



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5680

Introduced 2/16/2012, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-13

Amends the Illinois Procurement Code. Provides that each public institution of higher education shall provide the Chief Procurement Officer and the Procurement Policy Board (now, just the Chief Procurement Officer) with a report of, and, upon request, copies of, contracts that are related to the procurement of certain goods and services. Provides that certain procurements by or on behalf of public institutions of higher education shall be made in accordance with the requirements of the Code (now, in accordance with the requirements of the Code to the extent practical). Provides that the Chief Procurement Officer, with the approval of the Procurement Policy Board (now, approval of the Procurement Policy Board is not required), may waive registration, certification, and sole source hearing (now, and hearing) requirements for a public institution of higher education if compliance is impractical. Provides that the Chief Procurement Officer, with the approval of the Executive Ethics Commission and the Procurement Policy Board (now, just the approval of the Executive Ethics Commission), may permit a public institution of higher education to accept a bid or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract. Effective immediately.

LRB097 20477 PJG 66010 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 1-13 as follows:

6 (30 ILCS 500/1-13)

7 (Section scheduled to be repealed on December 31, 2014)

8 Sec. 1-13. Applicability to public institutions of higher
9 education.

10 (a) This Code shall apply to public institutions of higher
11 education, regardless of the source of the funds with which
12 contracts are paid, except as provided in this Section.

13 (b) Except as provided in this Section, this Code shall not
14 apply to procurements made by or on behalf of public
15 institutions of higher education for any of the following:

16 (1) Memberships in professional, academic, or athletic
17 organizations on behalf of a public institution of higher
18 education, an employee of a public institution of higher
19 education, or a student at a public institution of higher
20 education.

21 (2) Procurement expenditures for events or activities
22 paid for exclusively by revenues generated by the event or
23 activity, gifts or donations for the event or activity,

1 private grants, or any combination thereof.

2 (3) Procurement expenditures for events or activities
3 for which the use of specific vendors is mandated or
4 identified by the sponsor of the event or activity,
5 provided that the sponsor is providing a majority of the
6 funding for the event or activity.

7 (4) Procurement expenditures necessary to provide
8 artistic or musical services, performances, or productions
9 held at a venue operated by a public institution of higher
10 education.

11 (5) Procurement expenditures for periodicals and books
12 procured for use by a university library or academic
13 department, except for expenditures related to procuring
14 textbooks for student use or materials for resale or
15 rental, the purchase of materials from private
16 collections, or any library related services including,
17 but not limited to, digitization of library materials and
18 binding services.

19 Notice of each contract entered into by a public institution of
20 higher education that is related to the procurement of goods
21 and services identified in items (1) through (5) of this
22 subsection shall be published in the Procurement Bulletin
23 within 14 days after contract execution. The Chief Procurement
24 Officer shall prescribe the form and content of the notice.
25 Each public institution of higher education shall provide the
26 Chief Procurement Officer and the Procurement Policy Board, on

1 a monthly basis, in the form and content prescribed by the
2 Chief Procurement Officer, a report of contracts that are
3 related to the procurement of goods and services identified in
4 this subsection. At a minimum, this report shall include the
5 name of the contractor, a description of the supply or service
6 provided, the total amount of the contract, the term of the
7 contract, and the exception to the Code utilized. A copy of any
8 or all of these contracts shall be made available to the Chief
9 Procurement Officer and the Procurement Policy Board
10 immediately upon request. The Chief Procurement Officer shall
11 submit a report to the Governor and General Assembly no later
12 than November 1 of each year that shall include, at a minimum,
13 an annual summary of the monthly information reported to the
14 Chief Procurement Officer.

15 (c) Procurements made by or on behalf of public
16 institutions of higher education for any of the following shall
17 be made in accordance with the requirements of this Code,
18 except that the registration, certification, and sole source
19 hearing requirements of this Code, may be waived to the extent
20 practical as provided in this subsection:

21 (1) Contracts with a foreign entity necessary for
22 research or educational activities, provided that the
23 foreign entity ~~either~~ does not maintain an office in the
24 United States and ~~or~~ is the sole source of the service or
25 product.

26 (2) Procurements of FDA-regulated goods, products, and

1 services necessary for the delivery of care and treatment
2 at medical, dental, or veterinary teaching facilities
3 utilized by the University of Illinois or Southern Illinois
4 University.

5 (3) Contracts for programming and broadcast license
6 rights for university-operated radio and television
7 stations.

8 (4) Procurements required for fulfillment of a grant.

9 Upon the written request of a public institution of higher
10 education, the Chief Procurement Officer, with the approval of
11 the Procurement Policy Board, may waive registration,
12 certification, and sole source hearing requirements of this
13 Code if, based on the item to be procured or the terms of a
14 grant, compliance is impractical. The public institution of
15 higher education shall provide the Chief Procurement Officer
16 with specific reasons for the waiver, including the necessity
17 of contracting with a particular vendor, and shall certify that
18 an effort was made in good faith to comply with the provisions
19 of this Code. The Chief Procurement Officer shall provide
20 written justification for any waivers. By November 1 of each
21 year, the Chief Procurement Officer shall file a report with
22 the General Assembly identifying each contract approved with
23 waivers and providing the justification given for any waivers
24 for each of those contracts. Notice of each waiver made under
25 this subsection shall be published in the Procurement Bulletin
26 within 14 days after contract execution. The Chief Procurement

1 Officer shall prescribe the form and content of the notice.
2 Nothing in this Section shall exempt the public institutions of
3 higher education from Sections 5-30 or 20-60 of this Code.

4 (d) Notwithstanding this Section, a waiver of the
5 registration requirements of Section 20-160 does not permit a
6 business entity and any affiliated entities or affiliated
7 persons to make campaign contributions if otherwise prohibited
8 by Section 50-37. The total amount of contracts awarded in
9 accordance with this Section shall be included in determining
10 the aggregate amount of contracts or pending bids of a business
11 entity and any affiliated entities or affiliated persons.

12 (e) Notwithstanding subsection (e) of Section 50-10.5 of
13 this Code, the Chief Procurement Officer, with the approval of
14 the Executive Ethics Commission and the Procurement Policy
15 Board, may permit a public institution of higher education to
16 accept a bid or enter into a contract with a business that
17 assisted the public institution of higher education in
18 determining whether there is a need for a contract or assisted
19 in reviewing, drafting, or preparing documents related to a bid
20 or contract, provided that the bid or contract is essential to
21 research administered by the public institution of higher
22 education and it is in the best interest of the public
23 institution of higher education to accept the bid or contract.
24 For purposes of this subsection, "business" includes all
25 individuals with whom a business is affiliated, including, but
26 not limited to, any officer, agent, employee, consultant,

1 independent contractor, director, partner, manager, or
2 shareholder of a business. The Executive Ethics Commission may
3 promulgate rules and regulations for the implementation and
4 administration of the provisions of this subsection (e).

5 (f) As used in this Section:

6 "Grant" means non-appropriated funding provided by a
7 federal or private entity to support a project or program
8 administered by a public institution of higher education and
9 any non-appropriated funding provided to a sub-recipient of the
10 grant.

11 "Public institution of higher education" means Chicago
12 State University, Eastern Illinois University, Governors State
13 University, Illinois State University, Northeastern Illinois
14 University, Northern Illinois University, Southern Illinois
15 University, University of Illinois, and Western Illinois
16 University.

17 (g) This Section is repealed on December 31, 2014.

18 (Source: P.A. 97-643, eff. 12-20-11.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.