



Rep. Barbara Flynn Currie

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LRB097 19675 HLH 70378 a

1 AMENDMENT TO SENATE BILL 2958

2 AMENDMENT NO. _____. Amend Senate Bill 2958, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Department of Central Management Services
6 Law of the Civil Administrative Code of Illinois is amended by
7 changing Sections 405-105 and 405-411 as follows:

8 (20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

9 Sec. 405-105. Fidelity, surety, property, and casualty
10 insurance. The Department shall establish and implement a
11 program to coordinate the handling of all fidelity, surety,
12 property, and casualty insurance exposures of the State and the
13 departments, divisions, agencies, branches, and universities
14 of the State. In performing this responsibility, the Department
15 shall have the power and duty to do the following:

16 (1) Develop and maintain loss and exposure data on all

1 State property.

2 (2) Study the feasibility of establishing a
3 self-insurance plan for State property and prepare
4 estimates of the costs of reinsurance for risks beyond the
5 realistic limits of the self-insurance.

6 (3) Prepare a plan for centralizing the purchase of
7 property and casualty insurance on State property under a
8 master policy or policies and purchase the insurance
9 contracted for as provided in the Illinois Purchasing Act.

10 (4) Evaluate existing provisions for fidelity bonds
11 required of State employees and recommend changes that are
12 appropriate commensurate with risk experience and the
13 determinations respecting self-insurance or reinsurance so
14 as to permit reduction of costs without loss of coverage.

15 (5) Investigate procedures for inclusion of school
16 districts, public community college districts, and other
17 units of local government in programs for the centralized
18 purchase of insurance.

19 (6) Implement recommendations of the State Property
20 Insurance Study Commission that the Department finds
21 necessary or desirable in the performance of its powers and
22 duties under this Section to achieve efficient and
23 comprehensive risk management.

24 (7) Prepare and, in the discretion of the Director,
25 implement a plan providing for the purchase of public
26 liability insurance or for self-insurance for public

1 liability or for a combination of purchased insurance and
2 self-insurance for public liability (i) covering the State
3 and drivers of motor vehicles owned, leased, or controlled
4 by the State of Illinois pursuant to the provisions and
5 limitations contained in the Illinois Vehicle Code, (ii)
6 covering other public liability exposures of the State and
7 its employees within the scope of their employment, and
8 (iii) covering drivers of motor vehicles not owned, leased,
9 or controlled by the State but used by a State employee on
10 State business, in excess of liability covered by an
11 insurance policy obtained by the owner of the motor vehicle
12 or in excess of the dollar amounts that the Department
13 shall determine to be reasonable. Any contract of insurance
14 let under this Law shall be by bid in accordance with the
15 procedure set forth in the Illinois Purchasing Act. Any
16 provisions for self-insurance shall conform to subdivision
17 (11).

18 The term "employee" as used in this subdivision (7) and
19 in subdivision (11) means a person while in the employ of
20 the State who is a member of the staff or personnel of a
21 State agency, bureau, board, commission, committee,
22 department, university, or college or who is a State
23 officer, elected official, commissioner, member of or ex
24 officio member of a State agency, bureau, board,
25 commission, committee, department, university, or college,
26 or a member of the National Guard while on active duty

1 pursuant to orders of the Governor of the State of
2 Illinois, or any other person while using a licensed motor
3 vehicle owned, leased, or controlled by the State of
4 Illinois with the authorization of the State of Illinois,
5 provided the actual use of the motor vehicle is within the
6 scope of that authorization and within the course of State
7 service.

8 Subsequent to payment of a claim on behalf of an
9 employee pursuant to this Section and after reasonable
10 advance written notice to the employee, the Director may
11 exclude the employee from future coverage or limit the
12 coverage under the plan if (i) the Director determines that
13 the claim resulted from an incident in which the employee
14 was grossly negligent or had engaged in willful and wanton
15 misconduct or (ii) the Director determines that the
16 employee is no longer an acceptable risk based on a review
17 of prior accidents in which the employee was at fault and
18 for which payments were made pursuant to this Section.

19 The Director is authorized to promulgate
20 administrative rules that may be necessary to establish and
21 administer the plan.

22 Appropriations from the Road Fund shall be used to pay
23 auto liability claims and related expenses involving
24 employees of the Department of Transportation, the
25 Illinois State Police, and the Secretary of State.

26 (8) Charge, collect, and receive from all other

1 agencies of the State government fees or monies equivalent
2 to the cost of purchasing the insurance.

3 (9) Establish, through the Director, charges for risk
4 management services rendered to State agencies by the
5 Department. The State agencies so charged shall reimburse
6 the Department by vouchers drawn against their respective
7 appropriations. The reimbursement shall be determined by
8 the Director as amounts sufficient to reimburse the
9 Department for expenditures incurred in rendering the
10 service.

11 The Department shall charge the employing State agency
12 or university for workers' compensation payments for
13 temporary total disability paid to any employee after the
14 employee has received temporary total disability payments
15 for 120 days if the employee's treating physician has
16 issued a release to return to work with restrictions and
17 the employee is able to perform modified duty work but the
18 employing State agency or university does not return the
19 employee to work at modified duty. Modified duty shall be
20 duties assigned that may or may not be delineated as part
21 of the duties regularly performed by the employee. Modified
22 duties shall be assigned within the prescribed
23 restrictions established by the treating physician and the
24 physician who performed the independent medical
25 examination. The amount of all reimbursements shall be
26 deposited into the Workers' Compensation Revolving Fund

1 which is hereby created as a revolving fund in the State
2 treasury. In addition to any other purpose authorized by
3 law, moneys in the Fund shall be used, subject to
4 appropriation, to pay these or other temporary total
5 disability claims of employees of State agencies and
6 universities.

7 Beginning with fiscal year 1996, all amounts recovered
8 by the Department through subrogation in workers'
9 compensation and workers' occupational disease cases shall
10 be deposited into the Workers' Compensation Revolving Fund
11 created under this subdivision (9).

12 (10) Through December 31, 2012, establish ~~Establish~~
13 rules, procedures, and forms to be used by State agencies
14 in the administration and payment of workers' compensation
15 claims. Through December 31, 2012, the ~~The~~ Department shall
16 initially evaluate and determine the compensability of any
17 injury that is the subject of a workers' compensation claim
18 and provide for the administration and payment of such a
19 claim for all State agencies. Through December 31, 2012,
20 the ~~The~~ Director may delegate to any agency with the
21 agreement of the agency head the responsibility for
22 evaluation, administration, and payment of that agency's
23 claims.

24 (10a) ~~If the Director determines it would be in the~~
25 ~~best interests of the State and its employees, prepare and~~
26 ~~implement a plan providing for: (i) the purchase of~~

1 ~~workers' compensation insurance for workers' compensation~~
2 ~~liability; (ii) third party administration of~~
3 ~~self insurance, in whole or in part, for workers'~~
4 ~~compensation liability; or (iii) a combination of~~
5 ~~purchased insurance and self insurance for workers'~~
6 ~~compensation liability, including reinsurance or stop loss~~
7 ~~insurance. Any contract for insurance or third party~~
8 ~~administration shall be on terms consistent with State~~
9 ~~policy; awarded in compliance with the Illinois~~
10 ~~Procurement Code; and based on, but not limited to, the~~
11 ~~following criteria: administrative cost, service~~
12 ~~capabilities of the carrier or other contractor and~~
13 ~~premiums, fees, or charges. By April 1 of each year prior~~
14 ~~to calendar year 2013, the Director must report and provide~~
15 ~~information to the State Workers' Compensation Program~~
16 ~~Advisory Board concerning the status of the State workers'~~
17 ~~compensation program for the next fiscal year. Information~~
18 ~~that the Director must provide to the State Workers'~~
19 ~~Compensation Program Advisory Board includes, but is not~~
20 ~~limited to, documents, reports of negotiations, bid~~
21 ~~invitations, requests for proposals, specifications,~~
22 ~~copies of proposed and final contracts or agreements, and~~
23 ~~any other materials concerning contracts or agreements for~~
24 ~~the program. By the first of each month prior to calendar~~
25 ~~year 2013 thereafter, the Director must provide updated,~~
26 ~~and any new, information to the State Workers' Compensation~~

1 Program Advisory Board until the State workers'
2 compensation program for the next fiscal year is
3 determined.

4 (10b) No later than January 1, 2013, the chief
5 procurement officer appointed under paragraph (4) of
6 subsection (a) of Section 10-20 of the Illinois Procurement
7 Code (hereinafter "chief procurement officer"), in
8 consultation with the Department of Central Management
9 Services, shall procure one or more private vendors to
10 administer, beginning January 1, 2013, the program
11 providing payments for workers' compensation liability
12 with respect to the employees of all State agencies. The
13 chief procurement officer may procure a single contract
14 applicable to all State agencies or multiple contracts
15 applicable to one or more State agencies. If the chief
16 procurement officer procures a single contract applicable
17 to all State agencies, then the Department of Central
18 Management Services shall be designated as the agency that
19 enters into the contract and shall be responsible for the
20 contract. If the chief procurement officer procures
21 multiple contracts applicable to one or more State
22 agencies, each agency to which the contract applies shall
23 be designated as the agency that shall enter into the
24 contract and shall be responsible for the contract. If the
25 chief procurement officer procures contracts applicable to
26 an individual State agency, the agency subject to the

1 contract shall be designated as the agency responsible for
2 the contract.

3 (10c) The procurement of private vendors for the
4 administration of the workers' compensation program for
5 State employees is subject to the provisions of the
6 Illinois Procurement Code and administration by the chief
7 procurement officer.

8 (10d) Contracts for the procurement of private vendors
9 for the administration of the workers' compensation
10 program for State employees shall be based upon, but
11 limited to, the following criteria: (i) administrative
12 cost, (ii) service capabilities of the vendor, and (iii)
13 the compensation (including premiums, fees, or other
14 charges). A vendor for the administration of the workers'
15 compensation program for State employees shall provide
16 services, including, but not limited to:

17 (A) providing a web-based case management system
18 and provide access to the Office of the Attorney
19 General;

20 (B) ensuring claims adjusters are available to
21 provide testimony or information as requested by the
22 Office of the Attorney General;

23 (C) establishing a preferred provider program for
24 all State agencies and facilities; and

25 (D) authorizing the payment of medical bills at the
26 preferred provider discount rate.

1 (10e) By September 15, 2012, the Department of Central
2 Management Services shall prepare a plan to effectuate the
3 transfer of responsibility and administration of the
4 workers' compensation program for State employees to the
5 selected private vendors. The Department shall submit a
6 copy of the plan to the General Assembly.

7 (11) Any plan for public liability self-insurance
8 implemented under this Section shall provide that (i) the
9 Department shall attempt to settle and may settle any
10 public liability claim filed against the State of Illinois
11 or any public liability claim filed against a State
12 employee on the basis of an occurrence in the course of the
13 employee's State employment; (ii) any settlement of such a
14 claim is not subject to fiscal year limitations and must be
15 approved by the Director and, in cases of settlements
16 exceeding \$100,000, by the Governor; and (iii) a settlement
17 of any public liability claim against the State or a State
18 employee shall require an unqualified release of any right
19 of action against the State and the employee for acts
20 within the scope of the employee's employment giving rise
21 to the claim.

22 Whenever and to the extent that a State employee
23 operates a motor vehicle or engages in other activity
24 covered by self-insurance under this Section, the State of
25 Illinois shall defend, indemnify, and hold harmless the
26 employee against any claim in tort filed against the

1 employee for acts or omissions within the scope of the
2 employee's employment in any proper judicial forum and not
3 settled pursuant to this subdivision (11), provided that
4 this obligation of the State of Illinois shall not exceed a
5 maximum liability of \$2,000,000 for any single occurrence
6 in connection with the operation of a motor vehicle or
7 \$100,000 per person per occurrence for any other single
8 occurrence, or \$500,000 for any single occurrence in
9 connection with the provision of medical care by a licensed
10 physician employee.

11 Any claims against the State of Illinois under a
12 self-insurance plan that are not settled pursuant to this
13 subdivision (11) shall be heard and determined by the Court
14 of Claims and may not be filed or adjudicated in any other
15 forum. The Attorney General of the State of Illinois or the
16 Attorney General's designee shall be the attorney with
17 respect to all public liability self-insurance claims that
18 are not settled pursuant to this subdivision (11) and
19 therefore result in litigation. The payment of any award of
20 the Court of Claims entered against the State relating to
21 any public liability self-insurance claim shall act as a
22 release against any State employee involved in the
23 occurrence.

24 (12) Administer a plan the purpose of which is to make
25 payments on final settlements or final judgments in
26 accordance with the State Employee Indemnification Act.

1 The plan shall be funded through appropriations from the
2 General Revenue Fund specifically designated for that
3 purpose, except that indemnification expenses for
4 employees of the Department of Transportation, the
5 Illinois State Police, and the Secretary of State shall be
6 paid from the Road Fund. The term "employee" as used in
7 this subdivision (12) has the same meaning as under
8 subsection (b) of Section 1 of the State Employee
9 Indemnification Act. Subject to sufficient appropriation,
10 the Director shall approve payment of any claim, without
11 regard to fiscal year limitations, presented to the
12 Director that is supported by a final settlement or final
13 judgment when the Attorney General and the chief officer of
14 the public body against whose employee the claim or cause
15 of action is asserted certify to the Director that the
16 claim is in accordance with the State Employee
17 Indemnification Act and that they approve of the payment.
18 In no event shall an amount in excess of \$150,000 be paid
19 from this plan to or for the benefit of any claimant.

20 (13) Administer a plan the purpose of which is to make
21 payments on final settlements or final judgments for
22 employee wage claims in situations where there was an
23 appropriation relevant to the wage claim, the fiscal year
24 and lapse period have expired, and sufficient funds were
25 available to pay the claim. The plan shall be funded
26 through appropriations from the General Revenue Fund

1 specifically designated for that purpose.

2 Subject to sufficient appropriation, the Director is
3 authorized to pay any wage claim presented to the Director
4 that is supported by a final settlement or final judgment
5 when the chief officer of the State agency employing the
6 claimant certifies to the Director that the claim is a
7 valid wage claim and that the fiscal year and lapse period
8 have expired. Payment for claims that are properly
9 submitted and certified as valid by the Director shall
10 include interest accrued at the rate of 7% per annum from
11 the forty-fifth day after the claims are received by the
12 Department or 45 days from the date on which the amount of
13 payment is agreed upon, whichever is later, until the date
14 the claims are submitted to the Comptroller for payment.
15 When the Attorney General has filed an appearance in any
16 proceeding concerning a wage claim settlement or judgment,
17 the Attorney General shall certify to the Director that the
18 wage claim is valid before any payment is made. In no event
19 shall an amount in excess of \$150,000 be paid from this
20 plan to or for the benefit of any claimant.

21 Nothing in Public Act 84-961 shall be construed to
22 affect in any manner the jurisdiction of the Court of
23 Claims concerning wage claims made against the State of
24 Illinois.

25 (14) Prepare and, in the discretion of the Director,
26 implement a program for self-insurance for official

1 fidelity and surety bonds for officers and employees as
2 authorized by the Official Bond Act.

3 (Source: P.A. 96-928, eff. 6-15-10; 97-18, eff. 6-28-11.)

4 (20 ILCS 405/405-411)

5 Sec. 405-411. Consolidation of workers' compensation
6 functions.

7 (a) Notwithstanding any other law to the contrary, the
8 Director of Central Management Services, working in
9 cooperation with the Director of any other agency, department,
10 board, or commission directly responsible to the Governor, may
11 direct the consolidation, within the Department of Central
12 Management Services, of those workers' compensation functions
13 at that agency, department, board, or commission that are
14 suitable for centralization.

15 Upon receipt of the written direction to transfer workers'
16 compensation functions to the Department of Central Management
17 Services, the personnel, equipment, and property (both real and
18 personal) directly relating to the transferred functions shall
19 be transferred to the Department of Central Management
20 Services, and the relevant documents, records, and
21 correspondence shall be transferred or copied, as the Director
22 may prescribe.

23 (b) Upon receiving written direction from the Director of
24 Central Management Services, the Comptroller and Treasurer are
25 authorized to transfer the unexpended balance of any

1 appropriations related to the workers' compensation functions
2 transferred to the Department of Central Management Services
3 and shall make the necessary fund transfers from the General
4 Revenue Fund, any special fund in the State treasury, or any
5 other federal or State trust fund held by the Treasurer to the
6 Workers' Compensation Revolving Fund for use by the Department
7 of Central Management Services in support of workers'
8 compensation functions or any other related costs or expenses
9 of the Department of Central Management Services.

10 (c) The rights of employees and the State and its agencies
11 under the Personnel Code and applicable collective bargaining
12 agreements or under any pension, retirement, or annuity plan
13 shall not be affected by any transfer under this Section.

14 (d) The functions transferred to the Department of Central
15 Management Services by this Section shall be vested in and
16 shall be exercised by the Department of Central Management
17 Services. Each act done in the exercise of those functions
18 shall have the same legal effect as if done by the agencies,
19 offices, divisions, departments, bureaus, boards and
20 commissions from which they were transferred.

21 Every person or other entity shall be subject to the same
22 obligations and duties and any penalties, civil or criminal,
23 arising therefrom, and shall have the same rights arising from
24 the exercise of such rights, powers, and duties as had been
25 exercised by the agencies, offices, divisions, departments,
26 bureaus, boards, and commissions from which they were

1 transferred.

2 Whenever reports or notices are now required to be made or
3 given or papers or documents furnished or served by any person
4 in regards to the functions transferred to or upon the
5 agencies, offices, divisions, departments, bureaus, boards,
6 and commissions from which the functions were transferred, the
7 same shall be made, given, furnished or served in the same
8 manner to or upon the Department of Central Management
9 Services.

10 This Section does not affect any act done, ratified, or
11 cancelled or any right occurring or established or any action
12 or proceeding had or commenced in an administrative, civil, or
13 criminal cause regarding the functions transferred, but those
14 proceedings may be continued by the Department of Central
15 Management Services.

16 This Section does not affect the legality of any rules in
17 the Illinois Administrative Code regarding the functions
18 transferred in this Section that are in force on the effective
19 date of this Section. If necessary, however, the affected
20 agencies shall propose, adopt, or repeal rules, rule
21 amendments, and rule recodifications as appropriate to
22 effectuate this Section.

23 (e) There is hereby created within the Department of
24 Central Management Services an advisory body to be known as the
25 State Workers' Compensation Program Advisory Board to review,
26 assess, and provide recommendations to improve the State

1 workers' compensation program and to ensure that the State
2 manages the program in the interests of injured workers and
3 taxpayers. The Governor shall appoint one person to the Board,
4 who shall serve as the Chairperson. The Speaker of the House of
5 Representatives, the Minority Leader of the House of
6 Representatives, the President of the Senate, and the Minority
7 Leader of the Senate shall each appoint one person to the
8 Board. Each member initially appointed to the Board shall serve
9 a term ending December 31, 2013, and each Board member
10 appointed thereafter shall serve a 3-year term. A Board member
11 shall continue to serve on the Board until his or her successor
12 is appointed. In addition, the Director of the Department of
13 Central Management Services, the Attorney General, the
14 Director of the Department of Insurance, the Secretary of the
15 Department of Transportation, the Director of the Department of
16 Corrections, the Secretary of the Department of Human Services,
17 the Director of the Department of Revenue, and the Chairman of
18 the Illinois Workers' Compensation Commission, or their
19 designees, shall serve as ex officio, non-voting members of the
20 Board. Members of the Board shall not receive compensation but
21 shall be reimbursed from the Workers' Compensation Revolving
22 Fund for reasonable expenses incurred in the necessary
23 performance of their duties, and the Department of Central
24 Management Services shall provide administrative support to
25 the Board. The Board shall meet at least 3 times per year or
26 more often if the Board deems it necessary or proper. By

1 September 30, 2011, the Board shall issue a written report, to
2 be delivered to the Governor, the Director of the Department of
3 Central Management Services, and the General Assembly, with a
4 recommended set of best practices for the State workers'
5 compensation program. By July 1 of each year thereafter, the
6 Board shall issue a written report, to be delivered to those
7 same persons or entities, with recommendations on how to
8 improve upon such practices.

9 (f) The Director of Central Management Services shall take
10 all appropriate actions with respect to the State's workers'
11 compensation obligations necessary to transfer administration
12 of those obligations to an independent private vendor as
13 provided by Section 405-105.

14 (Source: P.A. 97-18, eff. 6-28-11.)

15 Section 10. The State Finance Act is amended by changing
16 Section 6z-64 as follows:

17 (30 ILCS 105/6z-64)

18 Sec. 6z-64. The Workers' Compensation Revolving Fund.

19 (a) The Workers' Compensation Revolving Fund is created as
20 a revolving fund, not subject to fiscal year limitations, in
21 the State treasury. The following moneys shall be deposited
22 into the Fund:

23 (1) amounts authorized for transfer to the Fund from
24 the General Revenue Fund and other State funds (except for

1 funds classified by the Comptroller as federal trust funds
2 or State trust funds) pursuant to State law or Executive
3 Order;

4 (2) federal funds received by the Department of Central
5 Management Services (the "Department") as a result of
6 expenditures from the Fund;

7 (3) interest earned on moneys in the Fund;

8 (4) receipts or inter-fund transfers resulting from
9 billings issued ~~by the Department~~ to State agencies and
10 universities for the cost of workers' compensation
11 services ~~rendered by the Department~~ that are not
12 compensated through the specific fund transfers authorized
13 by this Section, if any;

14 (5) amounts received from a State agency or university
15 for workers' compensation payments for temporary total
16 disability, as provided in Section 405-105 of the
17 Department of Central Management Services Law of the Civil
18 Administrative Code of Illinois; and

19 (6) amounts recovered through subrogation in workers'
20 compensation and workers' occupational disease cases.

21 (b) Moneys in the Fund may be used by the Department for
22 reimbursement or payment for:

23 (1) providing workers' compensation services to State
24 agencies and State universities; or

25 (2) providing for payment of administrative and other
26 expenses (and, beginning January 1, 2013, fees and charges

1 made pursuant to a contract with a private vendor) incurred
 2 ~~by the Department~~ in providing workers' compensation
 3 services.

4 (c) State agencies may direct the Comptroller to process
 5 inter-fund transfers or make payment through the voucher and
 6 warrant process to the Workers' Compensation Revolving Fund in
 7 satisfaction of billings issued under subsection (a) of this
 8 Section.

9 (d) Reconciliation. For the fiscal year beginning on July
 10 1, 2004 only, the Director of Central Management Services (the
 11 "Director") shall order that each State agency's payments and
 12 transfers made to the Fund be reconciled with actual Fund costs
 13 for workers' compensation services provided by the Department
 14 and attributable to the State agency and relevant fund on no
 15 less than an annual basis. The Director may require reports
 16 from State agencies as deemed necessary to perform this
 17 reconciliation.

18 (d-5) Notwithstanding any other provision of State law to
 19 the contrary, on or after July 1, 2005 and until June 30, 2006,
 20 in addition to any other transfers that may be provided for by
 21 law, at the direction of and upon notification of the Director
 22 of Central Management Services, the State Comptroller shall
 23 direct and the State Treasurer shall transfer amounts into the
 24 Workers' Compensation Revolving Fund from the designated funds
 25 not exceeding the following totals:

26 Mental Health Fund \$17,694,000

1	Statistical Services Revolving Fund	\$1,252,600
2	Department of Corrections Reimbursement	
3	and Education Fund	\$1,198,600
4	Communications Revolving Fund	\$535,400
5	Child Support Administrative Fund	\$441,900
6	Health Insurance Reserve Fund	\$238,900
7	Fire Prevention Fund	\$234,100
8	Park and Conservation Fund	\$142,000
9	Motor Fuel Tax Fund	\$132,800
10	Illinois Workers' Compensation	
11	Commission Operations Fund	\$123,900
12	State Boating Act Fund	\$112,300
13	Public Utility Fund	\$106,500
14	State Lottery Fund	\$101,300
15	Traffic and Criminal Conviction	
16	Surcharge Fund	\$88,500
17	State Surplus Property Revolving Fund	\$82,700
18	Natural Areas Acquisition Fund	\$65,600
19	Securities Audit and Enforcement Fund	\$65,200
20	Agricultural Premium Fund	\$63,400
21	Capital Development Fund	\$57,500
22	State Gaming Fund	\$54,300
23	Underground Storage Tank Fund	\$53,700
24	Illinois State Medical Disciplinary Fund	\$53,000
25	Personal Property Tax Replacement Fund	\$53,000
26	General Professions Dedicated Fund	\$51,900

1 Total \$23,003,100

2 (d-10) Notwithstanding any other provision of State law to
3 the contrary and in addition to any other transfers that may be
4 provided for by law, on the first day of each calendar quarter
5 of the fiscal year beginning July 1, 2005, or as soon as may be
6 practical thereafter, the State Comptroller shall direct and
7 the State Treasurer shall transfer from each designated fund
8 into the Workers' Compensation Revolving Fund amounts equal to
9 one-fourth of each of the following totals:

10	General Revenue Fund	\$34,000,000
11	Road Fund	\$25,987,000
12	Total	\$59,987,000

13 (d-12) Notwithstanding any other provision of State law to
14 the contrary and in addition to any other transfers that may be
15 provided for by law, on the effective date of this amendatory
16 Act of the 94th General Assembly, or as soon as may be
17 practical thereafter, the State Comptroller shall direct and
18 the State Treasurer shall transfer from each designated fund
19 into the Workers' Compensation Revolving Fund the following
20 amounts:

21	General Revenue Fund	\$10,000,000
22	Road Fund	\$5,000,000
23	Total	\$15,000,000

24 (d-15) Notwithstanding any other provision of State law to
25 the contrary and in addition to any other transfers that may be
26 provided for by law, on July 1, 2006, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and
2 the State Treasurer shall transfer from each designated fund
3 into the Workers' Compensation Revolving Fund the following
4 amounts:

5	General Revenue Fund	\$44,028,200
6	Road Fund	\$28,084,000
7	Total	\$72,112,200

8 (d-20) Notwithstanding any other provision of State law to
9 the contrary, on or after July 1, 2006 and until June 30, 2007,
10 in addition to any other transfers that may be provided for by
11 law, at the direction of and upon notification of the Director
12 of Central Management Services, the State Comptroller shall
13 direct and the State Treasurer shall transfer amounts into the
14 Workers' Compensation Revolving Fund from the designated funds
15 not exceeding the following totals:

16	Mental Health Fund	\$19,121,800
17	Statistical Services Revolving Fund	\$1,353,700
18	Department of Corrections Reimbursement	
19	and Education Fund	\$1,295,300
20	Communications Revolving Fund	\$578,600
21	Child Support Administrative Fund	\$477,600
22	Health Insurance Reserve Fund	\$258,200
23	Fire Prevention Fund	\$253,000
24	Park and Conservation Fund	\$153,500
25	Motor Fuel Tax Fund	\$143,500
26	Illinois Workers' Compensation	

1	Commission Operations Fund	\$133,900
2	State Boating Act Fund	\$121,400
3	Public Utility Fund	\$115,100
4	State Lottery Fund	\$109,500
5	Traffic and Criminal Conviction Surcharge Fund ..	\$95,700
6	State Surplus Property Revolving Fund	\$89,400
7	Natural Areas Acquisition Fund	\$70,800
8	Securities Audit and Enforcement Fund	\$70,400
9	Agricultural Premium Fund	\$68,500
10	State Gaming Fund	\$58,600
11	Underground Storage Tank Fund	\$58,000
12	Illinois State Medical Disciplinary Fund	\$57,200
13	Personal Property Tax Replacement Fund	\$57,200
14	General Professions Dedicated Fund	\$56,100
15	Total	\$24,797,000

16 (d-25) Notwithstanding any other provision of State law to
17 the contrary and in addition to any other transfers that may be
18 provided for by law, on July 1, 2009, or as soon as may be
19 practical thereafter, the State Comptroller shall direct and
20 the State Treasurer shall transfer from each designated fund
21 into the Workers' Compensation Revolving Fund the following
22 amounts:

23	General Revenue Fund	\$55,000,000
24	Road Fund	\$34,803,000
25	Total	\$89,803,000

26 (d-30) Notwithstanding any other provision of State law to

1 the contrary, on or after July 1, 2009 and until June 30, 2010,
2 in addition to any other transfers that may be provided for by
3 law, at the direction of and upon notification of the Director
4 of Central Management Services, the State Comptroller shall
5 direct and the State Treasurer shall transfer amounts into the
6 Workers' Compensation Revolving Fund from the designated funds
7 not exceeding the following totals:

8	Food and Drug Safety Fund	\$13,900
9	Teacher Certificate Fee Revolving Fund	\$6,500
10	Transportation Regulatory Fund	\$14,500
11	Financial Institution Fund	\$25,200
12	General Professions Dedicated Fund	\$25,300
13	Illinois Veterans' Rehabilitation Fund	\$64,600
14	State Boating Act Fund	\$177,100
15	State Parks Fund	\$104,300
16	Lobbyist Registration Administration Fund	\$14,400
17	Agricultural Premium Fund	\$79,100
18	Fire Prevention Fund	\$360,200
19	Mental Health Fund	\$9,725,200
20	Illinois State Pharmacy Disciplinary Fund	\$5,600
21	Public Utility Fund	\$40,900
22	Radiation Protection Fund	\$14,200
23	Firearm Owner's Notification Fund	\$1,300
24	Solid Waste Management Fund	\$74,100
25	Illinois Gaming Law Enforcement Fund	\$17,800
26	Subtitle D Management Fund	\$14,100

1	Illinois State Medical Disciplinary Fund	\$26,500
2	Facility Licensing Fund	\$11,700
3	Plugging and Restoration Fund	\$9,100
4	Explosives Regulatory Fund	\$2,300
5	Aggregate Operations Regulatory Fund	\$5,000
6	Coal Mining Regulatory Fund	\$1,900
7	Registered Certified Public Accountants'	
8	Administration and Disciplinary Fund	\$1,500
9	Weights and Measures Fund	\$56,100
10	Division of Corporations Registered	
11	Limited Liability Partnership Fund	\$3,900
12	Illinois School Asbestos Abatement Fund	\$14,000
13	Secretary of State Special License Plate Fund	\$30,700
14	Capital Development Board Revolving Fund	\$27,000
15	DCFS Children's Services Fund	\$69,300
16	Asbestos Abatement Fund	\$17,200
17	Illinois Health Facilities Planning Fund	\$26,800
18	Emergency Public Health Fund	\$5,600
19	Nursing Dedicated and Professional Fund	\$10,000
20	Optometric Licensing and Disciplinary	
21	Board Fund	\$1,600
22	Underground Resources Conservation	
23	Enforcement Fund	\$11,500
24	Drunk and Drugged Driving Prevention Fund	\$18,200
25	Long Term Care Monitor/Receiver Fund	\$35,400
26	Community Water Supply Laboratory Fund	\$5,600

1	Securities Investors Education Fund	\$2,000
2	Used Tire Management Fund	\$32,400
3	Natural Areas Acquisition Fund	\$101,200
4	Open Space Lands Acquisition	
5	and Development Fund	\$28,400
6	Working Capital Revolving Fund	\$489,100
7	State Garage Revolving Fund	\$791,900
8	Statistical Services Revolving Fund	\$3,984,700
9	Communications Revolving Fund	\$1,432,800
10	Facilities Management Revolving Fund	\$1,911,600
11	Professional Services Fund	\$483,600
12	Motor Vehicle Review Board Fund	\$15,000
13	Environmental Laboratory Certification Fund	\$3,000
14	Public Health Laboratory Services	
15	Revolving Fund	\$2,500
16	Lead Poisoning Screening, Prevention,	
17	and Abatement Fund	\$28,200
18	Securities Audit and Enforcement Fund	\$258,400
19	Department of Business Services	
20	Special Operations Fund	\$111,900
21	Feed Control Fund	\$20,800
22	Tanning Facility Permit Fund	\$5,400
23	Plumbing Licensure and Program Fund	\$24,400
24	Tax Compliance and Administration Fund	\$27,200
25	Appraisal Administration Fund	\$2,400
26	Small Business Environmental Assistance Fund	\$2,200

1	Illinois State Fair Fund	\$31,400
2	Secretary of State Special Services Fund	\$317,600
3	Department of Corrections Reimbursement	
4	and Education Fund	\$324,500
5	Health Facility Plan Review Fund	\$31,200
6	Illinois Historic Sites Fund	\$11,500
7	Attorney General Court Ordered and Voluntary	
8	Compliance Payment Projects Fund	\$18,500
9	Public Pension Regulation Fund	\$5,600
10	Illinois Charity Bureau Fund	\$11,400
11	Renewable Energy Resources Trust Fund	\$6,700
12	Energy Efficiency Trust Fund	\$3,600
13	Pesticide Control Fund	\$56,800
14	Attorney General Whistleblower Reward	
15	and Protection Fund	\$14,200
16	Partners for Conservation Fund	\$36,900
17	Capital Litigation Trust Fund	\$800
18	Motor Vehicle License Plate Fund	\$99,700
19	Horse Racing Fund	\$18,900
20	Death Certificate Surcharge Fund	\$12,800
21	Auction Regulation Administration Fund	\$500
22	Motor Carrier Safety Inspection Fund	\$55,800
23	Assisted Living and Shared Housing	
24	Regulatory Fund	\$900
25	Illinois Thoroughbred Breeders Fund	\$9,200
26	Illinois Clean Water Fund	\$42,300

1	Secretary of State DUI Administration Fund	\$16,100
2	Child Support Administrative Fund	\$1,037,900
3	Secretary of State Police Services Fund	\$1,200
4	Tourism Promotion Fund	\$34,400
5	IMSA Income Fund	\$12,700
6	Presidential Library and Museum Operating Fund ..	\$83,000
7	Dram Shop Fund	\$44,500
8	Illinois State Dental Disciplinary Fund	\$5,700
9	Cycle Rider Safety Training Fund	\$8,700
10	Traffic and Criminal Conviction Surcharge Fund ..	\$106,100
11	Design Professionals Administration	
12	and Investigation Fund	\$4,500
13	State Police Services Fund	\$276,100
14	Metabolic Screening and Treatment Fund	\$90,800
15	Insurance Producer Administration Fund	\$45,600
16	Coal Technology Development Assistance Fund	\$11,700
17	Hearing Instrument Dispenser Examining	
18	and Disciplinary Fund	\$1,900
19	Low-Level Radioactive Waste Facility	
20	Development and Operation Fund	\$1,000
21	Environmental Protection Permit and	
22	Inspection Fund	\$66,900
23	Park and Conservation Fund	\$199,300
24	Local Tourism Fund	\$2,400
25	Illinois Capital Revolving Loan Fund	\$10,000
26	Large Business Attraction Fund	\$100

1 Adeline Jay Geo-Karis Illinois Beach

2 Marina Fund..... \$27,200

3 Public Infrastructure Construction

4 Loan Revolving Fund..... \$1,700

5 Insurance Financial Regulation Fund..... \$69,200

6 Total \$24,197,800

7 (d-35) Notwithstanding any other provision of State law to
 8 the contrary and in addition to any other transfers that may be
 9 provided for by law, on July 1, 2010, or as soon as may be
 10 practical thereafter, the State Comptroller shall direct and
 11 the State Treasurer shall transfer from each designated fund
 12 into the Workers' Compensation Revolving Fund the following
 13 amounts:

14 General Revenue Fund \$55,000,000

15 Road Fund..... \$50,955,300

16 Total \$105,955,300

17 (d-40) Notwithstanding any other provision of State law to
 18 the contrary, on or after July 1, 2010 and until June 30, 2011,
 19 in addition to any other transfers that may be provided for by
 20 law, at the direction of and upon notification of the Director
 21 of Central Management Services, the State Comptroller shall
 22 direct and the State Treasurer shall transfer amounts into the
 23 Workers' Compensation Revolving Fund from the designated funds
 24 not exceeding the following totals:

25 Food and Drug Safety Fund \$8,700

26 Financial Institution Fund \$44,500

1	General Professions Dedicated Fund	\$51,400
2	Live and Learn Fund	\$10,900
3	Illinois Veterans' Rehabilitation Fund	\$106,000
4	State Boating Act Fund	\$288,200
5	State Parks Fund	\$185,900
6	Wildlife and Fish Fund	\$1,550,300
7	Lobbyist Registration Administration Fund	\$18,100
8	Agricultural Premium Fund	\$176,100
9	Mental Health Fund	\$291,900
10	Firearm Owner's Notification Fund	\$2,300
11	Illinois Gaming Law Enforcement Fund	\$11,300
12	Illinois State Medical Disciplinary Fund	\$42,300
13	Facility Licensing Fund	\$14,200
14	Plugging and Restoration Fund	\$15,600
15	Explosives Regulatory Fund	\$4,800
16	Aggregate Operations Regulatory Fund	\$6,000
17	Coal Mining Regulatory Fund	\$7,200
18	Registered Certified Public Accountants'	
19	Administration and Disciplinary Fund	\$1,900
20	Weights and Measures Fund	\$105,200
21	Division of Corporations Registered	
22	Limited Liability Partnership Fund	\$5,300
23	Illinois School Asbestos Abatement Fund	\$19,900
24	Secretary of State Special License Plate Fund	\$38,700
25	DCFS Children's Services Fund	\$123,100
26	Illinois Health Facilities Planning Fund	\$29,700

1	Emergency Public Health Fund	\$6,800
2	Nursing Dedicated and Professional Fund	\$13,500
3	Optometric Licensing and Disciplinary	
4	Board Fund	\$1,800
5	Underground Resources Conservation	
6	Enforcement Fund	\$16,500
7	Mandatory Arbitration Fund	\$5,400
8	Drunk and Drugged Driving Prevention Fund	\$26,400
9	Long Term Care Monitor/Receiver Fund	\$43,800
10	Securities Investors Education Fund	\$28,500
11	Used Tire Management Fund	\$6,300
12	Natural Areas Acquisition Fund	\$185,000
13	Open Space Lands Acquisition and	
14	Development Fund	\$46,800
15	Working Capital Revolving Fund	\$741,500
16	State Garage Revolving Fund	\$356,200
17	Statistical Services Revolving Fund	\$1,775,900
18	Communications Revolving Fund	\$630,600
19	Facilities Management Revolving Fund	\$870,800
20	Professional Services Fund	\$275,500
21	Motor Vehicle Review Board Fund	\$12,900
22	Public Health Laboratory Services	
23	Revolving Fund	\$5,300
24	Lead Poisoning Screening, Prevention,	
25	and Abatement Fund	\$42,100
26	Securities Audit and Enforcement Fund	\$162,700

1	Department of Business Services	
2	Special Operations Fund	\$143,700
3	Feed Control Fund	\$32,300
4	Tanning Facility Permit Fund	\$3,900
5	Plumbing Licensure and Program Fund	\$32,600
6	Tax Compliance and Administration Fund	\$48,400
7	Appraisal Administration Fund	\$3,600
8	Illinois State Fair Fund	\$30,200
9	Secretary of State Special Services Fund	\$214,400
10	Department of Corrections Reimbursement	
11	and Education Fund	\$438,300
12	Health Facility Plan Review Fund	\$29,900
13	Public Pension Regulation Fund	\$9,900
14	Pesticide Control Fund	\$107,500
15	Partners for Conservation Fund	\$189,300
16	Motor Vehicle License Plate Fund	\$143,800
17	Horse Racing Fund	\$20,900
18	Death Certificate Surcharge Fund	\$16,800
19	Auction Regulation Administration Fund	\$1,000
20	Motor Carrier Safety Inspection Fund	\$56,800
21	Assisted Living and Shared Housing	
22	Regulatory Fund	\$2,200
23	Illinois Thoroughbred Breeders Fund	\$18,100
24	Secretary of State DUI Administration Fund	\$19,800
25	Child Support Administrative Fund	\$1,809,500
26	Secretary of State Police Services Fund	\$2,500

1	Medical Special Purposes Trust Fund	\$20,400
2	Dram Shop Fund	\$57,200
3	Illinois State Dental Disciplinary Fund	\$9,500
4	Cycle Rider Safety Training Fund	\$12,200
5	Traffic and Criminal Conviction Surcharge Fund ..	\$128,900
6	Design Professionals Administration	
7	and Investigation Fund	\$7,300
8	State Police Services Fund	\$335,700
9	Metabolic Screening and Treatment Fund	\$81,600
10	Insurance Producer Administration Fund	\$77,000
11	Hearing Instrument Dispenser Examining	
12	and Disciplinary Fund	\$1,900
13	Park and Conservation Fund	\$361,500
14	Adeline Jay Geo-Karis Illinois Beach	
15	Marina Fund.....	\$42,800
16	Insurance Financial Regulation Fund	\$108,000
17	Total	\$13,033,200

18 (d-45) Notwithstanding any other provision of State law to
19 the contrary and in addition to any other transfers that may be
20 provided for by law, on July 1, 2011, or as soon as may be
21 practical thereafter, the State Comptroller shall direct and
22 the State Treasurer shall transfer the sum of \$45,000,000 from
23 the General Revenue Fund into the Workers' Compensation
24 Revolving Fund.

25 (e) The term "workers' compensation services" means
26 services, claims expenses, and related administrative costs

1 incurred in performing the duties under Sections 405-105 and
2 405-411 of the Department of Central Management Services Law of
3 the Civil Administrative Code of Illinois.

4 (Source: P.A. 96-45, eff. 7-15-09; 96-959, eff. 7-1-10; 97-641,
5 eff. 12-19-11.)

6 Section 15. The Illinois Procurement Code is amended by
7 changing Sections 1-10, 1-13, 1-15.107, 1-15.108, 5-5, 10-10,
8 10-15, 15-1, 15-25, 15-30, 20-10, 20-25, 20-120, 20-155,
9 20-160, 45-35, 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14,
10 50-35, 50-39, and 50-60 and by adding Sections 1-12 and 15-35
11 as follows:

12 (30 ILCS 500/1-10)

13 Sec. 1-10. Application.

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

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

4 (1) Contracts between the State and its political
5 subdivisions or other governments, or between State
6 governmental bodies except as specifically provided in
7 this Code.

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

10 (3) Purchase of care.

11 (4) Hiring of an individual as employee and not as an
12 independent contractor, whether pursuant to an employment
13 code or policy or by contract directly with that
14 individual.

15 (5) Collective bargaining contracts.

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

23 (7) Contracts necessary to prepare for anticipated
24 litigation, enforcement actions, or investigations,
25 provided that the chief legal counsel to the Governor shall
26 give his or her prior approval when the procuring agency is

1 one subject to the jurisdiction of the Governor, and
2 provided that the chief legal counsel of any other
3 procuring entity subject to this Code shall give his or her
4 prior approval when the procuring entity is not one subject
5 to the jurisdiction of the Governor.

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

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

15 (10) Procurement expenditures by the Illinois Health
16 Information Exchange Authority involving private funds
17 from the Health Information Exchange Fund. "Private funds"
18 means gifts, donations, and private grants.

19 (11) Public-private agreements entered into according
20 to the procurement requirements of Section 20 of the
21 Public-Private Partnerships for Transportation Act and
22 design-build agreements entered into according to the
23 procurement requirements of Section 25 of the
24 Public-Private Partnerships for Transportation Act.

25 (c) This Code does not apply to the electric power
26 procurement process provided for under Section 1-75 of the

1 Illinois Power Agency Act and Section 16-111.5 of the Public
2 Utilities Act.

3 (d) Except for Section 20-160 and Article 50 of this Code,
4 and as expressly required by Section 9.1 of the Illinois
5 Lottery Law, the provisions of this Code do not apply to the
6 procurement process provided for under Section 9.1 of the
7 Illinois Lottery Law.

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

19 (f) This Code does not apply to the process used by the
20 Illinois Power Agency to retain a mediator to mediate sourcing
21 agreement disputes between gas utilities and the clean coal SNG
22 brownfield facility, as defined in Section 1-10 of the Illinois
23 Power Agency Act, as required under subsection (h-1) of Section
24 9-220 of the Public Utilities Act.

25 (g) ~~(e)~~ This Code does not apply to the processes used by
26 the Illinois Power Agency to retain a mediator to mediate

1 contract disputes between gas utilities and the clean coal SNG
2 facility and to retain an expert to assist in the review of
3 contracts under subsection (h) of Section 9-220 of the Public
4 Utilities Act. This Code does not apply to the process used by
5 the Illinois Commerce Commission to retain an expert to assist
6 in determining the actual incurred costs of the clean coal SNG
7 facility and the reasonableness of those costs as required
8 under subsection (h) of Section 9-220 of the Public Utilities
9 Act.

10 (h) Each chief procurement officer may access records
11 necessary to review whether a contract, purchase, or other
12 expenditure is or is not subject to the provisions of this
13 Code, unless such records would be subject to attorney-client
14 privilege.

15 (Source: P.A. 96-840, eff. 12-23-09; 96-1331, eff. 7-27-10;
16 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502, eff. 8-23-11;
17 revised 9-7-11.)

18 (30 ILCS 500/1-12 new)

19 Sec. 1-12. Applicability to artistic or musical services.

20 (a) This Code shall not apply to procurement expenditures
21 necessary to provide artistic or musical services,
22 performances, or theatrical productions held at a venue
23 operated or leased by a State agency.

24 (b) Notice of each contract entered into by a State agency
25 that is related to the procurement of goods and services

1 identified in this Section shall be published in the Illinois
2 Procurement Bulletin within 14 days after contract execution.
3 The chief procurement officer shall prescribe the form and
4 content of the notice. Each State agency shall provide the
5 chief procurement officer, on a monthly basis, in the form and
6 content prescribed by the chief procurement officer, a report
7 of contracts that are related to the procurement of goods and
8 services identified in this Section. At a minimum, this report
9 shall include the name of the contractor, a description of the
10 supply or service provided, the total amount of the contract,
11 the term of the contract, and the exception to the Code
12 utilized. A copy of any or all of these contracts shall be made
13 available to the chief procurement officer immediately upon
14 request. The chief procurement officer shall submit a report to
15 the Governor and General Assembly no later than November 1 of
16 each year that shall include, at a minimum, an annual summary
17 of the monthly information reported to the chief procurement
18 officer.

19 (c) This Section is repealed December 31, 2016.

20 (30 ILCS 500/1-13)

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

22 Sec. 1-13. Applicability to public institutions of higher
23 education.

24 (a) This Code shall apply to public institutions of higher
25 education, regardless of the source of the funds with which

1 contracts are paid, except as provided in this Section.

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

5 (1) Memberships in professional, academic, or athletic
6 organizations on behalf of a public institution of higher
7 education, an employee of a public institution of higher
8 education, or a student at a public institution of higher
9 education.

10 (2) Procurement expenditures for events or activities
11 paid for exclusively by revenues generated by the event or
12 activity, gifts or donations for the event or activity,
13 private grants, or any combination thereof.

14 (3) Procurement expenditures for events or activities
15 for which the use of specific vendors is mandated or
16 identified by the sponsor of the event or activity,
17 provided that the sponsor is providing a majority of the
18 funding for the event or activity.

19 (4) Procurement expenditures necessary to provide
20 artistic or musical services, performances, or productions
21 held at a venue operated by a public institution of higher
22 education.

23 (5) Procurement expenditures for periodicals and books
24 procured for use by a university library or academic
25 department, except for expenditures related to procuring
26 textbooks for student use or materials for resale or

1 rental.

2 Notice of each contract entered into by a public institution of
3 higher education that is related to the procurement of goods
4 and services identified in items (1) through (5) of this
5 subsection shall be published in the Procurement Bulletin
6 within 14 days after contract execution. The Chief Procurement
7 Officer shall prescribe the form and content of the notice.
8 Each public institution of higher education shall provide the
9 Chief Procurement Officer, on a monthly basis, in the form and
10 content prescribed by the Chief Procurement Officer, a report
11 of contracts that are related to the procurement of goods and
12 services identified in this subsection. At a minimum, this
13 report shall include the name of the contractor, a description
14 of the supply or service provided, the total amount of the
15 contract, the term of the contract, and the exception to the
16 Code utilized. A copy of any or all of these contracts shall be
17 made available to the Chief Procurement Officer immediately
18 upon request. The Chief Procurement Officer shall submit a
19 report to the Governor and General Assembly no later than
20 November 1 of each year that shall include, at a minimum, an
21 annual summary of the monthly information reported to the Chief
22 Procurement Officer.

23 (c) Procurements made by or on behalf of public
24 institutions of higher education for any of the following shall
25 be made in accordance with the requirements of this Code to the
26 extent practical as provided in this subsection:

1 (1) Contracts with a foreign entity necessary for
2 research or educational activities, provided that the
3 foreign entity either does not maintain an office in the
4 United States or is the sole source of the service or
5 product.

6 (2) Procurements of FDA-regulated goods, products, and
7 services necessary for the delivery of care and treatment
8 at medical, dental, or veterinary teaching facilities
9 utilized by the University of Illinois or Southern Illinois
10 University.

11 (3) Contracts for programming and broadcast license
12 rights for university-operated radio and television
13 stations.

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

15 Upon the written request of a public institution of higher
16 education, the Chief Procurement Officer may waive
17 registration, certification, and hearing requirements of this
18 Code if, based on the item to be procured or the terms of a
19 grant, compliance is impractical. The public institution of
20 higher education shall provide the Chief Procurement Officer
21 with specific reasons for the waiver, including the necessity
22 of contracting with a particular vendor, and shall certify that
23 an effort was made in good faith to comply with the provisions
24 of this Code. The Chief Procurement Officer shall provide
25 written justification for any waivers. By November 1 of each
26 year, the Chief Procurement Officer shall file a report with

1 the General Assembly identifying each contract approved with
2 waivers and providing the justification given for any waivers
3 for each of those contracts. Notice of each waiver made under
4 this subsection shall be published in the Procurement Bulletin
5 within 14 days after contract execution. The Chief Procurement
6 Officer shall prescribe the form and content of the notice.

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

15 (e) Notwithstanding subsection (e) of Section 50-10.5 of
16 this Code, the Chief Procurement Officer, with the approval of
17 the Executive Ethics Commission, may permit a public
18 institution of higher education to accept a bid or enter into a
19 contract with a business that assisted the public institution
20 of higher education in determining whether there is a need for
21 a contract or assisted in reviewing, drafting, or preparing
22 documents related to a bid or contract, provided that the bid
23 or contract is essential to research administered by the public
24 institution of higher education and it is in the best interest
25 of the public institution of higher education to accept the bid
26 or contract. For purposes of this subsection, "business"

1 includes all individuals with whom a business is affiliated,
2 including, but not limited to, any officer, agent, employee,
3 consultant, independent contractor, director, partner,
4 manager, or shareholder of a business. The Executive Ethics
5 Commission may promulgate rules and regulations for the
6 implementation and administration of the provisions of this
7 subsection (e).

8 (f) As used in this Section:

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

14 "Public institution of higher education" means Chicago
15 State University, Eastern Illinois University, Governors State
16 University, Illinois State University, Northeastern Illinois
17 University, Northern Illinois University, Southern Illinois
18 University, University of Illinois, ~~and~~ Western Illinois
19 University, and, for purposes of this Code only, the Illinois
20 Mathematics and Science Academy.

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

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

23 (30 ILCS 500/1-15.107)

24 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
25 between a person and a person who has ~~or is seeking~~ a contract

1 subject to this Code, pursuant to which the subcontractor
2 provides to the contractor, or, if the contract price exceeds
3 \$50,000, another subcontractor, some or all of the goods,
4 services, real property, remuneration, or other monetary forms
5 of consideration that are the subject of the primary contract
6 and includes, among other things, subleases from a lessee of a
7 State agency.

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

10 (30 ILCS 500/1-15.108)

11 Sec. 1-15.108. Subcontractor. "Subcontractor" means a
12 person or entity that enters into a contractual agreement with
13 a total value of \$50,000 ~~\$25,000~~ or more with a person or
14 entity who has ~~or is seeking~~ a contract subject to this Code
15 pursuant to which the person or entity provides some or all of
16 the goods, services, real property, remuneration, or other
17 monetary forms of consideration that are the subject of the
18 primary State contract, including subleases from a lessee of a
19 State contract.

20 (Source: P.A. 96-920, eff. 7-1-10.)

21 (30 ILCS 500/5-5)

22 Sec. 5-5. Procurement Policy Board.

23 (a) Creation. There is created a Procurement Policy Board,
24 an agency of the State of Illinois.

1 (b) Authority and duties. The Board shall have the
2 authority and responsibility to review, comment upon, and
3 recommend, consistent with this Code, rules and practices
4 governing the procurement, management, control, and disposal
5 of supplies, services, professional or artistic services,
6 construction, and real property and capital improvement leases
7 procured by the State. The Board shall also have the authority
8 to recommend a program for professional development and provide
9 opportunities for training in procurement practices and
10 policies to chief procurement officers and their staffs in
11 order to ensure that all procurement is conducted in an
12 efficient, professional, and appropriately transparent manner.

13 Upon a three-fifths vote of its members, the Board may
14 review a contract. Upon a three-fifths vote of its members, the
15 Board may propose procurement rules for consideration by chief
16 procurement officers. These proposals shall be published in
17 each volume of the Procurement Bulletin. Except as otherwise
18 provided by law, the Board shall act upon the vote of a
19 majority of its members who have been appointed and are
20 serving.

21 (b-5) Reviews, studies, and hearings. The Board may review,
22 study, and hold public hearings concerning the implementation
23 and administration of this Code. Each chief procurement
24 officer, State purchasing officer, procurement compliance
25 monitor, and State agency shall cooperate with the Board,
26 provide information to the Board, and be responsive to the

1 Board in the Board's conduct of its reviews, studies, and
2 hearings.

3 (c) Members. The Board shall consist of 5 members appointed
4 one each by the 4 legislative leaders and the Governor. Each
5 member shall have demonstrated sufficient business or
6 professional experience in the area of procurement to perform
7 the functions of the Board. No member may be a member of the
8 General Assembly.

9 (d) Terms. Of the initial appointees, the Governor shall
10 designate one member, as Chairman, to serve a one-year term,
11 the President of the Senate and the Speaker of the House shall
12 each appoint one member to serve 3-year terms, and the Minority
13 Leader of the House and the Minority Leader of the Senate shall
14 each appoint one member to serve 2-year terms. Subsequent terms
15 shall be 4 years. Members may be reappointed for succeeding
16 terms.

17 (e) Reimbursement. Members shall receive no compensation
18 but shall be reimbursed for any expenses reasonably incurred in
19 the performance of their duties.

20 (f) Staff support. Upon a three-fifths vote of its members,
21 the Board may employ an executive director. Subject to
22 appropriation, the Board also may employ a reasonable and
23 necessary number of staff persons.

24 (g) Meetings. Meetings of the Board may be conducted
25 telephonically, electronically, or through the use of other
26 telecommunications. Written minutes of such meetings shall be

1 created and available for public inspection and copying.

2 (h) Procurement recommendations. Upon a three-fifths vote
3 of its members, the Board may review a proposal, bid, or
4 contract and issue a recommendation to void a contract or
5 reject a proposal or bid based on any violation of this Code or
6 the existence of a conflict of interest as described in
7 subsections (b) and (d) of Section 50-35. A chief procurement
8 officer or State purchasing officer shall notify the Board if
9 an alleged a conflict of interest or violation of the Code is
10 identified, discovered, or reasonably suspected to exist. Any
11 person or entity may notify the Board of an alleged a conflict
12 of interest or violation of the Code. A recommendation of the
13 Board shall be delivered to the appropriate chief procurement
14 officer and Executive Ethics Commission within 5 days and must
15 be published in the next volume of the Procurement Bulletin. In
16 the event that an alleged conflict of interest or violation of
17 the Code that was not originally disclosed with the bid, offer,
18 or proposal is identified and filed with the Board, the Board
19 shall provide written notice of the alleged conflict of
20 interest or violation to the contractor or subcontractor on
21 that contract. If the alleged conflict of interest or violation
22 is by the subcontractor, written notice shall also be provided
23 to the contractor. The contractor or subcontractor shall have
24 15 days to provide a written response to the notice, and a
25 hearing before the Board on the alleged conflict of interest or
26 violation shall be held upon request by the contractor or

1 subcontractor. The requested hearing date and time shall be
2 determined by the Board, but in no event shall the hearing
3 occur later than 15 days after the date of the request.

4 (i) After providing notice and a hearing as required by
5 subsection (h), the ~~The~~ Board shall refer any alleged
6 violations of this Code to the Executive Inspector General in
7 addition to or instead of issuing a recommendation to void a
8 contract.

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

11 (30 ILCS 500/10-10)

12 Sec. 10-10. Independent State purchasing officers.

13 (a) The chief procurement officer shall appoint a State
14 purchasing officer for each agency that the chief procurement
15 officer is responsible for under Section 1-15.15. A State
16 purchasing officer shall be located in the State agency that
17 the officer serves but shall report to his or her respective
18 chief procurement officer. The State purchasing officer shall
19 have direct communication with agency staff assigned to assist
20 with any procurement process. At the direction of his or her
21 respective chief procurement officer, a State purchasing
22 officer shall have the authority to approve or reject ~~enter~~
23 ~~into~~ contracts for a purchasing agency. If the State purchasing
24 officer provides written approval of the contract, the head of
25 the applicable State agency shall have the authority to sign

1 and enter into that contract. All actions of a State purchasing
2 officer are subject to review by a chief procurement officer in
3 accordance with procedures and policies established by the
4 chief procurement officer.

5 (b) In addition to any other requirement or qualification
6 required by State law, within 30 ~~18~~ months after appointment, a
7 State purchasing officer must be a Certified Professional
8 Public Buyer or a Certified Public Purchasing Officer, pursuant
9 to certification by the Universal Public Purchasing
10 Certification Council. A State purchasing officer shall serve a
11 term of 5 years beginning on the date of the officer's
12 appointment. A State purchasing officer shall have an office
13 located in the State agency that the officer serves but shall
14 report to the chief procurement officer. A State purchasing
15 officer may be removed by a chief procurement officer for cause
16 after a hearing by the Executive Ethics Commission. The chief
17 procurement officer or executive officer of the State agency
18 housing the State purchasing officer may institute a complaint
19 against the State purchasing officer by filing such a complaint
20 with the Commission and the Commission shall have a public
21 hearing based on the complaint. The State purchasing officer,
22 chief procurement officer, and executive officer of the State
23 agency shall receive notice of the hearing and shall be
24 permitted to present their respective arguments on the
25 complaint. After the hearing, the Commission shall make a
26 non-binding recommendation on whether the State purchasing

1 officer shall be removed. The salary of a State purchasing
2 officer shall be established by the chief procurement officer
3 and may not be diminished during the officer's term. In the
4 absence of an appointed State purchasing officer, the
5 applicable chief procurement officer shall exercise the
6 procurement authority created by this Code and may appoint a
7 temporary acting State purchasing officer.

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

10 (30 ILCS 500/10-15)

11 Sec. 10-15. Procurement compliance monitors.

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

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

12 (b) The procurement compliance monitor shall: (i) review
13 any procurement, contract, or contract amendment as directed by
14 the Executive Ethics Commission or a chief procurement officer;
15 and (ii) report any findings of the review, in writing, to the
16 Commission, the affected agency, the chief procurement officer
17 responsible for the affected agency, and any entity requesting
18 the review. The procurement compliance monitor may: (i) review
19 each contract or contract amendment prior to execution to
20 ensure that applicable procurement and contracting standards
21 were followed; (ii) attend any procurement meetings; (iii)
22 access any records or files related to procurement; (iv) issue
23 reports to the chief procurement officer on procurement issues
24 that present issues or that have not been corrected after
25 consultation with appropriate State officials; (v) ensure the
26 State agency is maintaining appropriate records; and (vi)

1 ensure transparency of the procurement process.

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

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

11 (30 ILCS 500/15-1)

12 Sec. 15-1. Publisher. Each chief procurement officer, in
13 consultation with the agencies under his or her jurisdiction,
14 possesses the rights to and is the authority ~~The Department of~~
15 ~~Central Management Services is the State agency~~ responsible for
16 publishing its volume ~~volumes~~ of the Illinois Procurement
17 Bulletin. ~~The Capital Development Board is responsible for~~
18 ~~publishing its volumes of the Illinois Procurement Bulletin.~~
19 ~~The Department of Transportation is responsible for publishing~~
20 ~~its volumes of the Illinois Procurement Bulletin. The higher~~
21 ~~education chief procurement officer is responsible for~~
22 ~~publishing the higher education volumes of the Illinois~~
23 ~~Procurement Bulletin. The Illinois Power Agency is the State~~
24 ~~agency responsible for publishing its volumes of the Illinois~~
25 ~~Procurement Bulletin.~~

1 Each volume of the Illinois Procurement Bulletin shall be
2 available electronically and may be available in print.
3 References in this Code to the publication and distribution of
4 the Illinois Procurement Bulletin include both its print and
5 electronic formats.

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

7 (30 ILCS 500/15-25)

8 Sec. 15-25. Bulletin content.

9 (a) Invitations for bids. Notice of each and every contract
10 that is offered, including renegotiated contracts and change
11 orders, shall be published in the Bulletin, and all businesses
12 listed on the Department of Transportation Disadvantaged
13 Business Enterprise Directory, the Department of Central
14 Management Services Business Enterprise Program and Small
15 Business Vendors Directory, and the Capital Development
16 Board's Directory of Certified Minority and Female Business
17 Enterprises shall be furnished written instructions and
18 information on how to register on each Procurement Bulletin
19 maintained by the State. Such information shall be provided to
20 each business within 30 days after the business' notice of
21 certification. The applicable chief procurement officer may
22 provide by rule an organized format for the publication of this
23 information, but in any case it must include at least the date
24 first offered, the date submission of offers is due, the
25 location that offers are to be submitted to, the purchasing

1 State agency, the responsible State purchasing officer, a brief
2 purchase description, the method of source selection,
3 information of how to obtain a comprehensive purchase
4 description and any disclosure and contract forms, and
5 encouragement to prospective vendors to hire qualified
6 veterans, as defined by Section 45-67 of this Code, and
7 qualified Illinois minorities, women, persons with
8 disabilities, and residents discharged from any Illinois adult
9 correctional center.

10 (b) Contracts let. Notice of each and every contract that
11 is let, including renegotiated contracts and change orders,
12 shall be issued electronically to those bidders or offerors
13 submitting responses to the solicitations, inclusive of the
14 unsuccessful bidders, immediately upon contract let. Failure
15 of any chief procurement officer to give such notice shall
16 result in tolling the time for filing a bid protest up to 5
17 business days. The apparent low bidder's award and all other
18 bids from bidders responding to solicitations shall be posted
19 on the agency's website the next business day.

20 (b-5) Contracts awarded. Notice of each and every contract
21 that is awarded, including renegotiated contracts and change
22 orders, shall be issued electronically to the successful
23 responsible bidder or offeror, posted on the agency's website
24 the next business day, and published in the next available
25 subsequent Bulletin. The applicable chief procurement officer
26 may provide by rule an organized format for the publication of

1 this information, but in any case it must include at least all
2 of the information specified in subsection (a) as well as the
3 name of the successful responsible bidder or offeror, the
4 contract price, the number of unsuccessful responsive bidders,
5 and any other disclosure specified in any Section of this Code.
6 This notice must be posted in the online electronic Bulletin
7 prior to execution of the contract.

8 (c) Emergency purchase disclosure. Any chief procurement
9 officer or State purchasing officer exercising emergency
10 purchase authority under this Code shall publish a written
11 description and reasons and the total cost, if known, or an
12 estimate if unknown and the name of the responsible chief
13 procurement officer and State purchasing officer, and the
14 business or person contracted with for all emergency purchases
15 in the next timely, practicable Bulletin. This notice must be
16 posted in the online electronic Bulletin no later than 3
17 business days after the contract is awarded. Notice of a
18 hearing to extend an emergency contract must be posted in the
19 online electronic Procurement Bulletin no later than 5 business
20 days prior to the hearing.

21 (c-5) Business Enterprise Program report. Each purchasing
22 agency shall, with the assistance of the applicable chief
23 procurement officer, post in the online electronic Bulletin a
24 copy of its annual report of utilization of businesses owned by
25 minorities, females, and persons with disabilities as
26 submitted to the Business Enterprise Council for Minorities,

1 Females, and Persons with Disabilities pursuant to Section 6(c)
2 of the Business Enterprise for Minorities, Females, and Persons
3 with Disabilities Act within 10 business days after its
4 submission of its report to the Council.

5 (c-10) Renewals. Notice of each contract renewal shall be
6 posted in the online electronic Bulletin within 10 business
7 days of the determination to renew the contract and the next
8 available subsequent Bulletin. The notice shall include at
9 least all of the information required in subsection (b).

10 (c-15) Sole source procurements. Before entering into a
11 sole source contract, a chief procurement officer exercising
12 sole source procurement authority under this Code shall publish
13 a written description of intent to enter into a sole source
14 contract along with a description of the item to be procured
15 and the intended sole source contractor. This notice must be
16 posted in the online electronic Procurement Bulletin before a
17 sole source contract is awarded and at least 14 days before the
18 hearing required by Section 20-25.

19 (d) Other required disclosure. The applicable chief
20 procurement officer shall provide by rule for the organized
21 publication of all other disclosure required in other Sections
22 of this Code in a timely manner.

23 (e) The changes to subsections (b), (c), (c-5), (c-10), and
24 (c-15) of this Section made by this amendatory Act of the 96th
25 General Assembly apply to reports submitted, offers made, and
26 notices on contracts executed on or after its effective date.

1 (f) ~~Each The Department of Central Management Services, the~~
2 ~~Capital Development Board, the Department of Transportation,~~
3 ~~and the higher education~~ chief procurement officer shall, in
4 consultation with the agencies under his or her jurisdiction,
5 provide the Procurement Policy Board with the information and
6 resources necessary, and in a manner, to effectuate the purpose
7 of this amendatory Act of the 96th General Assembly.

8 (Source: P.A. 95-536, eff. 1-1-08; 96-795, eff. 7-1-10 (see
9 Section 5 of P.A. 96-793 for the effective date of changes made
10 by P.A. 96-795); 96-1444, eff. 8-20-10.)

11 (30 ILCS 500/15-30)

12 Sec. 15-30. Electronic Bulletin clearinghouse.

13 (a) The Procurement Policy Board shall maintain on its
14 official website a searchable database containing all
15 information required to be included in the Illinois Procurement
16 Bulletin under subsections (b), (c), (c-10), and (c-15) of
17 Section 15-25 and all information required to be disclosed
18 under Section 50-41. The posting of procurement information on
19 the website is subject to the same posting requirements as the
20 online electronic Bulletin.

21 (b) For the purposes of this Section, searchable means
22 searchable and sortable by successful responsible bidder or
23 offeror or, for emergency purchases, business or person
24 contracted with; the contract price or total cost; the service
25 or good; the purchasing State agency; and the date first

1 offered or announced.

2 (c) The applicable chief procurement officer shall provide
3 the Procurement Policy Board the information and resources
4 necessary, and in a manner, to effectuate the purpose of this
5 Section.

6 (Source: P.A. 95-536, eff. 1-1-08; 96-795, eff. 7-1-10 (see
7 Section 5 of P.A. 96-793 for the effective date of changes made
8 by P.A. 96-795).)

9 (30 ILCS 500/15-35 new)

10 Sec. 15-35. Vendor portal. Each chief procurement officer
11 may, in consultation with the agencies under his or her
12 jurisdiction and the Procurement Policy Board, establish a
13 vendor portal. The vendor portal shall allow a prospective
14 vendor to provide certifications, disclosures, registrations,
15 and other documentation needed to do business with a State
16 agency in advance of any particular procurement. A prospective
17 vendor who registers with the vendor portal and provides this
18 information may submit its registration number, with a
19 confirmation that the portal information remains current, as
20 part of its response to a competitive selection or a
21 contracting process, rather than submit the same information in
22 full. One or more chief procurement officers may jointly
23 operate a vendor portal if a single portal would better serve
24 the needs of the State agencies and the vendor community. A
25 chief procurement officer may accept, for use on procurements

1 and contracts under his or her jurisdiction, the registration
2 from another chief procurement officer's vendor portal. This
3 Section applies notwithstanding any laws to the contrary except
4 for later enacted laws that specifically refer to this Section.

5 Nothing in this Section shall preclude a State agency from
6 implementing its own pre-qualification, certification,
7 disclosure, and registration requirements necessary to conduct
8 and manage its program operation.

9 This Section does not apply to any contract for any project
10 as to which federal funds are available for expenditure when
11 its provisions may be in conflict with federal law or federal
12 regulation.

13 (30 ILCS 500/20-10)

14 (Text of Section from P.A. 96-159, 96-588, 97-96, and
15 97-198)

16 Sec. 20-10. Competitive sealed bidding; reverse auction.

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

20 (b) Invitation for bids. An invitation for bids shall be
21 issued and shall include a purchase description and the
22 material contractual terms and conditions applicable to the
23 procurement.

24 (c) Public notice. Public notice of the invitation for bids
25 shall be published in the Illinois Procurement Bulletin at

1 least 14 days before the date set in the invitation for the
2 opening of bids.

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

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

21 (f) Correction or withdrawal of bids. Correction or
22 withdrawal of inadvertently erroneous bids before or after
23 award, or cancellation of awards of contracts based on bid
24 mistakes, shall be permitted in accordance with rules. After
25 bid opening, no changes in bid prices or other provisions of
26 bids prejudicial to the interest of the State or fair

1 competition shall be permitted. All decisions to permit the
2 correction or withdrawal of bids based on bid mistakes shall be
3 supported by written determination made by a State purchasing
4 officer.

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

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

15 (2) a determination that the anticipated cost will be
16 fair and reasonable;

17 (3) a listing of all responsible and responsive
18 bidders; and

19 (4) the name of the bidder selected, the total contract
20 price, and the reasons for selecting that bidder.

21 Each chief procurement officer may adopt guidelines to
22 implement the requirements of this subsection (g).

23 The written explanation shall be filed with the Legislative
24 Audit Commission and the Procurement Policy Board, and be made
25 available for inspection by the public, within 30 days after
26 the agency's decision to award the contract.

1 (h) Multi-step sealed bidding. When it is considered
2 impracticable to initially prepare a purchase description to
3 support an award based on price, an invitation for bids may be
4 issued requesting the submission of unpriced offers to be
5 followed by an invitation for bids limited to those bidders
6 whose offers have been qualified under the criteria set forth
7 in the first solicitation.

8 (i) Alternative procedures. Notwithstanding any other
9 provision of this Act to the contrary, the Director of the
10 Illinois Power Agency may create alternative bidding
11 procedures to be used in procuring professional services under
12 subsection (a) of Section 1-75 and subsection (d) of Section
13 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
14 of the Public Utilities Act and to procure renewable energy
15 resources under Section 1-56 of the Illinois Power Agency Act.
16 These alternative procedures shall be set forth together with
17 the other criteria contained in the invitation for bids, and
18 shall appear in the appropriate volume of the Illinois
19 Procurement Bulletin.

20 (j) Reverse auction. Notwithstanding any other provision
21 of this Section and in accordance with rules adopted by the
22 ~~Director of Central Management Services as~~ chief procurement
23 officer, ~~a State purchasing officer under~~ that chief
24 procurement officer ~~officer's jurisdiction~~ may procure
25 supplies or services through a competitive electronic auction
26 bidding process after the ~~purchasing officer explains in~~

1 ~~writing to the~~ chief procurement officer determines ~~his or her~~
2 ~~determination~~ that the use of such a process will be in the
3 best interest of the State. The chief procurement officer shall
4 publish that determination in his or her next volume of the
5 Illinois Procurement Bulletin.

6 An invitation for bids shall be issued and shall include
7 (i) a procurement description, (ii) all contractual terms,
8 whenever practical, and (iii) conditions applicable to the
9 procurement, including a notice that bids will be received in
10 an electronic auction manner.

11 Public notice of the invitation for bids shall be given in
12 the same manner as provided in subsection (c).

13 Bids shall be accepted electronically at the time and in
14 the manner designated in the invitation for bids. During the
15 auction, a bidder's price shall be disclosed to other bidders.
16 Bidders shall have the opportunity to reduce their bid prices
17 during the auction. At the conclusion of the auction, the
18 record of the bid prices received and the name of each bidder
19 shall be open to public inspection.

20 After the auction period has terminated, withdrawal of bids
21 shall be permitted as provided in subsection (f).

22 The contract shall be awarded within 60 days after the
23 auction by written notice to the lowest responsible bidder, or
24 all bids shall be rejected except as otherwise provided in this
25 Code. Extensions of the date for the award may be made by
26 mutual written consent of the State purchasing officer and the

1 lowest responsible bidder.

2 This subsection does not apply to (i) procurements of
3 professional and artistic services, (ii) ~~including but not~~
4 ~~limited to~~ telecommunications services, communication
5 ~~communications~~ services, ~~Internet services~~, and information
6 services, and (iii) ~~(ii)~~ contracts for construction projects,
7 including design professional services.

8 (Source: P.A. 95-481, eff. 8-28-07; 96-159, eff. 8-10-09;
9 96-588, eff. 8-18-09; 97-96, eff. 7-13-11.)

10 (Text of Section from P.A. 96-159, 96-795, 97-96, and
11 97-198)

12 Sec. 20-10. Competitive sealed bidding; reverse auction.

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

16 (b) Invitation for bids. An invitation for bids shall be
17 issued and shall include a purchase description and the
18 material contractual terms and conditions applicable to the
19 procurement.

20 (c) Public notice. Public notice of the invitation for bids
21 shall be published in the Illinois Procurement Bulletin at
22 least 14 days before the date set in the invitation for the
23 opening of bids.

24 (d) Bid opening. Bids shall be opened publicly in the
25 presence of one or more witnesses at the time and place

1 designated in the invitation for bids. The name of each bidder,
2 the amount of each bid, and other relevant information as may
3 be specified by rule shall be recorded. After the award of the
4 contract, the winning bid and the record of each unsuccessful
5 bid shall be open to public inspection.

6 (e) Bid acceptance and bid evaluation. Bids shall be
7 unconditionally accepted without alteration or correction,
8 except as authorized in this Code. Bids shall be evaluated
9 based on the requirements set forth in the invitation for bids,
10 which may include criteria to determine acceptability such as
11 inspection, testing, quality, workmanship, delivery, and
12 suitability for a particular purpose. Those criteria that will
13 affect the bid price and be considered in evaluation for award,
14 such as discounts, transportation costs, and total or life
15 cycle costs, shall be objectively measurable. The invitation
16 for bids shall set forth the evaluation criteria to be used.

17 (f) Correction or withdrawal of bids. Correction or
18 withdrawal of inadvertently erroneous bids before or after
19 award, or cancellation of awards of contracts based on bid
20 mistakes, shall be permitted in accordance with rules. After
21 bid opening, no changes in bid prices or other provisions of
22 bids prejudicial to the interest of the State or fair
23 competition shall be permitted. All decisions to permit the
24 correction or withdrawal of bids based on bid mistakes shall be
25 supported by written determination made by a State purchasing
26 officer.

1 (g) Award. The contract shall be awarded with reasonable
2 promptness by written notice to the lowest responsible and
3 responsive bidder whose bid meets the requirements and criteria
4 set forth in the invitation for bids, except when a State
5 purchasing officer determines it is not in the best interest of
6 the State and by written explanation determines another bidder
7 shall receive the award. The explanation shall appear in the
8 appropriate volume of the Illinois Procurement Bulletin. The
9 written explanation must include:

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

11 (2) a determination that the anticipated cost will be
12 fair and reasonable;

13 (3) a listing of all responsible and responsive
14 bidders; and

15 (4) the name of the bidder selected, the total contract
16 price pricing, and the reasons for selecting that bidder.

17 Each chief procurement officer may adopt guidelines to
18 implement the requirements of this subsection (g).

19 The written explanation shall be filed with the Legislative
20 Audit Commission and the Procurement Policy Board, and be made
21 available for inspection by the public, within 30 days after
22 the agency's decision to award the contract.

23 (h) Multi-step sealed bidding. When it is considered
24 impracticable to initially prepare a purchase description to
25 support an award based on price, an invitation for bids may be
26 issued requesting the submission of unpriced offers to be

1 followed by an invitation for bids limited to those bidders
2 whose offers have been qualified under the criteria set forth
3 in the first solicitation.

4 (i) Alternative procedures. Notwithstanding any other
5 provision of this Act to the contrary, the Director of the
6 Illinois Power Agency may create alternative bidding
7 procedures to be used in procuring professional services under
8 subsection (a) of Section 1-75 and subsection (d) of Section
9 1-78 of the Illinois Power Agency Act and Section 16-111.5(c)
10 of the Public Utilities Act and to procure renewable energy
11 resources under Section 1-56 of the Illinois Power Agency Act.
12 These alternative procedures shall be set forth together with
13 the other criteria contained in the invitation for bids, and
14 shall appear in the appropriate volume of the Illinois
15 Procurement Bulletin.

16 (j) Reverse auction. Notwithstanding any other provision
17 of this Section and in accordance with rules adopted by the
18 chief procurement officer, that chief procurement officer may
19 procure supplies or services through a competitive electronic
20 auction bidding process after the chief procurement officer
21 determines that the use of such a process will be in the best
22 interest of the State. The chief procurement officer shall
23 publish that determination in his or her next volume of the
24 Illinois Procurement Bulletin.

25 An invitation for bids shall be issued and shall include
26 (i) a procurement description, (ii) all contractual terms,

1 whenever practical, and (iii) conditions applicable to the
2 procurement, including a notice that bids will be received in
3 an electronic auction manner.

4 Public notice of the invitation for bids shall be given in
5 the same manner as provided in subsection (c).

6 Bids shall be accepted electronically at the time and in
7 the manner designated in the invitation for bids. During the
8 auction, a bidder's price shall be disclosed to other bidders.
9 Bidders shall have the opportunity to reduce their bid prices
10 during the auction. At the conclusion of the auction, the
11 record of the bid prices received and the name of each bidder
12 shall be open to public inspection.

13 After the auction period has terminated, withdrawal of bids
14 shall be permitted as provided in subsection (f).

15 The contract shall be awarded within 60 days after the
16 auction by written notice to the lowest responsible bidder, or
17 all bids shall be rejected except as otherwise provided in this
18 Code. Extensions of the date for the award may be made by
19 mutual written consent of the State purchasing officer and the
20 lowest responsible bidder.

21 This subsection does not apply to (i) procurements of
22 professional and artistic services, (ii) telecommunications
23 services, communication services, and information services,
24 and (iii) contracts for construction projects, including
25 design professional services.

26 (Source: P.A. 96-159, eff. 8-10-09; 96-795, eff. 7-1-10 (see

1 Section 5 of P.A. 96-793 for the effective date of changes made
2 by P.A. 96-795); 97-96, eff. 7-13-11.)

3 (30 ILCS 500/20-25)

4 Sec. 20-25. Sole source procurements.

5 (a) In accordance with standards set by rule, contracts may
6 be awarded without use of the specified method of source
7 selection when there is only one economically feasible source
8 for the item. A State contract may ~~not~~ be awarded as a sole
9 source procurement unless an interested party submits a written
10 request for approved by the chief procurement officer following
11 a public hearing at which the chief procurement officer and
12 purchasing agency present written justification for the
13 procurement method. Any interested party ~~The Procurement~~
14 ~~Policy Board and the public~~ may present testimony. A sole
15 source contract where a hearing was requested by an interested
16 party may be awarded after the hearing is conducted with the
17 approval of the chief procurement officer.

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

24 (c) Notice of intent to enter into a sole source contract
25 shall be provided to the Procurement Policy Board and published

1 in the online electronic Bulletin at least 14 days before the
2 public hearing required in subsection (a). The notice shall
3 include the sole source procurement justification form
4 prescribed by the Board, a description of the item to be
5 procured, the intended sole source contractor, and the date,
6 time, and location of the public hearing. A copy of the notice
7 and all documents provided at the hearing shall be included in
8 the subsequent Procurement Bulletin.

9 (d) By August 1 each year, each chief procurement officer
10 shall file a report with the General Assembly identifying each
11 contract the officer sought under the sole source procurement
12 method and providing the justification given for seeking sole
13 source as the procurement method for each of those contracts.

14 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
15 for the effective date of changes made by P.A. 96-795); 96-920,
16 eff. 7-1-10.)

17 (30 ILCS 500/20-120)

18 Sec. 20-120. Subcontractors.

19 (a) Any contract granted under this Code shall state
20 whether the services of a subcontractor will ~~or may~~ be used.
21 The contract shall include the names and addresses of all known
22 subcontractors with subcontracts with an annual value of more
23 than \$50,000, ~~\$25,000~~ and the general type of work to be
24 performed by these subcontractors, and the expected amount of
25 money each will receive under the contract. Upon the request of

1 the chief procurement officer appointed pursuant to paragraph
2 (2) of subsection (a) of Section 10-20, the ~~For procurements~~
3 ~~subject to the authority of the chief procurement officer~~
4 ~~appointed pursuant to subsection (a)(2) of Section 10-20, the~~
5 ~~contract shall include only the names and addresses of all~~
6 ~~known subcontractors of the primary contractor with~~
7 ~~subcontracts with an annual value of more than \$25,000. The~~
8 contractor shall provide the chief procurement officer ~~or State~~
9 ~~purchasing officer~~ a copy of a ~~any~~ subcontract ~~with an annual~~
10 ~~value of more than \$25,000~~ so identified within 15 ~~20~~ days
11 after the request is made ~~execution of the State contract or~~
12 ~~after execution of the subcontract, whichever is later.~~ A
13 subcontractor, or contractor on behalf of a subcontractor, may
14 identify information that is deemed proprietary or
15 confidential. If the chief procurement officer determines the
16 information is not relevant to the primary contract, the chief
17 procurement officer may excuse the inclusion of the
18 information. If the chief procurement officer determines the
19 information is proprietary or could harm the business interest
20 of the subcontractor, the chief procurement officer may, in his
21 or her discretion, redact the information. Redacted
22 information shall not become part of the public record.

23 (b) If at any time during the term of a contract, a
24 contractor adds or changes any subcontractors, he or she shall
25 promptly notify, in writing, the chief procurement officer,
26 State purchasing officer, or their designee of the names and

1 addresses of ~~and the expected amount of money~~ each new or
2 replaced subcontractor and the general type of work to be
3 performed. Upon the request of the chief procurement officer
4 appointed pursuant to paragraph (2) of subsection (a) of
5 Section 10-20, the contractor shall provide the chief
6 procurement officer a copy of any new or amended subcontract so
7 identified within 15 days after the request is made. ~~will~~
8 ~~receive. The contractor shall provide to the responsible chief~~
9 ~~procurement officer a copy of the subcontract within 20 days~~
10 ~~after the execution of the subcontract.~~

11 (c) In addition to any other requirements of this Code, a
12 subcontract subject to this Section must include all of the
13 subcontractor's certifications required by Article 50 of the
14 Code.

15 (d) This Section applies to procurements solicited on or
16 after the effective date of this amendatory Act of the 96th
17 General Assembly. The changes made to this Section by this
18 amendatory Act of the 97th General Assembly apply to
19 procurements solicited on or after the effective date of this
20 amendatory Act of the 97th General Assembly.

21 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
22 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

23 (30 ILCS 500/20-155)

24 Sec. 20-155. Solicitation and contract documents.

25 (a) After award of a contract and subject to provisions of

1 the Freedom of Information Act, the procuring agency shall make
2 available for public inspection and copying all pre-award,
3 post-award, administration, and close-out documents relating
4 to that particular contract.

5 (b) A procurement file shall be maintained for all
6 contracts, regardless of the method of procurement. The
7 procurement file shall contain the basis on which the award is
8 made, all submitted bids and proposals, all evaluation
9 materials, score sheets and all other documentation related to
10 or prepared in conjunction with evaluation, negotiation, and
11 the award process. The procurement file shall contain a written
12 determination, signed by the chief procurement officer or State
13 purchasing officer, setting forth the reasoning for the
14 contract award decision. The procurement file shall not include
15 trade secrets or other competitively sensitive, confidential,
16 or proprietary information. The procurement file shall be open
17 to public inspection within 7 business days following award of
18 the contract.

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

21 (30 ILCS 500/20-160)

22 Sec. 20-160. Business entities; certification;
23 registration with the State Board of Elections.

24 (a) For purposes of this Section, the terms "business
25 entity", "contract", "State contract", "contract with a State

1 agency", "State agency", "affiliated entity", and "affiliated
2 person" have the meanings ascribed to those terms in Section
3 50-37.

4 (b) Every bid submitted to and every contract executed by
5 the State on or after January 1, 2009 (the effective date of
6 Public Act 95-971) shall contain (1) a certification by the
7 bidder or contractor that either (i) the bidder or contractor
8 is not required to register as a business entity with the State
9 Board of Elections pursuant to this Section or (ii) the bidder
10 or contractor has registered as a business entity with the
11 State Board of Elections and acknowledges a continuing duty to
12 update the registration and (2) a statement that the contract
13 is voidable under Section 50-60 for the bidder's or
14 contractor's failure to comply with this Section.

15 (c) Within 30 days after the effective date of this
16 amendatory Act of the 95th General Assembly, each business
17 entity (i) whose aggregate bids and proposals on State
18 contracts annually total more than \$50,000, (ii) whose
19 aggregate bids and proposals on State contracts combined with
20 the business entity's aggregate annual total value of State
21 contracts exceed \$50,000, or (iii) whose contracts with State
22 agencies, in the aggregate, annually total more than \$50,000
23 shall register with the State Board of Elections in accordance
24 with Section 9-35 of the Election Code. A business entity
25 required to register under this subsection shall submit a copy
26 of the certificate of registration to the applicable chief

1 procurement officer within 90 days after the effective date of
2 this amendatory Act of the 95th General Assembly. A business
3 entity required to register under this subsection due to item
4 (i) or (ii) has a continuing duty to ensure that the
5 registration is accurate during the period beginning on the
6 date of registration and ending on the day after the date the
7 contract is awarded; any change in information must be reported
8 to the State Board of Elections 5 business days following such
9 change or no later than a day before the contract is awarded,
10 whichever date is earlier. A business entity required to
11 register under this subsection due to item (iii) has a
12 continuing duty to ensure that the registration is accurate in
13 accordance with subsection (e).

14 (d) Any business entity, not required under subsection (c)
15 to register within 30 days after the effective date of this
16 amendatory Act of the 95th General Assembly, whose aggregate
17 bids and proposals on State contracts annually total more than
18 \$50,000, or whose aggregate bids and proposals on State
19 contracts combined with the business entity's aggregate annual
20 total value of State contracts exceed \$50,000, shall register
21 with the State Board of Elections in accordance with Section
22 9-35 of the Election Code prior to submitting to a State agency
23 the bid or proposal whose value causes the business entity to
24 fall within the monetary description of this subsection. A
25 business entity required to register under this subsection has
26 a continuing duty to ensure that the registration is accurate

1 during the period beginning on the date of registration and
2 ending on the day after the date the contract is awarded. Any
3 change in information must be reported to the State Board of
4 Elections within 5 business days following such change or no
5 later than a day before the contract is awarded, whichever date
6 is earlier.

7 (e) A business entity whose contracts with State agencies,
8 in the aggregate, annually total more than \$50,000 must
9 maintain its registration under this Section and has a
10 continuing duty to ensure that the registration is accurate for
11 the duration of the term of office of the incumbent
12 officeholder awarding the contracts or for a period of 2 years
13 following the expiration or termination of the contracts,
14 whichever is longer. A business entity, required to register
15 under this subsection, has a continuing duty to report any
16 changes on a quarterly basis to the State Board of Elections
17 within 10 business days following the last day of January,
18 April, July, and October of each year. Any update pursuant to
19 this paragraph that is received beyond that date is presumed
20 late and the civil penalty authorized by subsection (e) of
21 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be
22 assessed.

23 Also, if a business entity required to register under this
24 subsection has a pending bid or proposal, any change in
25 information shall be reported to the State Board of Elections
26 within 5 business days following such change or no later than a

1 day before the contract is awarded, whichever date is earlier.

2 (f) A business entity's continuing duty under this Section
3 to ensure the accuracy of its registration includes the
4 requirement that the business entity notify the State Board of
5 Elections of any change in information, including but not
6 limited to changes of affiliated entities or affiliated
7 persons.

8 (g) ~~For A copy of a certificate of registration must~~
9 ~~accompany~~ any bid or proposal for a contract with a State
10 agency by a business entity required to register under this
11 Section, the chief procurement officer shall verify that the
12 business entity is required to register under this Section and
13 is in compliance with the registration requirements on the date
14 the bid or proposal is due. A chief procurement officer shall
15 not accept a bid or proposal if the business entity is not in
16 compliance with the registration requirements as of the date
17 bids or proposals are due ~~unless the certificate is submitted~~
18 ~~to the agency with the bid or proposal.~~

19 (h) A registration, and any changes to a registration, must
20 include the business entity's verification of accuracy and
21 subjects the business entity to the penalties of the laws of
22 this State for perjury.

23 In addition to any penalty under Section 9-35 of the
24 Election Code, intentional, willful, or material failure to
25 disclose information required for registration shall render
26 the contract, bid, proposal, or other procurement relationship

1 voidable by the chief procurement officer if he or she deems it
2 to be in the best interest of the State of Illinois.

3 (i) This Section applies regardless of the method of source
4 selection used in awarding the contract.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
6 for the effective date of changes made by P.A. 96-795); 96-848,
7 eff. 1-1-10; 97-333, eff. 8-12-11.)

8 (30 ILCS 500/45-35)

9 Sec. 45-35. Facilities for persons with severe
10 disabilities.

11 (a) Qualification. Supplies and services may be procured
12 without advertising or calling for bids from any qualified
13 not-for-profit agency for persons with severe disabilities
14 that:

15 (1) complies with Illinois laws governing private
16 not-for-profit organizations;

17 (2) is certified as a sheltered workshop by the Wage
18 and Hour Division of the United States Department of Labor
19 or is an accredited vocational program that provides
20 transition services to youth between the ages of 14 1/2 and
21 22 in accordance with individualized education plans under
22 Section 14-8.03 of the School Code and that provides
23 residential services at a child care institution, as
24 defined under Section 2.06 of the Child Care Act of 1969,
25 or at a group home, as defined under Section 2.16 of the

1 Child Care Act of 1969; and

2 (3) meets the applicable Illinois Department of Human
3 Services just standards.

4 (b) Participation. To participate, the not-for-profit
5 agency must have indicated an interest in providing the
6 supplies and services, must meet the specifications and needs
7 of the using agency, and must set a fair market price.

8 (c) Committee. There is created within the Department of
9 Central Management Services a committee to facilitate the
10 purchase of products and services of persons so severely
11 disabled by a physical, developmental, or mental disability or
12 a combination of any of those disabilities that they cannot
13 engage in normal competitive employment. This committee is
14 called the State Use Committee. The committee shall consist of
15 the Director of the Department of Central Management Services
16 or his or her designee, the Director of the Department of Human
17 Services or his or her designee, one public member representing
18 private business who is knowledgeable of the employment needs
19 and concerns of persons with developmental disabilities, one
20 public member representing private business who is
21 knowledgeable of the needs and concerns of rehabilitation
22 facilities, one public member who is knowledgeable of the
23 employment needs and concerns of persons with developmental
24 disabilities, one public member who is knowledgeable of the
25 needs and concerns of rehabilitation facilities, and 2 public
26 members from a statewide association that represents

1 community-based rehabilitation facilities, all appointed by
2 the Governor. The public members shall serve 2 year terms,
3 commencing upon appointment and every 2 years thereafter. A
4 public member may be reappointed, and vacancies shall be filled
5 by appointment for the completion of the term. In the event
6 there is a vacancy on the Committee, the Governor must make an
7 appointment to fill that vacancy within 30 calendar days after
8 the notice of vacancy. The members shall serve without
9 compensation but shall be reimbursed for expenses at a rate
10 equal to that of State employees on a per diem basis by the
11 Department of Central Management Services. All members shall be
12 entitled to vote on issues before the committee.

13 The committee shall have the following powers and duties:

14 (1) To request from any State agency information as to
15 product specification and service requirements in order to
16 carry out its purpose.

17 (2) To meet quarterly or more often as necessary to
18 carry out its purposes.

19 (3) To request a quarterly report from each
20 participating qualified not-for-profit agency for persons
21 with severe disabilities describing the volume of sales for
22 each product or service sold under this Section.

23 (4) To prepare a report for the Governor annually.

24 (5) To prepare a publication that lists all supplies
25 and services currently available from any qualified
26 not-for-profit agency for persons with severe

1 disabilities. This list and any revisions shall be
2 distributed to all purchasing agencies.

3 (6) To encourage diversity in supplies and services
4 provided by qualified not-for-profit agencies for persons
5 with severe disabilities and discourage unnecessary
6 duplication or competition among facilities.

7 (7) To develop guidelines to be followed by qualifying
8 agencies for participation under the provisions of this
9 Section. The guidelines shall be developed within 6 months
10 after the effective date of this Code and made available on
11 a nondiscriminatory basis to all qualifying agencies.

12 (8) To review all bids submitted under the provisions
13 of this Section and reject any bid for any purchase that is
14 determined to be substantially more than the purchase would
15 have cost had it been competitively bid.

16 (9) To develop a 5-year plan for increasing the number
17 of products and services purchased from qualified
18 not-for-profit agencies for persons with severe
19 disabilities, including the feasibility of developing
20 mandatory set-aside contracts. This 5-year plan must be
21 developed no later than 180 calendar days after the
22 effective date of this amendatory Act of the 96th General
23 Assembly.

24 (c-5) Conditions for Use. Each chief procurement officer
25 shall, in consultation with the State Use Committee, determine
26 which articles, materials, services, food stuffs, and supplies

1 that are produced, manufactured, or provided by persons with
2 severe disabilities in qualified not-for-profit agencies shall
3 be given preference by purchasing agencies procuring those
4 items.

5 (d) Former committee. The committee created under
6 subsection (c) shall replace the committee created under
7 Section 7-2 of the Illinois Purchasing Act, which shall
8 continue to operate until the appointments under subsection (c)
9 are made.

10 (Source: P.A. 96-634, eff. 8-24-09.)

11 (30 ILCS 500/50-5)

12 Sec. 50-5. Bribery.

13 (a) Prohibition. No person or business shall be awarded a
14 contract or subcontract under this Code who:

15 (1) has been convicted under the laws of Illinois or
16 any other state of bribery or attempting to bribe an
17 officer or employee of the State of Illinois or any other
18 state in that officer's or employee's official capacity; or

19 (2) has made an admission of guilt of that conduct that
20 is a matter of record but has not been prosecuted for that
21 conduct.

22 (b) Businesses. No business shall be barred from
23 contracting with any unit of State or local government, or
24 subcontracting under such a contract, as a result of a
25 conviction under this Section of any employee or agent of the

1 business if the employee or agent is no longer employed by the
2 business and:

3 (1) the business has been finally adjudicated not
4 guilty; or

5 (2) the business demonstrates to the governmental
6 entity with which it seeks to contract or which is a
7 signatory to the contract to which the subcontract relates,
8 and that entity finds that the commission of the offense
9 was not authorized, requested, commanded, or performed by a
10 director, officer, or high managerial agent on behalf of
11 the business as provided in paragraph (2) of subsection (a)
12 of Section 5-4 of the Criminal Code of 1961.

13 (c) Conduct on behalf of business. For purposes of this
14 Section, when an official, agent, or employee of a business
15 committed the bribery or attempted bribery on behalf of the
16 business and in accordance with the direction or authorization
17 of a responsible official of the business, the business shall
18 be chargeable with the conduct.

19 (d) Certification. Every bid submitted to and contract
20 executed by the State and every subcontract subject to Section
21 20-120 of this Code shall contain a certification by the
22 contractor or the subcontractor, respectively, that the
23 contractor or subcontractor is not barred from being awarded a
24 contract or subcontract under this Section and acknowledges
25 that the chief procurement officer may declare the related
26 contract void if any certifications required by this Section

1 are false. If the false certification is made by a
2 subcontractor, then the contractor's submitted bid and the
3 executed contract may not be declared void, unless the
4 contractor refuses to terminate the subcontract upon the
5 State's request after a finding that the subcontract's
6 certification was false. A contractor or subcontractor who
7 makes a false statement, material to the certification, commits
8 a Class 3 felony.

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

11 (30 ILCS 500/50-10)

12 Sec. 50-10. Felons.

13 (a) Unless otherwise provided, no person or business
14 convicted of a felony shall do business with the State of
15 Illinois or any State agency, or enter into a subcontract, from
16 the date of conviction until 5 years after the date of
17 completion of the sentence for that felony, unless no person
18 held responsible by a prosecutorial office for the facts upon
19 which the conviction was based continues to have any
20 involvement with the business.

21 (b) Every bid submitted to and contract executed by the
22 State and every subcontract subject to Section 20-120 of this
23 Code shall contain a certification by the bidder or contractor
24 or subcontractor, respectively, that the bidder, contractor,
25 or subcontractor is not barred from being awarded a contract or

1 subcontract under this Section and acknowledges that the chief
2 procurement officer may declare the related contract void if
3 any of the certifications required by this Section are false.
4 If the false certification is made by a subcontractor, then the
5 contractor's submitted bid and the executed contract may not be
6 declared void, unless the contractor refuses to terminate the
7 subcontract upon the State's request after a finding that the
8 subcontract's certification was false.

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

11 (30 ILCS 500/50-10.5)

12 Sec. 50-10.5. Prohibited bidders and contractors.

13 (a) Unless otherwise provided, no business shall bid or
14 enter into a contract or subcontract under this Code if the
15 business or any officer, director, partner, or other managerial
16 agent of the business has been convicted of a felony under the
17 Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under
18 the Illinois Securities Law of 1953 for a period of 5 years
19 from the date of conviction.

20 (b) Every bid submitted to and contract executed by the
21 State and every subcontract subject to Section 20-120 of this
22 Code shall contain a certification by the bidder, contractor,
23 or subcontractor, respectively, that the bidder, contractor,
24 or subcontractor is not barred from being awarded a contract or
25 subcontract under this Section and acknowledges that the chief

1 procurement officer shall declare the related contract void if
2 any of the certifications completed pursuant to this subsection
3 (b) are false. If the false certification is made by a
4 subcontractor, then the contractor's submitted bid and the
5 executed contract may not be declared void, unless the
6 contractor refuses to terminate the subcontract upon the
7 State's request after a finding that the subcontract's
8 certification was false.

9 (c) If a business is not a natural person, the prohibition
10 in subsection (a) applies only if:

11 (1) the business itself is convicted of a felony
12 referenced in subsection (a); or

13 (2) the business is ordered to pay punitive damages
14 based on the conduct of any officer, director, partner, or
15 other managerial agent who has been convicted of a felony
16 referenced in subsection (a).

17 (d) A natural person who is convicted of a felony
18 referenced in subsection (a) remains subject to Section 50-10.

19 (e) No person or business shall bid or enter into a
20 contract under this Code if the person or business+

21 ~~(1) assisted the State of Illinois or a State agency in~~
22 ~~determining whether there is a need for a contract except~~
23 ~~as part of a response to a publicly issued request for~~
24 ~~information; or~~

25 ~~(2) assisted an employee of the State of Illinois, who,~~
26 ~~by the nature of his or her duties, has the authority to~~

1 participate personally and substantially in the decision
2 to award a State contract, or a State agency by reviewing,
3 drafting, directing, or preparing any invitation for bids,
4 a request for proposal, or request for information or
5 provided similar assistance except as part of a publicly
6 issued opportunity to review drafts of all or part of these
7 documents.

8 This subsection does not prohibit a person or business from
9 submitting a bid or proposal or entering into a contract if the
10 person or business: (i) initiates a communication with an
11 employee to provide general information about products,
12 services, or industry best practices and, if applicable, that
13 communication is documented in accordance with Section 50-39 or
14 (ii) responds to a communication initiated by an employee of
15 the State for the purposes of providing information to evaluate
16 new products, trends, services, or technologies.

17 Nothing in this Section prohibits a vendor developing
18 technology, goods, or services from bidding or offering to
19 supply that technology or those goods or services if the
20 subject demonstrated to the State represents industry trends
21 and innovation and is not specifically designed to meet the
22 State's needs.

23 For purposes of this subsection (e), "business" includes
24 all individuals with whom a business is affiliated, including,
25 but not limited to, any officer, agent, employee, consultant,
26 independent contractor, director, partner, manager, or

1 shareholder of a business.

2 No person or business shall submit specifications to a
3 State agency unless requested to do so by an employee of the
4 State. No person or business who contracts with a State agency
5 to write specifications for a particular procurement need shall
6 submit a bid or proposal or receive a contract for that
7 procurement need.

8 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
9 for the effective date of changes made by P.A. 96-795); 96-920,
10 eff. 7-1-10.)

11 (30 ILCS 500/50-11)

12 Sec. 50-11. Debt delinquency.

13 (a) No person shall submit a bid for or enter into a
14 contract or subcontract under this Code if that person knows or
15 should know that he or she or any affiliate is delinquent in
16 the payment of any debt to the State, unless the person or
17 affiliate has entered into a deferred payment plan to pay off
18 the debt. For purposes of this Section, the phrase "delinquent
19 in the payment of any debt" shall be determined by the Debt
20 Collection Bureau. For purposes of this Section, the term
21 "affiliate" means any entity that (1) directly, indirectly, or
22 constructively controls another entity, (2) is directly,
23 indirectly, or constructively controlled by another entity, or
24 (3) is subject to the control of a common entity. For purposes
25 of this subsection (a), a person controls an entity if the

1 person owns, directly or individually, more than 10% of the
2 voting securities of that entity. As used in this subsection
3 (a), the term "voting security" means a security that (1)
4 confers upon the holder the right to vote for the election of
5 members of the board of directors or similar governing body of
6 the business or (2) is convertible into, or entitles the holder
7 to receive upon its exercise, a security that confers such a
8 right to vote. A general partnership interest is a voting
9 security.

10 (b) Every bid submitted to and contract executed by the
11 State and every subcontract subject to Section 20-120 of this
12 Code shall contain a certification by the bidder, contractor,
13 or subcontractor, respectively, that the contractor or the
14 subcontractor and its affiliate is not barred from being
15 awarded a contract or subcontract under this Section and
16 acknowledges that the chief procurement officer may declare the
17 related contract void if any of the certifications completed
18 pursuant to this subsection (b) are false. If the false
19 certification is made by a subcontractor, then the contractor's
20 submitted bid and the executed contract may not be declared
21 void, unless the contractor refuses to terminate the
22 subcontract upon the State's request after a finding that the
23 subcontract's certification was false.

24 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see
25 Section 5 of P.A. 96-793 for effective date of changes made by
26 P.A. 96-795); 96-1000, eff. 7-2-10.)

1 (30 ILCS 500/50-12)

2 Sec. 50-12. Collection and remittance of Illinois Use Tax.

3 (a) No person shall enter into a contract with a State
4 agency or enter into a subcontract under this Code unless the
5 person and all affiliates of the person collect and remit
6 Illinois Use Tax on all sales of tangible personal property
7 into the State of Illinois in accordance with the provisions of
8 the Illinois Use Tax Act regardless of whether the person or
9 affiliate is a "retailer maintaining a place of business within
10 this State" as defined in Section 2 of the Use Tax Act. For
11 purposes of this Section, the term "affiliate" means any entity
12 that (1) directly, indirectly, or constructively controls
13 another entity, (2) is directly, indirectly, or constructively
14 controlled by another entity, or (3) is subject to the control
15 of a common entity. For purposes of this subsection (a), an
16 entity controls another entity if it owns, directly or
17 individually, more than 10% of the voting securities of that
18 entity. As used in this subsection (a), the term "voting
19 security" means a security that (1) confers upon the holder the
20 right to vote for the election of members of the board of
21 directors or similar governing body of the business or (2) is
22 convertible into, or entitles the holder to receive upon its
23 exercise, a security that confers such a right to vote. A
24 general partnership interest is a voting security.

25 (b) Every bid submitted and contract executed by the State

1 and every subcontract subject to Section 20-120 of this Code
2 shall contain a certification by the bidder, contractor, or
3 subcontractor, respectively, that the bidder, contractor, or
4 subcontractor is not barred from bidding for or entering into a
5 contract under subsection (a) of this Section and acknowledges
6 that the chief procurement officer may declare the related
7 contract void if any of the certifications completed pursuant
8 to this subsection (b) are false. If the false certification is
9 made by a subcontractor, then the contractor's submitted bid
10 and the executed contract may not be declared void, unless the
11 contractor refuses to terminate the subcontract upon the
12 State's request after a finding that the subcontract's
13 certification was false.

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

16 (30 ILCS 500/50-14)

17 Sec. 50-14. Environmental Protection Act violations.

18 (a) Unless otherwise provided, no person or business found
19 by a court or the Pollution Control Board to have committed a
20 willful or knowing violation of the Environmental Protection
21 Act shall do business with the State of Illinois or any State
22 agency or enter into a subcontract that is subject to this Code
23 from the date of the order containing the finding of violation
24 until 5 years after that date, unless the person or business
25 can show that no person involved in the violation continues to

1 have any involvement with the business.

2 (b) A person or business otherwise barred from doing
3 business with the State of Illinois or any State agency or
4 subcontracting under this Code by subsection (a) may be allowed
5 to do business with the State of Illinois or any State agency
6 if it is shown that there is no practicable alternative to the
7 State to contracting with that person or business.

8 (c) Every bid submitted to and contract executed by the
9 State and every subcontract subject to Section 20-120 of this
10 Code shall contain a certification by the bidder, contractor,
11 or subcontractor, respectively, that the bidder, contractor,
12 or subcontractor is not barred from being awarded a contract or
13 subcontract under this Section and acknowledges that the
14 contracting State agency may declare the related contract void
15 if any of the certifications completed pursuant to this
16 subsection (c) are false. If the false certification is made by
17 a subcontractor, then the contractor's submitted bid and the
18 executed contract may not be declared void, unless the
19 contractor refuses to terminate the subcontract upon the
20 State's request after a finding that the subcontract's
21 certification was false.

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

24 (30 ILCS 500/50-35)

25 Sec. 50-35. Financial disclosure and potential conflicts

1 of interest.

2 (a) All offers from responsive bidders or offerors with an
3 annual value of more than \$25,000, ~~and all subcontracts~~
4 ~~identified as provided by Section 20-120 of this Code,~~ shall be
5 accompanied by disclosure of the financial interests of the
6 contractor, bidder, or proposer and each subcontractor to be
7 used. In addition, all subcontracts identified as provided by
8 Section 20-120 of this Code with an annual value of more than
9 \$50,000 shall be accompanied by disclosure of the financial
10 interests of each subcontractor. The financial disclosure of
11 each successful bidder or offeror and its subcontractors shall
12 be incorporated as a material term of the contract and shall
13 become part of the publicly available contract or procurement
14 file maintained by the appropriate chief procurement officer.
15 Each disclosure under this Section ~~and Section 50-34~~ shall be
16 signed and made under penalty of perjury by an authorized
17 officer or employee on behalf of the bidder or offeror, and
18 must be filed with the Procurement Policy Board.

19 (b) Disclosure shall include any ownership or distributive
20 income share that is in excess of 5%, or an amount greater than
21 60% of the annual salary of the Governor, of the disclosing
22 entity or its parent entity, whichever is less, unless the
23 contractor, bidder, or subcontractor (i) is a publicly traded
24 entity subject to Federal 10K reporting, in which case it may
25 submit its 10K disclosure in place of the prescribed
26 disclosure, or (ii) is a privately held entity that is exempt

1 from Federal 10k reporting but has more than 200 shareholders,
2 in which case it may submit the information that Federal 10k
3 reporting companies are required to report under 17 CFR 229.401
4 and list the names of any person or entity holding any
5 ownership share that is in excess of 5% in place of the
6 prescribed disclosure. The form of disclosure shall be
7 prescribed by the applicable chief procurement officer and must
8 include at least the names, addresses, and dollar or
9 proportionate share of ownership of each person identified in
10 this Section, their instrument of ownership or beneficial
11 relationship, and notice of any potential conflict of interest
12 resulting from the current ownership or beneficial
13 relationship of each person identified in this Section having
14 in addition any of the following relationships:

15 (1) State employment, currently or in the previous 3
16 years, including contractual employment of services.

17 (2) State employment of spouse, father, mother, son, or
18 daughter, including contractual employment for services in
19 the previous 2 years.

20 (3) Elective status; the holding of elective office of
21 the State of Illinois, the government of the United States,
22 any unit of local government authorized by the Constitution
23 of the State of Illinois or the statutes of the State of
24 Illinois currently or in the previous 3 years.

25 (4) Relationship to anyone holding elective office
26 currently or in the previous 2 years; spouse, father,

1 mother, son, or daughter.

2 (5) Appointive office; the holding of any appointive
3 government office of the State of Illinois, the United
4 States of America, or any unit of local government
5 authorized by the Constitution of the State of Illinois or
6 the statutes of the State of Illinois, which office
7 entitles the holder to compensation in excess of expenses
8 incurred in the discharge of that office currently or in
9 the previous 3 years.

10 (6) Relationship to anyone holding appointive office
11 currently or in the previous 2 years; spouse, father,
12 mother, son, or daughter.

13 (7) Employment, currently or in the previous 3 years,
14 as or by any registered lobbyist of the State government.

15 (8) Relationship to anyone who is or was a registered
16 lobbyist in the previous 2 years; spouse, father, mother,
17 son, or daughter.

18 (9) Compensated employment, currently or in the
19 previous 3 years, by any registered election or re-election
20 committee registered with the Secretary of State or any
21 county clerk in the State of Illinois, or any political
22 action committee registered with either the Secretary of
23 State or the Federal Board of Elections.

24 (10) Relationship to anyone; spouse, father, mother,
25 son, or daughter; who is or was a compensated employee in
26 the last 2 years of any registered election or re-election

1 committee registered with the Secretary of State or any
2 county clerk in the State of Illinois, or any political
3 action committee registered with either the Secretary of
4 State or the Federal Board of Elections.

5 (b-1) The disclosure required under this Section must also
6 include the name and address of each lobbyist required to
7 register under the Lobbyist Registration Act and other agent of
8 the bidder or offeror who is not identified under subsections
9 (a) and (b) and who has communicated, is communicating, or may
10 communicate with any State officer or employee concerning the
11 bid or offer. The disclosure under this subsection is a
12 continuing obligation and must be promptly supplemented for
13 accuracy throughout the process and throughout the term of the
14 contract if the bid or offer is successful.

15 (b-2) The disclosure required under this Section must also
16 include, for each of the persons identified in subsection (b)
17 or (b-1), each of the following that occurred within the
18 previous 10 years: debarment from contracting with any
19 governmental entity; professional licensure discipline;
20 bankruptcies; adverse civil judgments and administrative
21 findings; and criminal felony convictions. The disclosure
22 under this subsection is a continuing obligation and must be
23 promptly supplemented for accuracy throughout the process and
24 throughout the term of the contract if the bid or offer is
25 successful.

26 (c) The disclosure in subsection (b) is not intended to

1 prohibit or prevent any contract. The disclosure is meant to
2 fully and publicly disclose any potential conflict to the chief
3 procurement officers, State purchasing officers, their
4 designees, and executive officers so they may adequately
5 discharge their duty to protect the State.

6 (d) When a potential for a conflict of interest is
7 identified, discovered, or reasonably suspected, the chief
8 procurement officer or State procurement officer shall send the
9 contract to the Procurement Policy Board. In accordance with
10 the objectives of subsection (c), if the Procurement Policy
11 Board finds evidence of a potential conflict of interest not
12 originally disclosed by the contractor or subcontractor, the
13 Board shall provide written notice to the contractor or
14 subcontractor that is identified, discovered, or reasonably
15 suspected of having a potential conflict of interest. The
16 contractor or subcontractor shall have 15 days to respond in
17 writing to the Board, and a hearing before the Board will be
18 granted upon the contractor's or subcontractor's request, at a
19 date and time to be determined by the Board, but which in no
20 event shall occur later than 15 days after the date of the
21 request. Upon consideration, the ~~The~~ Board shall recommend, in
22 writing, whether to allow or void the contract, bid, offer, or
23 subcontract weighing the best interest of the State of
24 Illinois. All recommendations shall be submitted to the
25 Executive Ethics Commission ~~chief procurement officer~~. The
26 Executive Ethics Commission ~~chief procurement officer~~ must

1 hold a public hearing within 30 days after receiving the
2 Board's recommendation if the Procurement Policy Board makes a
3 recommendation to (i) void a contract or (ii) void a bid or
4 offer and the chief procurement officer selected or intends to
5 award the contract to the bidder or offeror. A chief
6 procurement officer is prohibited from awarding a contract
7 before a hearing if the Board recommendation does not support a
8 bid or offer. The recommendation and proceedings of any
9 hearing, if applicable, ~~shall become part of the contract, bid,~~
10 ~~or proposal file and~~ shall be available to the public.

11 (e) These thresholds and disclosure do not relieve the
12 chief procurement officer, the State purchasing officer, or
13 their designees from reasonable care and diligence for any
14 contract, bid, offer, or proposal. The chief procurement
15 officer, the State purchasing officer, or their designees shall
16 be responsible for using any reasonably known and publicly
17 available information to discover any undisclosed potential
18 conflict of interest and act to protect the best interest of
19 the State of Illinois.

20 (f) Inadvertent or accidental failure to fully disclose
21 shall render the contract, bid, proposal, subcontract, or
22 relationship voidable by the chief procurement officer if he or
23 she deems it in the best interest of the State of Illinois and,
24 at his or her discretion, may be cause for barring from future
25 contracts, bids, proposals, subcontracts, or relationships
26 with the State for a period of up to 2 years.

1 (g) Intentional, willful, or material failure to disclose
2 shall render the contract, bid, proposal, subcontract, or
3 relationship voidable by the chief procurement officer if he or
4 she deems it in the best interest of the State of Illinois and
5 shall result in debarment from future contracts, bids,
6 proposals, subcontracts, or relationships for a period of not
7 less than 2 years and not more than 10 years. Reinstatement
8 after 2 years and before 10 years must be reviewed and
9 commented on in writing by the Governor of the State of
10 Illinois, or by an executive ethics board or commission he or
11 she might designate. The comment shall be returned to the
12 responsible chief procurement officer who must rule in writing
13 whether and when to reinstate.

14 (h) In addition, all disclosures shall note any other
15 current or pending contracts, proposals, subcontracts, leases,
16 or other ongoing procurement relationships the bidding,
17 proposing, offering, or subcontracting entity has with any
18 other unit of State government and shall clearly identify the
19 unit and the contract, proposal, lease, or other relationship.

20 (i) The contractor or bidder has a continuing obligation to
21 supplement the disclosure required by this Section throughout
22 the bidding process or during the term of any contract.

23 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
24 for the effective date of changes made by P.A. 96-795); 96-920,
25 eff. 7-1-10; 97-490, eff. 8-22-11.)

1 (30 ILCS 500/50-39)

2 Sec. 50-39. Procurement communications reporting
3 requirement.

4 (a) Any written or oral communication received by a State
5 employee who, by the nature of his or her duties, has the
6 authority to participate personally and substantially in the
7 decision to award a State contract and that imparts or requests
8 material information or makes a material argument regarding
9 potential action concerning an active a procurement matter,
10 including, but not limited to, an application, a contract, or a
11 project, shall be reported to the Procurement Policy Board,
12 and, with respect to the Illinois Power Agency, by the
13 initiator of the communication, and may be reported also by the
14 recipient.

15 Any person communicating orally, in writing,
16 electronically, or otherwise with the Director or any person
17 employed by, or associated with, the Illinois Power Agency to
18 impart, solicit, or transfer any information related to the
19 content of any power procurement plan, the manner of conducting
20 any power procurement process, the procurement of any power
21 supply, or the method or structure of contracting with power
22 suppliers must disclose to the Procurement Policy Board the
23 full nature, content, and extent of any such communication in
24 writing by submitting a report with the following information:

25 (1) The names of any party to the communication.

26 (2) The date on which the communication occurred.

1 (3) The time at which the communication occurred.

2 (4) The duration of the communication.

3 (5) The method (written, oral, etc.) of the
4 communication.

5 (6) A summary of the substantive content of the
6 communication.

7 These communications do not include the following: (i)
8 statements by a person publicly made in a public forum; (ii)
9 statements regarding matters of procedure and practice, such as
10 format, the number of copies required, the manner of filing,
11 and the status of a matter; ~~and~~ (iii) statements made by a
12 State employee of the agency to the agency head or other
13 employees of that agency, ~~or~~ to the employees of the Executive
14 Ethics Commission, or to an employee of another State agency
15 who, through the communication, is either (a) exercising his or
16 her experience or expertise in the subject matter of the
17 particular procurement in the normal course of business, for
18 official purposes, and at the initiation of the purchasing
19 agency or the appropriate State purchasing officer, or (b)
20 exercising oversight, supervisory, or management authority
21 over the procurement in the normal course of business and as
22 part of official responsibilities; (iv) unsolicited
23 communications providing general information about products,
24 services, or industry best practices before those products or
25 services become involved in a procurement matter; (v)
26 communications received in response to procurement

1 solicitations, including, but not limited to, vendor responses
2 to a request for information, request for proposal, request for
3 qualifications, invitation for bid, or a small purchase, sole
4 source, or emergency solicitation, or questions and answers
5 posted to the Illinois Procurement Bulletin to supplement the
6 procurement action, provided that the communications are made
7 in accordance with the instructions contained in the
8 procurement solicitation, procedures, or guidelines; (vi)
9 communications that are privileged, protected, or confidential
10 under law; and (vii) communications that are part of a formal
11 procurement process as set out by statute, rule, or the
12 solicitation, guidelines, or procedures, including, but not
13 limited to, the posting of procurement opportunities, the
14 process for approving a procurement business case or its
15 equivalent, fiscal approval, submission of bids, the
16 finalizing of contract terms and conditions with an awardee or
17 apparent awardee, and similar formal procurement processes.

18 The provisions of this Section shall not apply to
19 communications regarding the administration and implementation
20 of an existing contract, except communications regarding
21 change orders or the renewal or extension of a contract.

22 (b) The report required by subsection (a) shall be
23 submitted monthly and include at least the following: (i) the
24 date and time of each communication; (ii) the identity of each
25 person from whom the written or oral communication was
26 received, the individual or entity represented by that person,

1 and any action the person requested or recommended; (iii) the
2 identity and job title of the person to whom each communication
3 was made; (iv) if a response is made, the identity and job
4 title of the person making each response; (v) a detailed
5 summary of the points made by each person involved in the
6 communication; (vi) the duration of the communication; (vii)
7 the location or locations of all persons involved in the
8 communication and, if the communication occurred by telephone,
9 the telephone numbers for the callers and recipients of the
10 communication; and (viii) any other pertinent information. No
11 trade secrets or other proprietary or confidential information
12 shall be included in any communication reported to the
13 Procurement Policy Board.

14 (c) Additionally, when an oral communication made by a
15 person required to register under the Lobbyist Registration Act
16 is received by a State employee that is covered under this
17 Section, all individuals who initiate or participate in the
18 oral communication shall submit a written report to that State
19 employee that memorializes the communication and includes, but
20 is not limited to, the items listed in subsection (b).

21 (d) The Procurement Policy Board shall make each report
22 submitted pursuant to this Section available on its website
23 within 7 days after its receipt of the report. The Procurement
24 Policy Board may promulgate rules to ensure compliance with
25 this Section.

26 (e) The reporting requirements shall also be conveyed

1 through ethics training under the State Officials and Employees
2 Ethics Act. An employee who knowingly and intentionally
3 violates this Section shall be subject to suspension or
4 discharge. The Executive Ethics Commission shall promulgate
5 rules, including emergency rules, to implement this Section.

6 (f) This Section becomes operative on January 1, 2011.

7 (g) For purposes of this Section:

8 "Active procurement matter" means a procurement process
9 beginning with requisition or determination of need by an
10 agency and continuing through the publication of an award
11 notice or other completion of a final procurement action, the
12 resolution of any protests, and the expiration of any protest
13 or Procurement Policy Board review period, if applicable.
14 "Active procurement matter" also includes communications
15 relating to change orders, renewals, or extensions.

16 "Material information" means information that a reasonable
17 person would deem important in determining his or her course of
18 action and pertains to significant issues, including, but not
19 limited to, price, quantity, and terms of payment or
20 performance.

21 "Material argument" means a communication that a
22 reasonable person would believe was made for the purpose of
23 influencing a decision relating to a procurement matter.

24 "Material argument" does not include general information about
25 products, services, or industry best practices or a response to
26 a communication initiated by an employee of the State for the

1 purposes of providing information to evaluate new products,
2 trends, services, or technologies.

3 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
4 for the effective date of changes made by P.A. 96-795); 96-920,
5 eff. 7-1-10; 97-333, eff. 8-12-11; 97-618, eff. 10-26-11.)

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 chief procurement
12 officer or may be ratified and affirmed, provided the chief
13 procurement officer determines that ratification is in the best
14 interests of the State. If the contract is ratified and
15 affirmed, it shall be without prejudice to the State's rights
16 to any appropriate damages.

17 (b) If, during the term of a contract, the chief
18 procurement officer determines that the contractor is
19 delinquent in the payment of debt as set forth in Section 50-11
20 of this Code, the chief procurement officer may declare the
21 contract void if it determines that voiding the contract is in
22 the best interests of the State. The Debt Collection Bureau
23 shall adopt rules for the implementation of this subsection
24 (b).

25 (c) If, during the term of a contract, the chief

1 procurement officer determines that the contractor is in
2 violation of Section 50-10.5 of this Code, the chief
3 procurement officer shall declare the contract void.

4 (d) If, during the term of a contract, the contracting
5 agency learns from an annual certification or otherwise
6 determines that the contractor no longer qualifies to enter
7 into State contracts by reason of Section 50-5, 50-10, 50-12,
8 50-14, or 50-14.5 of this Article, the chief procurement
9 officer may declare the contract void if it determines that
10 voiding the contract is in the best interests of the State.

11 (e) If, during the term of a contract, the chief
12 procurement officer learns from an annual certification or
13 otherwise determines that a subcontractor subject to Section
14 20-120 no longer qualifies to enter into State contracts by
15 reason of Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or
16 50-14.5 of this Article, the chief procurement officer may
17 declare the related contract void if it determines that voiding
18 the contract is in the best interests of the State. However,
19 the related contract shall not be declared void unless the
20 contractor refuses to terminate the subcontract upon the
21 State's request after a finding that the subcontractor no
22 longer qualifies to enter into State contracts by reason of one
23 of the Sections listed in this subsection.

24 (f) The changes to this Section made by Public Act 96-795
25 apply to actions taken by the chief procurement officer on or
26 after July 1, 2010.

1 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see
2 Section 5 of P.A. 96-793 for the effective date of changes made
3 by P.A. 96-795); 96-1000, eff. 7-2-10.)

4 Section 20. The Governmental Joint Purchasing Act is
5 amended by changing Sections 2, 3, 4, and 4.2 as follows:

6 (30 ILCS 525/2) (from Ch. 85, par. 1602)

7 Sec. 2. Joint purchasing authority.

8 (a) Any governmental unit may purchase personal property,
9 supplies and services jointly with one or more other
10 governmental units. All such joint purchases shall be by
11 competitive solicitation bids as provided in Section 4 of this
12 Act. The provisions of any other acts under which a
13 governmental unit operates which refer to purchases and
14 procedures in connection therewith shall be superseded by the
15 provisions of this Act when the governmental units are
16 exercising the joint powers created by this Act.

17 (a-5) A chief procurement officer established in Section
18 10-20 of the Illinois Procurement Code ~~The Department of~~
19 ~~Central Management Services~~ may authorize the purchase of
20 personal property, supplies, and services jointly with a
21 governmental entity of this or another state or with a
22 consortium of governmental entities of one or more other
23 states. Subject to provisions of the joint purchasing
24 solicitation, the appropriate chief procurement officer

1 ~~Department of Central Management Services~~ may designate the
2 resulting contract as available to governmental units in
3 Illinois.

4 (b) Any not-for-profit agency that qualifies under Section
5 45-35 of the Illinois Procurement Code and that either (1) acts
6 pursuant to a board established by or controlled by a unit of
7 local government or (2) receives grant funds from the State or
8 from a unit of local government, shall be eligible to
9 participate in contracts established by the State.

10 (Source: P.A. 96-584, eff. 1-1-10.)

11 (30 ILCS 525/3) (from Ch. 85, par. 1603)

12 Sec. 3. Conduct of competitive selection ~~bid-letting~~.
13 Under any agreement of governmental units that desire to make
14 joint purchases pursuant to subsection (a) of Section 2, one of
15 the governmental units shall conduct the competitive selection
16 process ~~letting of bids~~. Where the State of Illinois is a party
17 to the joint purchase agreement, the appropriate chief
18 procurement officer ~~Department of Central Management Services~~
19 shall conduct or authorize the competitive selection process
20 ~~letting of bids~~. Expenses of such competitive selection process
21 ~~bid-letting~~ may be shared by the participating governmental
22 units in proportion to the amount of personal property,
23 supplies or services each unit purchases.

24 When the State of Illinois is a party to the joint purchase
25 agreement pursuant to subsection (a) of Section 2, the

1 acceptance of responses to the competitive selection process
2 ~~bids~~ shall be in accordance with the Illinois Procurement Code
3 and rules promulgated under that Code. When the State of
4 Illinois is not a party to the joint purchase agreement, the
5 acceptance of responses to the competitive selection process
6 ~~bids~~ shall be governed by the agreement.

7 When the State of Illinois is a party to a joint purchase
8 agreement pursuant to subsection (a-5) of Section 2, the State
9 may act as the lead state or as a participant state. When the
10 State of Illinois is the lead state, all such joint purchases
11 shall be conducted in accordance with the Illinois Procurement
12 Code. When Illinois is a participant state, all such joint
13 purchases shall be conducted in accordance with the procurement
14 laws of the lead state; provided that all such joint
15 procurements must be by competitive solicitation process
16 ~~sealed bid~~. All resulting awards shall be published in the
17 appropriate volume of the Illinois Procurement Bulletin as may
18 be required by Illinois law governing publication of the
19 solicitation, protest, and award of Illinois State contracts.
20 Contracts resulting from a joint purchase shall contain all
21 provisions required by Illinois law and rule.

22 The personal property, supplies or services involved shall
23 be distributed or rendered directly to each governmental unit
24 taking part in the purchase. The person selling the personal
25 property, supplies or services may bill each governmental unit
26 separately for its proportionate share of the cost of the

1 personal property, supplies or services purchased.

2 The credit or liability of each governmental unit shall
3 remain separate and distinct. Disputes between bidders and
4 governmental units shall be resolved between the immediate
5 parties.

6 (Source: P.A. 96-584, eff. 1-1-10.)

7 (30 ILCS 525/4) (from Ch. 85, par. 1604)

8 Sec. 4. Bids and proposals. The purchases of all personal
9 property, supplies and services under this Act shall be based
10 on competitive solicitations ~~, sealed bids~~. For purchases
11 pursuant to subsection (a) of Section 2, bids and proposals
12 shall be solicited by public notice inserted at least once in a
13 newspaper of general circulation in one of the counties where
14 the materials are to be used and at least 5 calendar days
15 before the final date of submitting bids or proposals. Where
16 the State of Illinois is a party to the joint purchase
17 agreement, public notice soliciting the bids shall be published
18 ~~inserted~~ in the appropriate volume of the Illinois Procurement
19 Bulletin. Such notice shall include a general description of
20 the personal property, supplies or services to be purchased and
21 shall state where all blanks and specifications may be obtained
22 and the time and place for the opening of bids and proposals.
23 The governmental unit conducting the competitive selection
24 process ~~bid-letting~~ may also solicit sealed bids or proposals
25 by sending requests by mail to prospective suppliers and by

1 posting notices on a public bulletin board in its office.

2 All purchases, orders or contracts shall be awarded to the
3 lowest responsible bidder or highest-ranked proposer, taking
4 into consideration the qualities of the articles or services
5 supplied, their conformity with the specifications, their
6 suitability to the requirements of the participating
7 governmental units and the delivery terms.

8 Where the State of Illinois is not a party, all bids or
9 proposals may be rejected and new bids or proposals solicited
10 if one or more of the participating governmental units believes
11 the public interest may be served thereby. Each bid or
12 proposal, with the name of the bidder or proposer, shall be
13 entered on a record, which record with the successful bid or
14 proposal indicated thereon shall, after the award of the
15 purchase or order or contract, be open to public inspection. A
16 copy of all contracts shall be filed with the purchasing office
17 ~~agent~~ or clerk or secretary of each participating governmental
18 unit.

19 (Source: P.A. 96-584, eff. 1-1-10.)

20 (30 ILCS 525/4.2) (from Ch. 85, par. 1604.2)

21 Sec. 4.2. Any governmental unit may, without violating any
22 bidding requirement otherwise applicable to it, procure
23 personal property, supplies and services under any contract let
24 by the State pursuant to lawful procurement procedures.
25 Purchases made by the State of Illinois must be approved or

1 authorized by the appropriate chief procurement officer

2 (Source: P.A. 87-960.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".