This notice shall be posted within 10 business days after the
8 contract is awarded.

9 (c) This Section applies to contracts executed on or after
10 the effective date of this amendatory Act of the 96th General
11 Assembly.

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

14 (15 ILCS 405/40 new)

15 Sec. 40. Comptroller's Contract Disclosure.

16 (a) For purposes of this Section:

17 "Affiliated entity" has the same meaning as in Section
18 50-37 of the Illinois Procurement Code.

19 "Affiliated person" has the same meaning as in Section
20 50-37 of the Illinois Procurement Code.

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

1 following:

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

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

13 "Executive employee" has the same meaning as in Section
14 50-37 of the Illinois Procurement Code.

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

19 (1) The contracting entity;

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

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

24 (4) Any subcontractor that will be contracting with the
25 contracting entity;

26 (5) Any State, local, or federal political committee

1 which makes or may make political contributions on behalf
2 of or at the direction of the contracting entity; and

3 (6) The affiliated entities and affiliated persons of
4 the contracting entity and any subcontractor.

5 This notice shall be posted within 10 business days after the
6 contract is awarded.

7 (c) This Section applies to contracts executed on or after
8 the effective date of this amendatory Act of the 96th General
9 Assembly.

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

12 (15 ILCS 505/25 new)

13 Sec. 25. Treasurer's Contract Disclosure.

14 (a) For purposes of this Section:

15 "Affiliated entity" has the same meaning as in Section
16 50-37 of the Illinois Procurement Code.

17 "Affiliated person" has the same meaning as in Section
18 50-37 of the Illinois Procurement Code.

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

24 (1) Contracts with State agencies or officers or other

1 political subdivisions;

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

5 (3) Collective bargaining contracts;

6 (4) Purchase of real estate; or

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

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

11 "Executive employee" has the same meaning as in Section
12 50-37 of the Illinois Procurement Code.

13 (b) Notice of the execution of contracts shall be posted on
14 the website of the Office of the Treasurer that includes a
15 brief description of the purpose of the contract and disclosure
16 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 subcontractor that will be contracting with the
23 contracting entity;

24 (5) Any State, local, or federal political committee
25 which makes or may make political contributions on behalf
26 of or at the direction of the contracting entity; and

1 (6) The affiliated entities and affiliated persons of
2 the contracting entity and any subcontractor.
3 This notice shall be posted within 10 business days after the
4 contract is awarded.

5 (c) This Section applies to contracts executed on or after
6 the effective date of this amendatory Act of the 96th General
7 Assembly.

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

10 (30 ILCS 5/2-20 new)

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

12 (a) For purposes of this Section:

13 "Affiliated entity" has the same meaning as in Section
14 50-37 of the Illinois Procurement Code.

15 "Affiliated person" has the same meaning as in Section
16 50-37 of the Illinois Procurement Code.

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

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

24 (2) Hiring of an individual as an employee or

1 independent contractor, whether pursuant to an employment
2 code or policy or by contract directly with that
3 individual;

4 (3) Collective bargaining contracts;

5 (4) Purchase of real estate; or

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

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

10 "Executive employee" has the same meaning as in Section
11 50-37 of the Illinois Procurement Code.

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

16 (1) The contracting entity;

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

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

21 (4) Any subcontractor that will be contracting with the
22 contracting entity;

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

26 (6) The affiliated entities and affiliated persons of

1 the contracting entity and any subcontractor.

2 This notice shall be posted within 10 business days after the
3 contract is awarded.

4 (c) This Section applies to contracts executed on or after
5 the effective date of this amendatory Act of the 96th General
6 Assembly.

7 Section 90-25. The Illinois Procurement Code is amended by
8 changing Sections 1-15.30, 15-25, 20-10, 20-25, 20-30, 20-50,
9 20-55, 20-80, 40-25, 50-20, 50-30, and 50-60 and by adding
10 Sections 20-43 and 50-38 as follows:

11 (30 ILCS 500/1-15.30)

12 Sec. 1-15.30. Contract. "Contract" means all types of State
13 agreements, regardless of what they may be called, for the
14 procurement, use, or disposal of supplies, services,
15 professional or artistic services, or construction or for
16 leases of real property or capital improvements, and including
17 master contracts, contracts for financing through use of
18 installment or lease-purchase arrangements, renegotiated
19 contracts, amendments to contracts, and change orders. The
20 changes to this Section made by this amendatory Act of the 96th
21 General Assembly apply to amendments executed on or after its
22 effective date.

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

1 (30 ILCS 500/15-25)

2 Sec. 15-25. Bulletin content.

3 (a) Invitations for bids. Notice of each and every contract
4 that is offered, including renegotiated contracts and change
5 orders, shall be published in the Bulletin. The applicable
6 chief procurement officer may provide by rule an organized
7 format for the publication of this information, but in any case
8 it must include at least the date first offered, the date
9 submission of offers is due, the location that offers are to be
10 submitted to, the purchasing State agency, the responsible
11 State purchasing officer, a brief purchase description, the
12 method of source selection, information of how to obtain a
13 comprehensive purchase description and any disclosure and
14 contract forms, and encouragement to prospective vendors to
15 hire qualified veterans, as defined by Section 45-67 of this
16 Code, and Illinois residents discharged from any Illinois adult
17 correctional center.

18 (b) Contracts let or awarded. Notice of each and every
19 contract that is let or awarded, including renegotiated
20 contracts and change orders, shall be published in the next
21 available subsequent Bulletin, and the applicable chief
22 procurement officer may provide by rule an organized format for
23 the publication of this information, but in any case it must
24 include at least all of the information specified in subsection
25 (a) as well as the name of the successful responsible bidder or
26 offeror, the contract price, the number of unsuccessful

1 responsive bidders, and any other disclosure specified in any
2 Section of this Code. This notice shall include the disclosures
3 required under Section 50-38, if applicable. In addition, the
4 notice shall summarize the outreach efforts undertaken by the
5 agency to make potential bidders or offerors aware of any
6 contract offer other than publication in the Bulletin. This
7 notice must be posted in the online electronic Bulletin no
8 later than 10 business days after the contract is awarded. This
9 notice must be posted in the online electronic Bulletin prior
10 to execution of the contract.

11 (c) Emergency purchase disclosure. Any chief procurement
12 officer, State purchasing officer, or designee exercising
13 emergency purchase authority under this Code shall publish a
14 written description and reasons and the total cost, if known,
15 or an estimate if unknown and the name of the responsible chief
16 procurement officer and State purchasing officer, and the
17 business or person contracted with for all emergency purchases
18 in the next timely, practicable Bulletin. This notice must be
19 posted in the online electronic Bulletin no later than 10
20 business days after the contract is awarded. This notice must
21 be posted in the online electronic Bulletin within 3 business
22 days after the execution of the contract.

23 (c-5) Business Enterprises Council reports. Each State
24 agency shall post online on the Procurement Bulletin a copy of
25 its annual report of utilization of businesses owned by
26 minorities, females, and persons with disabilities as

1 submitted to the Business Enterprises Council for Minorities,
2 Females, and Persons with Disabilities pursuant to Section 6(c)
3 of the Business Enterprise for Minorities, Females, and Persons
4 with Disabilities Act no later than 10 business days after its
5 submission of its report to the Council.

6 (c-10) Renewals. Notice of each contract renewal shall be
7 posted online on the Procurement Bulletin no later than 10
8 business days after the renewal is exercised. The Procurement
9 Policy Board by rule shall specify the information to be
10 included in the notice, and the applicable chief procurement
11 officer by rule may provide a format for the information.

12 (d) Other required disclosure. The applicable chief
13 procurement officer shall provide by rule for the organized
14 publication of all other disclosure required in other Sections
15 of this Code in a timely manner.

16 (e) Application of amendatory provisions. The changes to
17 this Section made by this amendatory Act of the 96th General
18 Assembly apply to reports submitted, offers made, and notices
19 on contracts executed on or after its effective date.

20 (Source: P.A. 94-1067, eff. 8-1-06; 95-536, eff. 1-1-08.)

21 (30 ILCS 500/20-10)

22 Sec. 20-10. Competitive sealed bidding.

23 (a) Conditions for use. All contracts shall be awarded by
24 competitive sealed bidding except as otherwise provided in
25 Section 20-5.

1 (b) Invitation for bids. An invitation for bids shall be
2 issued and shall include a purchase description and the
3 material contractual terms and conditions applicable to the
4 procurement.

5 (c) Public notice. Public notice of the invitation for bids
6 shall be published in the Illinois Procurement Bulletin at
7 least 14 days before the date set in the invitation for the
8 opening of bids.

9 (d) Bid opening. Bids shall be opened publicly in the
10 presence of one or more witnesses at the time and place
11 designated in the invitation for bids. The name of each bidder,
12 the amount of each bid, and other relevant information as may
13 be specified by rule shall be recorded. After the award of the
14 contract, the winning bid and the record of each unsuccessful
15 bid shall be open to public inspection.

16 (e) Bid acceptance and bid evaluation. Bids shall be
17 unconditionally accepted without alteration or correction,
18 except as authorized in this Code. Bids shall be evaluated
19 based on the requirements set forth in the invitation for bids,
20 which may include criteria to determine acceptability such as
21 inspection, testing, quality, workmanship, delivery, and
22 suitability for a particular purpose. Those criteria that will
23 affect the bid price and be considered in evaluation for award,
24 such as discounts, transportation costs, and total or life
25 cycle costs, shall be objectively measurable. The invitation
26 for bids shall set forth the evaluation criteria to be used.

1 (f) Correction or withdrawal of bids. Correction or
2 withdrawal of inadvertently erroneous bids before or after
3 award, or cancellation of awards of contracts based on bid
4 mistakes, shall be permitted in accordance with rules. After
5 bid opening, no changes in bid prices or other provisions of
6 bids prejudicial to the interest of the State or fair
7 competition shall be permitted. All decisions to permit the
8 correction or withdrawal of bids based on bid mistakes shall be
9 supported by written determination made by a State purchasing
10 officer.

11 (g) Award. The contract shall be awarded with reasonable
12 promptness by written notice to the lowest responsible and
13 responsive bidder whose bid meets the requirements and criteria
14 set forth in the invitation for bids, except when a State
15 purchasing officer determines it is not in the best interest of
16 the State and by written explanation determines another bidder
17 shall receive the award. The explanation shall be posted in the
18 online ~~appear in the appropriate volume of the~~ Illinois
19 Procurement Bulletin. The written explanation must include:

20 (1) a description of the agency's needs;

21 (2) a determination that the anticipated cost will be
22 fair and reasonable;

23 (3) a listing of all responsible and responsive
24 bidders; and

25 (4) the name of the bidder selected, pricing, and the
26 reasons for selecting that bidder instead of the lowest

1 responsible and responsive bidder.

2 Each agency may adopt rules to implement the requirements
3 of this subsection (g).

4 The written explanation shall be filed with the Legislative
5 Audit Commission and the Procurement Policy Board and posted in
6 the online Bulletin within 30 days after the contract is
7 awarded.

8 (h) Multi-step sealed bidding. When it is considered
9 impracticable to initially prepare a purchase description to
10 support an award based on price, an invitation for bids may be
11 issued requesting the submission of unpriced offers to be
12 followed by an invitation for bids limited to those bidders
13 whose offers have been qualified under the criteria set forth
14 in the first solicitation.

15 (i) Alternative procedures. Notwithstanding any other
16 provision of this Act to the contrary, the Director of the
17 Illinois Power Agency may create alternative bidding
18 procedures to be used in procuring professional services under
19 Section 1-75(a) of the Illinois Power Agency Act and Section
20 16-111.5(c) of the Public Utilities Act. These alternative
21 procedures shall be set forth together with the other criteria
22 contained in the invitation for bids, and shall appear in the
23 appropriate volume of the Illinois Procurement Bulletin.

24 (j) Application of amendatory provisions. The changes to
25 this Section made by this amendatory Act of the 96th General
26 Assembly apply to contracts awarded on or after its effective

1 date.

2 (Source: P.A. 95-481, eff. 8-28-07.)

3 (30 ILCS 500/20-25)

4 Sec. 20-25. Sole source procurements. In accordance with
5 standards set by rule, contracts may be awarded without use of
6 the specified method of source selection when there is only one
7 economically feasible source for the item. This Section may not
8 be used as a basis for amending a contract if the amendment
9 would result in an increase in the amount paid under the
10 contract of more than 5% of the initial award, or would extend
11 the contract term beyond the time reasonably needed for a
12 competitive procurement, not to exceed 2 months. At least 2
13 weeks before entering into a sole source contract, the
14 purchasing agency shall publish in the Illinois Procurement
15 Bulletin a notice of intent to do so along with a description
16 of the item to be procured and the intended sole source
17 contractor. The changes to this Section made by this amendatory
18 Act of the 96th General Assembly apply to amendments executed
19 on or after its effective date.

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

21 (30 ILCS 500/20-30)

22 Sec. 20-30. Emergency purchases.

23 (a) Conditions for use. In accordance with standards set by
24 rule, a purchasing agency may make emergency procurements

1 without competitive sealed bidding or prior notice when there
2 exists a threat to public health or public safety, or when
3 immediate expenditure is necessary for repairs to State
4 property in order to protect against further loss of or damage
5 to State property, to prevent or minimize serious disruption in
6 critical State services that affect health, safety, or
7 collections of substantial State revenue, or to ensure the
8 integrity of State records; provided, however, that the term of
9 the emergency purchase shall be limited to the time reasonably
10 needed for a competitive procurement, not to exceed 2 months.

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

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

26 (c) Affidavits. A purchasing agency making a procurement

1 under this Section shall file affidavits with the chief
2 procurement officer and the Auditor General within 10 days
3 after the procurement setting forth the amount expended, the
4 name of the contractor involved, and the conditions and
5 circumstances requiring the emergency procurement. When only
6 an estimate of the cost is available within 10 days after the
7 procurement, the actual cost shall be reported immediately
8 after it is determined. At the end of each fiscal quarter, the
9 Auditor General shall file with the Legislative Audit
10 Commission and the Governor a complete listing of all emergency
11 procurements reported during that fiscal quarter. The
12 Legislative Audit Commission shall review the emergency
13 procurements so reported and, in its annual reports, advise the
14 General Assembly of procurements that appear to constitute an
15 abuse of this Section.

16 (d) Quick purchases. The chief procurement officer may
17 promulgate rules extending the circumstances by which a
18 purchasing agency may make purchases under this Section,
19 including but not limited to the procurement of items available
20 at a discount for a limited period of time.

21 (e) Application of amendatory provisions. The changes to
22 this Section made by this amendatory Act of the 96th General
23 Assembly apply to procurements executed on or after its
24 effective date.

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

1 (30 ILCS 500/20-43 new)

2 Sec. 20-43. Bidder or offeror authorized to do business in
3 Illinois. In addition to meeting any other requirement of law
4 or rule, a person (other than an individual acting as a sole
5 proprietor) may qualify as a bidder or offeror under this Code
6 only if the person is a legal entity authorized to do business
7 in Illinois prior to submitting the bid, offer, or proposal.
8 This Section applies to all bids, offers, and proposals
9 submitted on or after the effective date of this amendatory Act
10 of the 96th General Assembly.

11 (30 ILCS 500/20-50)

12 Sec. 20-50. Specifications. Specifications shall be
13 prepared in accordance with consistent standards that are
14 promulgated by the chief procurement officer and reviewed by
15 the Board and the Joint Committee on Administrative Rules.
16 Those standards shall include a prohibition against the use of
17 brand-name only products, except for products intended for
18 retail sale or as specified by rule. Any person who assists in
19 the development of specifications or background information
20 for a bid solicitation or a request for proposals may not be
21 awarded a contract under that bid solicitation or request for
22 proposals., and shall include a restriction on the use of
23 specifications drafted by a potential bidder. All
24 specifications shall seek to promote overall economy for the
25 purposes intended and encourage competition in satisfying the

1 State's needs and shall not be unduly restrictive.

2 A solicitation or specification for a contract or a
3 contract, including but not limited to a contract of a college,
4 university, or institution under the jurisdiction of a
5 governing board listed in Section 1-15.100, may not require,
6 stipulate, suggest, or encourage a monetary or other financial
7 contribution or donation, cash bonus or incentive, or economic
8 investment as an explicit or implied term or condition for
9 awarding or completing the contract. The contract,
10 solicitation, or specification also may not include a
11 requirement that an individual or individuals employed by such
12 a college, university, or institution receive a consulting
13 contract for professional services.

14 (Source: P.A. 90-572, eff. date - See Sec. 99-5; 91-627, eff.
15 8-19-99.)

16 (30 ILCS 500/20-55)

17 Sec. 20-55. Types of contracts. Subject to the limitations
18 of this Section and unless otherwise authorized by law, any
19 type of contract that will promote the best interests of the
20 State may be used, except that cost-plus-a-percentage-of-cost
21 contracts are prohibited and further except that no contract
22 shall provide for a State agency to reimburse a contractor for
23 expenses relating to meals or travel of the contractor's
24 employees or State employees. A cost-reimbursement contract
25 may be used only when a determination is made in writing that a

1 cost-reimbursement contract is likely to be less costly to the
2 State than any other type or that it is impracticable to obtain
3 the item required except under that type of contract. The
4 general form of contracts shall be determined by the chief
5 procurement officer.

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

7 (30 ILCS 500/20-80)

8 Sec. 20-80. Contract files.

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

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

24 (c) Late filing affidavit. When a contract, purchase order,
25 grant, or lease or amendment thereto required to be filed by

1 this Section has not been filed within 15 ~~30~~ days of execution,
2 notice shall be filed with the Comptroller within 15 days after
3 execution indicating that a contract or amendment thereto
4 described within the notice has been executed and will not be
5 filed within 15 days after execution, and the Comptroller shall
6 refuse to issue a warrant for payment thereunder until the
7 agency files with the Comptroller the contract, purchase order,
8 grant, or lease or amendment thereto and an affidavit, signed
9 by the chief executive officer of the agency or his or her
10 designee, setting forth an explanation of why the contract
11 liability was not filed within 15 ~~30~~ days of execution. A copy
12 of this affidavit shall be filed with the Auditor General. No
13 work by any contractor for any State agency shall commence, nor
14 shall any liability for payment by any State agency be
15 incurred, until a final binding contract complying with all
16 provisions of this Code has been executed by the contractor and
17 agency.

18 (d) Professional and artistic services contracts. No
19 voucher shall be submitted to the Comptroller for a warrant to
20 be drawn for the payment of money from the State treasury or
21 from other funds held by the State Treasurer on account of any
22 contract for services involving professional or artistic
23 skills involving an expenditure of more than \$5,000 for the
24 same type of service at the same location during any fiscal
25 year unless the contract is reduced to writing before the
26 services are performed and filed with the Comptroller. When a

1 contract for professional or artistic skills in excess of
2 \$5,000 was not reduced to writing before the services were
3 performed, the Comptroller shall refuse to issue a warrant for
4 payment for the services until the State agency files with the
5 Comptroller:

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

7 (2) an affidavit, signed by the chief executive officer
8 of the State agency or his or her designee, stating that
9 the services for which payment is being made were agreed to
10 before commencement of the services and setting forth an
11 explanation of why the contract was not reduced to writing
12 before the services commenced.

13 A copy of this affidavit shall be filed with the Auditor
14 General. The Comptroller shall maintain professional or
15 artistic service contracts filed under this Section separately
16 from other filed contracts.

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

21 (f) Comptroller's request for information. Upon the
22 request of the Comptroller, State agencies shall supply all
23 documents and information reasonably requested by the
24 Comptroller with respect to compliance with this Code within 10
25 business days after the request.

26 (g) Application of amendatory provisions. The changes to

1 this Section made by this amendatory Act of the 96th General
2 Assembly apply to contracts, purchase orders, grants, or leases
3 or amendments thereto executed on or after its effective date.

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

6 (30 ILCS 500/40-25)

7 Sec. 40-25. Length of leases.

8 (a) Maximum term. Leases shall be for a term not to exceed
9 10 years and shall include a termination option in favor of the
10 State after 5 years.

11 (b) Renewal. Leases may include a renewal option. An option
12 to renew may be exercised only when a State purchasing officer
13 determines in writing that renewal is in the best interest of
14 the State and notice of the exercise of the option is published
15 in the appropriate volume of the Procurement Bulletin at least
16 60 days prior to the exercise of the option.

17 (c) Subject to appropriation. All leases shall recite that
18 they are subject to termination and cancellation in any year
19 for which the General Assembly fails to make an appropriation
20 to make payments under the terms of the lease.

21 (d) Holdover. No lease with a stated term ending on or
22 after the effective date of this amendatory Act of the 96th
23 General Assembly may continue on a month-to-month or other
24 holdover basis for a total of more than 6 months.

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

1 (30 ILCS 500/50-20)

2 Sec. 50-20. Exemptions. With the approval of the
3 appropriate chief procurement officer involved, the Governor,
4 or an executive ethics board or commission he or she
5 designates, may exempt named individuals from the prohibitions
6 of Section 50-13 when, in his, her, or its judgment, the public
7 interest in having the individual in the service of the State
8 outweighs the public policy evidenced in that Section. An
9 exemption is effective only when it is filed with the Secretary
10 of State and the Comptroller and includes a statement setting
11 forth the name of the individual and all the pertinent facts
12 that would make that Section applicable, setting forth the
13 reason for the exemption, and declaring the individual exempted
14 from that Section. Exemptions must be filed with the Secretary
15 of State and Comptroller prior to execution of any contracts. A
16 copy of ~~Notice of~~ each exemption shall be published in the
17 Illinois Procurement Bulletin in its electronic form prior to
18 execution of the contract. The changes to this Section made by
19 this amendatory Act of the 96th General Assembly apply to
20 exemptions granted on or after its effective date.

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

22 (30 ILCS 500/50-38 new)

23 Sec. 50-38. Contract award disclosure.

24 (a) Definitions. For purposes of this Section:

1 "Affiliated entity" has the same meaning as in Section
2 50-37.

3 "Affiliated person" has the same meaning as in Section
4 50-37.

5 "Contracting entity" means an entity that would execute any
6 contract with a State agency.

7 "Executive employee" has the same meaning as in Section
8 50-37.

9 (b) Disclosure. For contracts with an annual value of
10 \$50,000 or more, all offers from responsive bidders or offerors
11 shall be accompanied by disclosure of the names of the
12 following:

13 (1) The contracting entity.

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

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

18 (4) Any subcontractor that will be contracting with the
19 contracting entity.

20 (5) Any State, local, or federal political committee
21 that makes or may make political contributions on behalf of
22 or at the direction of the contracting entity.

23 (6) The affiliated entities and affiliated persons of
24 the contracting entity and any subcontractor.

25 (c) Notice. Notices of contracts let or awarded published
26 in the Procurement Bulletin pursuant to Section 15-25 shall

1 include as part of the notice posted online the names disclosed
2 by the winning bidder or offeror pursuant to subsection (b).

3 (d) Application. The changes made to this Section made by
4 this amendatory Act of the 96th General Assembly apply to
5 contracts first offered on or after its effective date.

6 (30 ILCS 500/50-60)

7 Sec. 50-60. Voidable contracts.

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

20 (b) If, during the term of a contract, the contracting
21 agency determines that the contractor is delinquent in the
22 payment of debt as set forth in Section 50-11 of this Code, the
23 State agency may declare the contract void if it determines
24 that voiding the contract is in the best interests of the
25 State. The Debt Collection Board shall adopt rules for the

1 implementation of this subsection (b).

2 (c) If, during the term of a contract, the contracting
3 agency determines that the contractor is in violation of
4 Section 50-10.5 of this Code, the contracting agency shall
5 declare the contract void.

6 (d) The changes to this Section made by this amendatory Act
7 of the 96th General Assembly apply to actions taken by the
8 Comptroller and Treasurer on or after its effective date.

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

10

ARTICLE 99

11 Section 99-99. Effective date. This Act takes effect upon
12 becoming law."