

HB4649



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4649

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-160

Amends the Illinois Procurement Code. Requires every bidder, offeror, vendor, or contractor with the State to certify that they have a security policy in place that protects private and confidential information from being released without proper authorization.

LRB099 19126 MLM 43515 b

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 20-160 as follows:

6 (30 ILCS 500/20-160)

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

9 (a) For purposes of this Section, the terms "business
10 entity", "contract", "State contract", "contract with a State
11 agency", "State agency", "affiliated entity", and "affiliated
12 person" have the meanings ascribed to those terms in Section
13 50-37.

14 (b) Every bid and offer submitted to and every contract
15 executed by the State on or after January 1, 2009 (the
16 effective date of Public Act 95-971) and every submission to a
17 vendor portal shall contain (1) a certification by the bidder,
18 offeror, vendor, or contractor that either (i) the bidder,
19 offeror, vendor, or contractor is not required to register as a
20 business entity with the State Board of Elections pursuant to
21 this Section or (ii) the bidder, offeror, vendor, or contractor
22 has registered as a business entity with the State Board of
23 Elections and acknowledges a continuing duty to update the

1 registration, ~~and~~ (2) a statement that the contract is voidable
2 under Section 50-60 for the bidder's, offeror's, vendor's, or
3 contractor's failure to comply with this Section, and (3) a
4 certification by the bidder, offeror, vendor, or contractor
5 that they have a security policy in place that protects private
6 and confidential information from being released without
7 proper authorization.

8 (c) Each business entity (i) whose aggregate bids and
9 proposals on State contracts annually total more than \$50,000,
10 (ii) whose aggregate bids and proposals on State contracts
11 combined with the business entity's aggregate annual total
12 value of State contracts exceed \$50,000, or (iii) whose
13 contracts with State agencies, in the aggregate, annually total
14 more than \$50,000 shall register with the State Board of
15 Elections in accordance with Section 9-35 of the Election Code.
16 A business entity required to register under this subsection
17 due to item (i) or (ii) has a continuing duty to ensure that
18 the registration is accurate during the period beginning on the
19 date of registration and ending on the day after the date the
20 contract is awarded; any change in information must be reported
21 to the State Board of Elections 5 business days following such
22 change or no later than a day before the contract is awarded,
23 whichever date is earlier. A business entity required to
24 register under this subsection due to item (iii) has a
25 continuing duty to ensure that the registration is accurate in
26 accordance with subsection (e).

1 (d) Any business entity, not required under subsection (c)
2 to register, whose aggregate bids and proposals on State
3 contracts annually total more than \$50,000, or whose aggregate
4 bids and proposals on State contracts combined with the
5 business entity's aggregate annual total value of State
6 contracts exceed \$50,000, shall register with the State Board
7 of Elections in accordance with Section 9-35 of the Election
8 Code prior to submitting to a State agency the bid or proposal
9 whose value causes the business entity to fall within the
10 monetary description of this subsection. A business entity
11 required to register under this subsection has a continuing
12 duty to ensure that the registration is accurate during the
13 period beginning on the date of registration and ending on the
14 day after the date the contract is awarded. Any change in
15 information must be reported to the State Board of Elections
16 within 5 business days following such change or no later than a
17 day before the contract is awarded, whichever date is earlier.

18 (e) A business entity whose contracts with State agencies,
19 in the aggregate, annually total more than \$50,000 must
20 maintain its registration under this Section and has a
21 continuing duty to ensure that the registration is accurate for
22 the duration of the term of office of the incumbent
23 officeholder awarding the contracts or for a period of 2 years
24 following the expiration or termination of the contracts,
25 whichever is longer. A business entity, required to register
26 under this subsection, has a continuing duty to report any

1 changes on a quarterly basis to the State Board of Elections
2 within 14 calendar days following the last day of January,
3 April, July, and October of each year. Any update pursuant to
4 this paragraph that is received beyond that date is presumed
5 late and the civil penalty authorized by subsection (e) of
6 Section 9-35 of the Election Code (10 ILCS 5/9-35) may be
7 assessed.

8 Also, if a business entity required to register under this
9 subsection has a pending bid or offer, any change in
10 information shall be reported to the State Board of Elections
11 within 7 calendar days following such change or no later than a
12 day before the contract is awarded, whichever date is earlier.

13 (f) A business entity's continuing duty under this Section
14 to ensure the accuracy of its registration includes the
15 requirement that the business entity notify the State Board of
16 Elections of any change in information, including but not
17 limited to changes of affiliated entities or affiliated
18 persons.

19 (g) For any bid or offer for a contract with a State agency
20 by a business entity required to register under this Section,
21 the chief procurement officer shall verify that the business
22 entity is required to register under this Section and is in
23 compliance with the registration requirements on the date the
24 bid or offer is due. A chief procurement officer shall not
25 accept a bid or offer if the business entity is not in
26 compliance with the registration requirements as of the date

1 bids or offers are due.

2 (h) A registration, and any changes to a registration, must
3 include the business entity's verification of accuracy and
4 subjects the business entity to the penalties of the laws of
5 this State for perjury.

6 In addition to any penalty under Section 9-35 of the
7 Election Code, intentional, willful, or material failure to
8 disclose information required for registration shall render
9 the contract, bid, offer, or other procurement relationship
10 voidable by the chief procurement officer if he or she deems it
11 to be in the best interest of the State of Illinois.

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

14 (Source: P.A. 97-333, eff. 8-12-11; 97-895, eff. 8-3-12;
15 98-1076, eff. 1-1-15.)