

SB3397



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3397

Introduced 2/7/2012, by Sen. Linda Holmes

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-13

Amends the Illinois Procurement Code. In a Section concerning the applicability of the Code to public institutions of higher education, includes the Illinois Mathematics and Science Academy in the definition of "public institution of higher education". Effective immediately.

LRB097 17074 PJG 62272 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 1-13 as follows:

6 (30 ILCS 500/1-13)

7 (Section scheduled to be repealed on December 31, 2014)

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

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

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

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

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

1 private grants, or any combination thereof.

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

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

11 (5) Procurement expenditures for periodicals and books
12 procured for use by a university library or academic
13 department, except for expenditures related to procuring
14 textbooks for student use or materials for resale or
15 rental.

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

1 report shall include the name of the contractor, a description
2 of the supply or service provided, the total amount of the
3 contract, the term of the contract, and the exception to the
4 Code utilized. A copy of any or all of these contracts shall be
5 made available to the Chief Procurement Officer immediately
6 upon request. The Chief Procurement Officer shall submit a
7 report to the Governor and General Assembly no later than
8 November 1 of each year that shall include, at a minimum, an
9 annual summary of the monthly information reported to the Chief
10 Procurement Officer.

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

15 (1) Contracts with a foreign entity necessary for
16 research or educational activities, provided that the
17 foreign entity either does not maintain an office in the
18 United States or is the sole source of the service or
19 product.

20 (2) Procurements of FDA-regulated goods, products, and
21 services necessary for the delivery of care and treatment
22 at medical, dental, or veterinary teaching facilities
23 utilized by the University of Illinois or Southern Illinois
24 University.

25 (3) Contracts for programming and broadcast license
26 rights for university-operated radio and television

1 stations.

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

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

21 (d) Notwithstanding this Section, a waiver of the
22 registration requirements of Section 20-160 does not permit a
23 business entity and any affiliated entities or affiliated
24 persons to make campaign contributions if otherwise prohibited
25 by Section 50-37. The total amount of contracts awarded in
26 accordance with this Section shall be included in determining

1 the aggregate amount of contracts or pending bids of a business
2 entity and any affiliated entities or affiliated persons.

3 (e) Notwithstanding subsection (e) of Section 50-10.5 of
4 this Code, the Chief Procurement Officer, with the approval of
5 the Executive Ethics Commission, may permit a public
6 institution of higher education to accept a bid or enter into a
7 contract with a business that assisted the public institution
8 of higher education in determining whether there is a need for
9 a contract or assisted in reviewing, drafting, or preparing
10 documents related to a bid or contract, provided that the bid
11 or contract is essential to research administered by the public
12 institution of higher education and it is in the best interest
13 of the public institution of higher education to accept the bid
14 or contract. For purposes of this subsection, "business"
15 includes all individuals with whom a business is affiliated,
16 including, but not limited to, any officer, agent, employee,
17 consultant, independent contractor, director, partner,
18 manager, or shareholder of a business. The Executive Ethics
19 Commission may promulgate rules and regulations for the
20 implementation and administration of the provisions of this
21 subsection (e).

22 (f) As used in this Section:

23 "Grant" means non-appropriated funding provided by a
24 federal or private entity to support a project or program
25 administered by a public institution of higher education and
26 any non-appropriated funding provided to a sub-recipient of the

1 grant.

2 "Public institution of higher education" means Chicago
3 State University, Eastern Illinois University, Governors State
4 University, Illinois State University, Northeastern Illinois
5 University, Northern Illinois University, Southern Illinois
6 University, University of Illinois, ~~and~~ Western Illinois
7 University, and, for purposes of this Code only, the Illinois
8 Mathematics and Science Academy.

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

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

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