

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 1-10 and 10-15 as follows:

6 (30 ILCS 500/1-10)

7 Sec. 1-10. Application.

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

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

22 (1) Contracts between the State and its political  
23 subdivisions or other governments, or between State

1 governmental bodies except as specifically provided in  
2 this Code.

3 (2) Grants, except for the filing requirements of  
4 Section 20-80.

5 (3) Purchase of care.

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

10 (5) Collective bargaining contracts.

11 (6) Purchase of real estate, except that notice of this  
12 type of contract with a value of more than \$25,000 must be  
13 published in the Procurement Bulletin within 7 days after  
14 the deed is recorded in the county of jurisdiction. The  
15 notice shall identify the real estate purchased, the names  
16 of all parties to the contract, the value of the contract,  
17 and the effective date of the contract.

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

1           (8) Contracts for services to Northern Illinois  
2 University by a person, acting as an independent  
3 contractor, who is qualified by education, experience, and  
4 technical ability and is selected by negotiation for the  
5 purpose of providing non-credit educational service  
6 activities or products by means of specialized programs  
7 offered by the university.

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

10           (10) Procurement expenditures by the Illinois Health  
11 Information Exchange Authority involving private funds  
12 from the Health Information Exchange Fund. "Private funds"  
13 means gifts, donations, and private grants.

14           (11) Public-private agreements entered into according  
15 to the procurement requirements of Section 20 of the  
16 Public-Private Partnerships for Transportation Act and  
17 design-build agreements entered into according to the  
18 procurement requirements of Section 25 of the  
19 Public-Private Partnerships for Transportation Act.

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

24           (d) Except for Section 20-160 and Article 50 of this Code,  
25 and as expressly required by Section 9.1 of the Illinois  
26 Lottery Law, the provisions of this Code do not apply to the

1 procurement process provided for under Section 9.1 of the  
2 Illinois Lottery Law.

3 (e) This Code does not apply to the process used by the  
4 Capital Development Board to retain a person or entity to  
5 assist the Capital Development Board with its duties related to  
6 the determination of costs of a clean coal SNG brownfield  
7 facility, as defined by Section 1-10 of the Illinois Power  
8 Agency Act, as required in subsection (h-3) of Section 9-220 of  
9 the Public Utilities Act, including calculating the range of  
10 capital costs, the range of operating and maintenance costs, or  
11 the sequestration costs or monitoring the construction of clean  
12 coal SNG brownfield facility for the full duration of  
13 construction.

14 (f) This Code does not apply to the process used by the  
15 Illinois Power Agency to retain a mediator to mediate sourcing  
16 agreement disputes between gas utilities and the clean coal SNG  
17 brownfield facility, as defined in Section 1-10 of the Illinois  
18 Power Agency Act, as required under subsection (h-1) of Section  
19 9-220 of the Public Utilities Act.

20 (g) ~~(e)~~ This Code does not apply to the processes used by  
21 the Illinois Power Agency to retain a mediator to mediate  
22 contract disputes between gas utilities and the clean coal SNG  
23 facility and to retain an expert to assist in the review of  
24 contracts under subsection (h) of Section 9-220 of the Public  
25 Utilities Act. This Code does not apply to the process used by  
26 the Illinois Commerce Commission to retain an expert to assist

1 in determining the actual incurred costs of the clean coal SNG  
2 facility and the reasonableness of those costs as required  
3 under subsection (h) of Section 9-220 of the Public Utilities  
4 Act.

5 (h) Each chief procurement officer may access and review  
6 records necessary to determine whether a contract, purchase, or  
7 other expenditure is or is not subject to the provisions of  
8 this Code.

9 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;  
10 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;  
11 revised 9-7-11.)

12 (30 ILCS 500/10-15)

13 Sec. 10-15. Procurement compliance monitors.

14 (a) The Executive Ethics Commission shall appoint  
15 procurement compliance monitors to oversee and review the  
16 procurement processes. Each procurement compliance monitor  
17 shall serve a term of 5 years beginning on the date of the  
18 officer's appointment. Each procurement compliance monitor  
19 shall have an office located in the State agency that the  
20 monitor serves but shall report to the appropriate chief  
21 procurement officer. The compliance monitor shall have direct  
22 communications with the executive officer of a State agency in  
23 exercising duties. A procurement compliance monitor may be  
24 removed only for cause after a hearing by the Executive Ethics  
25 Commission. The appropriate chief procurement officer or

1 executive officer of the State agency housing the procurement  
2 compliance monitor may institute a complaint against the  
3 procurement compliance monitor with the Commission and the  
4 Commission shall hold a public hearing based on the complaint.  
5 The procurement compliance monitor, State purchasing officer,  
6 appropriate chief procurement officer, and executive officer  
7 of the State agency shall receive notice of the hearing and  
8 shall be permitted to present their respective arguments on the  
9 complaint. After the hearing, the Commission shall determine  
10 whether the procurement compliance monitor shall be removed.  
11 The salary of a procurement compliance monitor shall be  
12 established by the Executive Ethics Commission and may not be  
13 diminished during the officer's term.

14 (b) The procurement compliance monitor may: (i) review each  
15 contract or contract amendment prior to execution to ensure  
16 that applicable procurement and contracting standards were  
17 followed; (ii) attend any procurement meetings; (iii) access  
18 any records or files related to procurement; (iv) issue reports  
19 to the chief procurement officer on procurement issues that  
20 present issues or that have not been corrected after  
21 consultation with appropriate State officials; (v) ensure the  
22 State agency is maintaining appropriate records; ~~and~~ (vi)  
23 ensure transparency of the procurement process; and (vii)  
24 access and review records necessary to determine whether a  
25 contract, purchase, or other expenditure is or is not subject  
26 to the provisions of this Code.

1           (c) If the procurement compliance monitor is aware of  
2 misconduct, waste, or inefficiency with respect to State  
3 procurement, the procurement compliance monitor shall advise  
4 the State agency of the issue. If the State agency does not  
5 correct the issue, the monitor shall report the problem to the  
6 chief procurement officer and Inspector General.

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

9           Section 99. Effective date. This Act takes effect upon  
10 becoming law.