

1 AN ACT concerning State government.

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 1-10 as follows:

6 (30 ILCS 500/1-10)

7 (Text of Section before amendment by P.A. 104-458)

8 Sec. 1-10. Application.

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

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

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

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

7           (3) Purchase of care, except as provided in Section  
8 5-30.6 of the Illinois Public Aid Code and this Section.

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

13           (5) Collective bargaining contracts.

14           (6) Purchase of real estate, except that notice of  
15 this type of contract with a value of more than \$25,000  
16 must be published in the Procurement Bulletin within 10  
17 calendar days after the deed is recorded in the county of  
18 jurisdiction. The notice shall identify the real estate  
19 purchased, the names of all parties to the contract, the  
20 value of the contract, and the effective date of the  
21 contract.

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

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

5 (8) (Blank).

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

8 (10) (Blank).

9 (11) Public-private agreements entered into according  
10 to the procurement requirements of Section 20 of the  
11 Public-Private Partnerships for Transportation Act and  
12 design-build agreements entered into according to the  
13 procurement requirements of Section 25 of the  
14 Public-Private Partnerships for Transportation Act.

15 (12) (A) Contracts for legal, financial, and other  
16 professional and artistic services entered into by the  
17 Illinois Finance Authority in which the State of Illinois  
18 is not obligated. Such contracts shall be awarded through  
19 a competitive process authorized by the members of the  
20 Illinois Finance Authority and are subject to Sections  
21 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
22 as well as the final approval by the members of the  
23 Illinois Finance Authority of the terms of the contract.

24 (B) Contracts for legal and financial services entered  
25 into by the Illinois Housing Development Authority in  
26 connection with the issuance of bonds in which the State

1 of Illinois is not obligated. Such contracts shall be  
2 awarded through a competitive process authorized by the  
3 members of the Illinois Housing Development Authority and  
4 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
5 and 50-37 of this Code, as well as the final approval by  
6 the members of the Illinois Housing Development Authority  
7 of the terms of the contract.

8 (13) Contracts for services, commodities, and  
9 equipment to support the delivery of timely forensic  
10 science services in consultation with and subject to the  
11 approval of the Chief Procurement Officer as provided in  
12 subsection (d) of Section 5-4-3a of the Unified Code of  
13 Corrections, except for the requirements of Sections  
14 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
15 Code; however, the Chief Procurement Officer may, in  
16 writing with justification, waive any certification  
17 required under Article 50 of this Code. For any contracts  
18 for services which are currently provided by members of a  
19 collective bargaining agreement, the applicable terms of  
20 the collective bargaining agreement concerning  
21 subcontracting shall be followed.

22 On and after January 1, 2019, this paragraph (13),  
23 except for this sentence, is inoperative.

24 (14) Contracts for participation expenditures required  
25 by a domestic or international trade show or exhibition of  
26 an exhibitor, member, or sponsor.

1           (15) Contracts with a railroad or utility that  
2 requires the State to reimburse the railroad or utilities  
3 for the relocation of utilities for construction or other  
4 public purpose. Contracts included within this paragraph  
5 (15) shall include, but not be limited to, those  
6 associated with: relocations, crossings, installations,  
7 and maintenance. For the purposes of this paragraph (15),  
8 "railroad" means any form of non-highway ground  
9 transportation that runs on rails or electromagnetic  
10 guideways and "utility" means: (1) public utilities as  
11 defined in Section 3-105 of the Public Utilities Act, (2)  
12 telecommunications carriers as defined in Section 13-202  
13 of the Public Utilities Act, (3) electric cooperatives as  
14 defined in Section 3.4 of the Electric Supplier Act, (4)  
15 telephone or telecommunications cooperatives as defined in  
16 Section 13-212 of the Public Utilities Act, (5) rural  
17 water or wastewater ~~waste-water~~ systems with 10,000  
18 connections or less, (6) a holder as defined in Section  
19 21-201 of the Public Utilities Act, and (7) municipalities  
20 owning or operating utility systems consisting of public  
21 utilities as that term is defined in Section 11-117-2 of  
22 the Illinois Municipal Code.

23           (16) Procurement expenditures necessary for the  
24 Department of Public Health to provide the delivery of  
25 timely newborn screening services in accordance with the  
26 Newborn Metabolic Screening Act.

1           (17) Procurement expenditures necessary for the  
2 Department of Agriculture, the Department of Financial and  
3 Professional Regulation, the Department of Human Services,  
4 and the Department of Public Health to implement the  
5 Compassionate Use of Medical Cannabis Program and Opioid  
6 Alternative Pilot Program requirements and ensure access  
7 to medical cannabis for patients with debilitating medical  
8 conditions in accordance with the Compassionate Use of  
9 Medical Cannabis Program Act.

10           (18) This Code does not apply to any procurements  
11 necessary for the Department of Agriculture, the  
12 Department of Financial and Professional Regulation, the  
13 Department of Human Services, the Department of Commerce  
14 and Economic Opportunity, and the Department of Public  
15 Health to implement the Cannabis Regulation and Tax Act if  
16 the applicable agency has made a good faith determination  
17 that it is necessary and appropriate for the expenditure  
18 to fall within this exemption and if the process is  
19 conducted in a manner substantially in accordance with the  
20 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
21 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
22 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
23 Section 50-35, compliance applies only to contracts or  
24 subcontracts over \$100,000. Notice of each contract  
25 entered into under this paragraph (18) that is related to  
26 the procurement of goods and services identified in

1 paragraph (1) through (9) of this subsection shall be  
2 published in the Procurement Bulletin within 14 calendar  
3 days after contract execution. The Chief Procurement  
4 Officer shall prescribe the form and content of the  
5 notice. Each agency shall provide the Chief Procurement  
6 Officer, on a monthly basis, in the form and content  
7 prescribed by the Chief Procurement Officer, a report of  
8 contracts that are related to the procurement of goods and  
9 services identified in this subsection. At a minimum, this  
10 report shall include the name of the contractor, a  
11 description of the supply or service provided, the total  
12 amount of the contract, the term of the contract, and the  
13 exception to this Code utilized. A copy of any or all of  
14 these contracts shall be made available to the Chief  
15 Procurement Officer immediately upon request. The Chief  
16 Procurement Officer shall submit a report to the Governor  
17 and General Assembly no later than November 1 of each year  
18 that includes, at a minimum, an annual summary of the  
19 monthly information reported to the Chief Procurement  
20 Officer. This exemption becomes inoperative 5 years after  
21 June 25, 2019 (the effective date of Public Act 101-27).

22 (19) Acquisition of modifications or adjustments,  
23 limited to assistive technology devices and assistive  
24 technology services, adaptive equipment, repairs, and  
25 replacement parts to provide reasonable accommodations (i)  
26 that enable a qualified applicant with a disability to

1 complete the job application process and be considered for  
2 the position such qualified applicant desires, (ii) that  
3 modify or adjust the work environment to enable a  
4 qualified current employee with a disability to perform  
5 the essential functions of the position held by that  
6 employee, (iii) to enable a qualified current employee  
7 with a disability to enjoy equal benefits and privileges  
8 of employment as are enjoyed by other similarly situated  
9 employees without disabilities, and (iv) that allow a  
10 customer, client, claimant, or member of the public  
11 seeking State services full use and enjoyment of and  
12 access to its programs, services, or benefits.

13 For purposes of this paragraph (19):

14 "Assistive technology devices" means any item, piece  
15 of equipment, or product system, whether acquired  
16 commercially off the shelf, modified, or customized, that  
17 is used to increase, maintain, or improve functional  
18 capabilities of individuals with disabilities.

19 "Assistive technology services" means any service that  
20 directly assists an individual with a disability in  
21 selection, acquisition, or use of an assistive technology  
22 device.

23 "Qualified" has the same meaning and use as provided  
24 under the federal Americans with Disabilities Act when  
25 describing an individual with a disability.

26 (20) Procurement expenditures necessary for the

1 Illinois Commerce Commission to hire third-party  
2 facilitators pursuant to Sections 16-105.17 and 16-108.18  
3 of the Public Utilities Act or an ombudsman pursuant to  
4 Section 16-107.5 of the Public Utilities Act, a  
5 facilitator pursuant to Section 16-105.17 of the Public  
6 Utilities Act, or a grid auditor pursuant to Section  
7 16-105.10 of the Public Utilities Act.

8 (21) Procurement expenditures for the purchase,  
9 renewal, and expansion of software, software licenses, or  
10 software maintenance agreements that support the efforts  
11 of the Illinois State Police to enforce, regulate, and  
12 administer the Firearm Owners Identification Card Act, the  
13 Firearm Concealed Carry Act, the Firearms Restraining  
14 Order Act, the Firearm Dealer License Certification Act,  
15 the Law Enforcement Agencies Data System (LEADS), the  
16 Uniform Crime Reporting Act, the Criminal Identification  
17 Act, the Illinois Uniform Conviction Information Act, and  
18 the Gun Trafficking Information Act, or establish or  
19 maintain record management systems necessary to conduct  
20 human trafficking investigations or gun trafficking or  
21 other stolen firearm investigations. This paragraph (21)  
22 applies to contracts entered into on or after January 10,  
23 2023 (the effective date of Public Act 102-1116) and the  
24 renewal of contracts that are in effect on January 10,  
25 2023 (the effective date of Public Act 102-1116).

26 (22) Contracts for project management services and

1 system integration services required for the completion of  
2 the State's enterprise resource planning project. This  
3 exemption becomes inoperative 5 years after June 7, 2023  
4 (the effective date of the changes made to this Section by  
5 Public Act 103-8). This paragraph (22) applies to  
6 contracts entered into on or after June 7, 2023 (the  
7 effective date of the changes made to this Section by  
8 Public Act 103-8) and the renewal of contracts that are in  
9 effect on June 7, 2023 (the effective date of the changes  
10 made to this Section by Public Act 103-8).

11 (23) Procurements necessary for the Department of  
12 Insurance to implement the Illinois Health Benefits  
13 Exchange Law if the Department of Insurance has made a  
14 good faith determination that it is necessary and  
15 appropriate for the expenditure to fall within this  
16 exemption. The procurement process shall be conducted in a  
17 manner substantially in accordance with the requirements  
18 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
19 copy of these contracts shall be made available to the  
20 Chief Procurement Officer immediately upon request. This  
21 paragraph is inoperative 5 years after June 27, 2023 (the  
22 effective date of Public Act 103-103).

23 (24) Contracts for public education programming,  
24 noncommercial sustaining announcements, public service  
25 announcements, and public awareness and education  
26 messaging with the nonprofit trade associations of the

1 providers of those services that inform the public on  
2 immediate and ongoing health and safety risks and hazards.

3 (25) Procurements necessary for the Department of  
4 Early Childhood to implement the Department of Early  
5 Childhood Act if the Department has made a good faith  
6 determination that it is necessary and appropriate for the  
7 expenditure to fall within this exemption. This exemption  
8 shall only be used for products and services procured  
9 solely for use by the Department of Early Childhood. The  
10 procurements may include those necessary to design and  
11 build integrated, operational systems of programs and  
12 services. The procurements may include, but are not  
13 limited to, those necessary to align and update program  
14 standards, integrate funding systems, design and establish  
15 data and reporting systems, align and update models for  
16 technical assistance and professional development, design  
17 systems to manage grants and ensure compliance, design and  
18 implement management and operational structures, and  
19 establish new means of engaging with families, educators,  
20 providers, and stakeholders. The procurement processes  
21 shall be conducted in a manner substantially in accordance  
22 with the requirements of Article 50 (ethics) and Sections  
23 5-5 (Procurement Policy Board), 5-7 (Commission on Equity  
24 and Inclusion), 20-80 (contract files), 20-120  
25 (subcontractors), 20-155 (paperwork), 20-160  
26 (ethics/campaign contribution prohibitions), 25-60

1 (prevailing wage), and 25-90 (prohibited and authorized  
2 cybersecurity) of this Code. Beginning January 1, 2025,  
3 the Department of Early Childhood shall provide a  
4 quarterly report to the General Assembly detailing a list  
5 of expenditures and contracts for which the Department  
6 uses this exemption. This paragraph is inoperative on and  
7 after July 1, 2027.

8 (26) Procurements that are necessary for increasing  
9 the recruitment and retention of State employees,  
10 particularly minority candidates for employment,  
11 including:

12 (A) procurements related to registration fees for  
13 job fairs and other outreach and recruitment events;

14 (B) production of recruitment materials; and

15 (C) other services related to recruitment and  
16 retention of State employees.

17 The exemption under this paragraph (26) applies only  
18 if the State agency has made a good faith determination  
19 that it is necessary and appropriate for the expenditure  
20 to fall within this paragraph (26). The procurement  
21 process under this paragraph (26) shall be conducted in a  
22 manner substantially in accordance with the requirements  
23 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
24 copy of these contracts shall be made available to the  
25 Chief Procurement Officer immediately upon request.  
26 Nothing in this paragraph (26) authorizes the replacement

1 or diminishment of State responsibilities in hiring or the  
2 positions that effectuate that hiring. This paragraph (26)  
3 is inoperative on and after June 30, 2029.

4 (27) Procurements necessary for the Department of  
5 Healthcare and Family Services to implement changes to the  
6 State's Integrated Eligibility System to ensure the  
7 system's compliance with federal implementation mandates  
8 and deadlines, if the Department of Healthcare and Family  
9 Services has made a good faith determination that it is  
10 necessary and appropriate for the procurement to fall  
11 within this exemption.

12 (28) After exhausting any procurement method available  
13 through a contract already established under a chief  
14 procurement officer joint purchasing program or  
15 cooperative purchasing program, procurement expenditures  
16 by or on behalf of the Department of Public Health, the  
17 Department of Agriculture, the Illinois State Police, the  
18 Department of Natural Resources, the Illinois Emergency  
19 Management Agency and Office of Homeland Security, the  
20 Department of Transportation, or the Illinois  
21 Environmental Protection Agency for laboratory supplies,  
22 laboratory equipment, software necessary for laboratory  
23 operations, or service contracts that are necessary for  
24 the applicable agency to operate State laboratories. The  
25 exemption under this paragraph (28) applies only if the  
26 applicable State agency has made a good faith

1 determination that it is necessary and appropriate for the  
2 expenditure to fall within this exemption. The procurement  
3 process shall be conducted in a manner substantially in  
4 accordance with the requirements of Sections 20-160 and  
5 25-60 and Article 50 of this Code. A copy of these  
6 contracts shall be made available to the Chief Procurement  
7 Officer immediately upon request. For any contracts for  
8 services that are currently provided by members of a  
9 collective bargaining agreement, the applicable terms of  
10 the collective bargaining agreement concerning  
11 subcontracting shall be followed.

12 Notwithstanding any other provision of law, for contracts  
13 with an annual value of more than \$100,000 entered into on or  
14 after October 1, 2017 under an exemption provided in any  
15 paragraph of this subsection (b), except paragraph (1), (2),  
16 or (5), each State agency shall post to the appropriate  
17 procurement bulletin the name of the contractor, a description  
18 of the supply or service provided, the total amount of the  
19 contract, the term of the contract, and the exception to the  
20 Code utilized. The chief procurement officer shall submit a  
21 report to the Governor and General Assembly no later than  
22 November 1 of each year that shall include, at a minimum, an  
23 annual summary of the monthly information reported to the  
24 chief procurement officer.

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. This Code does not apply to the procurement of  
3 technical and policy experts pursuant to Section 1-129 of the  
4 Illinois Power Agency Act.

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

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

21 (f) (Blank).

22 (g) (Blank).

23 (h) This Code does not apply to the process to procure or  
24 contracts entered into in accordance with Sections 11-5.2 and  
25 11-5.3 of the Illinois Public Aid Code.

26 (i) Each chief procurement officer may access records

1 necessary to review whether a contract, purchase, or other  
2 expenditure is or is not subject to the provisions of this  
3 Code, unless such records would be subject to attorney-client  
4 privilege.

5 (j) This Code does not apply to the process used by the  
6 Capital Development Board to retain an artist or work or works  
7 of art as required in Section 14 of the Capital Development  
8 Board Act.

9 (k) This Code does not apply to the process to procure  
10 contracts, or contracts entered into, by the State Board of  
11 Elections or the State Electoral Board for hearing officers  
12 appointed pursuant to the Election Code.

13 (l) This Code does not apply to the processes used by the  
14 Illinois Student Assistance Commission to procure supplies and  
15 services paid for from the private funds of the Illinois  
16 Prepaid Tuition Fund. As used in this subsection (l), "private  
17 funds" means funds derived from deposits paid into the  
18 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

19 (m) This Code shall apply regardless of the source of  
20 funds with which contracts are paid, including federal  
21 assistance moneys. Except as specifically provided in this  
22 Code, this Code shall not apply to procurement expenditures  
23 necessary for the Department of Public Health to conduct the  
24 Healthy Illinois Survey in accordance with Section 2310-431 of  
25 the Department of Public Health Powers and Duties Law of the  
26 Civil Administrative Code of Illinois.

1 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;  
2 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.  
3 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,  
4 eff. 6-16-25; 104-417, eff. 8-15-25)

5 (Text of Section after amendment by P.A. 104-458)

6 Sec. 1-10. Application.

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

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

22 (1) Contracts between the State and its political  
23 subdivisions or other governments, or between State  
24 governmental bodies, except as specifically provided in  
25 this Code.

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

3           (3) Purchase of care, except as provided in Section  
4           5-30.6 of the Illinois Public Aid Code and this Section.

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

9           (5) Collective bargaining contracts.

10          (6) Purchase of real estate, except that notice of  
11          this type of contract with a value of more than \$25,000  
12          must be published in the Procurement Bulletin within 10  
13          calendar days after the deed is recorded in the county of  
14          jurisdiction. The notice shall identify the real estate  
15          purchased, the names of all parties to the contract, the  
16          value of the contract, and the effective date of the  
17          contract.

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

1 (8) (Blank).

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

4 (10) (Blank).

5 (11) Public-private agreements entered into according  
6 to the procurement requirements of Section 20 of the  
7 Public-Private Partnerships for Transportation Act and  
8 design-build agreements entered into according to the  
9 procurement requirements of Section 25 of the  
10 Public-Private Partnerships for Transportation Act.

11 (12) (A) Contracts for legal, financial, and other  
12 professional and artistic services entered into by the  
13 Illinois Finance Authority in which the State of Illinois  
14 is not obligated. Such contracts shall be awarded through  
15 a competitive process authorized by the members of the  
16 Illinois Finance Authority and are subject to Sections  
17 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
18 as well as the final approval by the members of the  
19 Illinois Finance Authority of the terms of the contract.

20 (B) Contracts for legal and financial services entered  
21 into by the Illinois Housing Development Authority in  
22 connection with the issuance of bonds in which the State  
23 of Illinois is not obligated. Such contracts shall be  
24 awarded through a competitive process authorized by the  
25 members of the Illinois Housing Development Authority and  
26 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,

1 and 50-37 of this Code, as well as the final approval by  
2 the members of the Illinois Housing Development Authority  
3 of the terms of the contract.

4 (13) Contracts for services, commodities, and  
5 equipment to support the delivery of timely forensic  
6 science services in consultation with and subject to the  
7 approval of the Chief Procurement Officer as provided in  
8 subsection (d) of Section 5-4-3a of the Unified Code of  
9 Corrections, except for the requirements of Sections  
10 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
11 Code; however, the Chief Procurement Officer may, in  
12 writing with justification, waive any certification  
13 required under Article 50 of this Code. For any contracts  
14 for services which are currently provided by members of a  
15 collective bargaining agreement, the applicable terms of  
16 the collective bargaining agreement concerning  
17 subcontracting shall be followed.

18 On and after January 1, 2019, this paragraph (13),  
19 except for this sentence, is inoperative.

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21 by a domestic or international trade show or exhibition of  
22 an exhibitor, member, or sponsor.

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24 requires the State to reimburse the railroad or utilities  
25 for the relocation of utilities for construction or other  
26 public purpose. Contracts included within this paragraph

1 (15) shall include, but not be limited to, those  
2 associated with: relocations, crossings, installations,  
3 and maintenance. For the purposes of this paragraph (15),  
4 "railroad" means any form of non-highway ground  
5 transportation that runs on rails or electromagnetic  
6 guideways and "utility" means: (1) public utilities as  
7 defined in Section 3-105 of the Public Utilities Act, (2)  
8 telecommunications carriers as defined in Section 13-202  
9 of the Public Utilities Act, (3) electric cooperatives as  
10 defined in Section 3.4 of the Electric Supplier Act, (4)  
11 telephone or telecommunications cooperatives as defined in  
12 Section 13-212 of the Public Utilities Act, (5) rural  
13 water or wastewater ~~waste-water~~ systems with 10,000  
14 connections or less, (6) a holder as defined in Section  
15 21-201 of the Public Utilities Act, and (7) municipalities  
16 owning or operating utility systems consisting of public  
17 utilities as that term is defined in Section 11-117-2 of  
18 the Illinois Municipal Code.

19 (16) Procurement expenditures necessary for the  
20 Department of Public Health to provide the delivery of  
21 timely newborn screening services in accordance with the  
22 Newborn Metabolic Screening Act.

23 (17) Procurement expenditures necessary for the  
24 Department of Agriculture, the Department of Financial and  
25 Professional Regulation, the Department of Human Services,  
26 and the Department of Public Health to implement the

1           Compassionate Use of Medical Cannabis Program and Opioid  
2           Alternative Pilot Program requirements and ensure access  
3           to medical cannabis for patients with debilitating medical  
4           conditions in accordance with the Compassionate Use of  
5           Medical Cannabis Program Act.

6           (18) This Code does not apply to any procurements  
7           necessary for the Department of Agriculture, the  
8           Department of Financial and Professional Regulation, the  
9           Department of Human Services, the Department of Commerce  
10          and Economic Opportunity, and the Department of Public  
11          Health to implement the Cannabis Regulation and Tax Act if  
12          the applicable agency has made a good faith determination  
13          that it is necessary and appropriate for the expenditure  
14          to fall within this exemption and if the process is  
15          conducted in a manner substantially in accordance with the  
16          requirements of Sections 20-160, 25-60, 30-22, 50-5,  
17          50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
18          50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
19          Section 50-35, compliance applies only to contracts or  
20          subcontracts over \$100,000. Notice of each contract  
21          entered into under this paragraph (18) that is related to  
22          the procurement of goods and services identified in  
23          paragraph (1) through (9) of this subsection shall be  
24          published in the Procurement Bulletin within 14 calendar  
25          days after contract execution. The Chief Procurement  
26          Officer shall prescribe the form and content of the

1 notice. Each agency shall provide the Chief Procurement  
2 Officer, on a monthly basis, in the form and content  
3 prescribed by the Chief Procurement Officer, a report of  
4 contracts that are related to the procurement of goods and  
5 services identified in this subsection. At a minimum, this  
6 report shall include the name of the contractor, a  
7 description of the supply or service provided, the total  
8 amount of the contract, the term of the contract, and the  
9 exception to this Code utilized. A copy of any or all of  
10 these contracts shall be made available to the Chief  
11 Procurement Officer immediately upon request. The Chief  
12 Procurement Officer shall submit a report to the Governor  
13 and General Assembly no later than November 1 of each year  
14 that includes, at a minimum, an annual summary of the  
15 monthly information reported to the Chief Procurement  
16 Officer. This exemption becomes inoperative 5 years after  
17 June 25, 2019 (the effective date of Public Act 101-27).

18 (19) Acquisition of modifications or adjustments,  
19 limited to assistive technology devices and assistive  
20 technology services, adaptive equipment, repairs, and  
21 replacement parts to provide reasonable accommodations (i)  
22 that enable a qualified applicant with a disability to  
23 complete the job application process and be considered for  
24 the position such qualified applicant desires, (ii) that  
25 modify or adjust the work environment to enable a  
26 qualified current employee with a disability to perform

1 the essential functions of the position held by that  
2 employee, (iii) to enable a qualified current employee  
3 with a disability to enjoy equal benefits and privileges  
4 of employment as are enjoyed by other similarly situated  
5 employees without disabilities, and (iv) that allow a  
6 customer, client, claimant, or member of the public  
7 seeking State services full use and enjoyment of and  
8 access to its programs, services, or benefits.

9 For purposes of this paragraph (19):

10 "Assistive technology devices" means any item, piece  
11 of equipment, or product system, whether acquired  
12 commercially off the shelf, modified, or customized, that  
13 is used to increase, maintain, or improve functional  
14 capabilities of individuals with disabilities.

15 "Assistive technology services" means any service that  
16 directly assists an individual with a disability in  
17 selection, acquisition, or use of an assistive technology  
18 device.

19 "Qualified" has the same meaning and use as provided  
20 under the federal Americans with Disabilities Act when  
21 describing an individual with a disability.

22 (20) Procurement expenditures necessary for the  
23 Illinois Commerce Commission to hire third-party  
24 facilitators pursuant to Sections 16-105.17 and 16-108.18  
25 of the Public Utilities Act or an ombudsman pursuant to  
26 Section 16-107.5 of the Public Utilities Act, a

1 facilitator pursuant to Section 16-105.17 of the Public  
2 Utilities Act, a grid auditor pursuant to Section  
3 16-105.10 of the Public Utilities Act, a facilitator,  
4 expert, or consultant pursuant to Sections 16-126.2 and  
5 16-202 of the Public Utilities Act, a procurement monitor  
6 pursuant to Section 16-111.5 of the Public Utilities Act,  
7 an ombudsperson pursuant to Section 20-145 of the Public  
8 Utilities Act, or consultants and experts pursuant to  
9 Section 5-15 of the Utility Data Access Act.

10 (21) Procurement expenditures for the purchase,  
11 renewal, and expansion of software, software licenses, or  
12 software maintenance agreements that support the efforts  
13 of the Illinois State Police to enforce, regulate, and  
14 administer the Firearm Owners Identification Card Act, the  
15 Firearm Concealed Carry Act, the Firearms Restraining  
16 Order Act, the Firearm Dealer License Certification Act,  
17 the Law Enforcement Agencies Data System (LEADS), the  
18 Uniform Crime Reporting Act, the Criminal Identification  
19 Act, the Illinois Uniform Conviction Information Act, and  
20 the Gun Trafficking Information Act, or establish or  
21 maintain record management systems necessary to conduct  
22 human trafficking investigations or gun trafficking or  
23 other stolen firearm investigations. This paragraph (21)  
24 applies to contracts entered into on or after January 10,  
25 2023 (the effective date of Public Act 102-1116) and the  
26 renewal of contracts that are in effect on January 10,

1 2023 (the effective date of Public Act 102-1116).

2 (22) Contracts for project management services and  
3 system integration services required for the completion of  
4 the State's enterprise resource planning project. This  
5 exemption becomes inoperative 5 years after June 7, 2023  
6 (the effective date of the changes made to this Section by  
7 Public Act 103-8). This paragraph (22) applies to  
8 contracts entered into on or after June 7, 2023 (the  
9 effective date of the changes made to this Section by  
10 Public Act 103-8) and the renewal of contracts that are in  
11 effect on June 7, 2023 (the effective date of the changes  
12 made to this Section by Public Act 103-8).

13 (23) Procurements necessary for the Department of  
14 Insurance to implement the Illinois Health Benefits  
15 Exchange Law if the Department of Insurance has made a  
16 good faith determination that it is necessary and  
17 appropriate for the expenditure to fall within this  
18 exemption. The procurement process shall be conducted in a  
19 manner substantially in accordance with the requirements  
20 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
21 copy of these contracts shall be made available to the  
22 Chief Procurement Officer immediately upon request. This  
23 paragraph is inoperative 5 years after June 27, 2023 (the  
24 effective date of Public Act 103-103).

25 (24) Contracts for public education programming,  
26 noncommercial sustaining announcements, public service

1           announcements, and public awareness and education  
2           messaging with the nonprofit trade associations of the  
3           providers of those services that inform the public on  
4           immediate and ongoing health and safety risks and hazards.

5           (25) Procurements necessary for the Department of  
6           Early Childhood to implement the Department of Early  
7           Childhood Act if the Department has made a good faith  
8           determination that it is necessary and appropriate for the  
9           expenditure to fall within this exemption. This exemption  
10          shall only be used for products and services procured  
11          solely for use by the Department of Early Childhood. The  
12          procurements may include those necessary to design and  
13          build integrated, operational systems of programs and  
14          services. The procurements may include, but are not  
15          limited to, those necessary to align and update program  
16          standards, integrate funding systems, design and establish  
17          data and reporting systems, align and update models for  
18          technical assistance and professional development, design  
19          systems to manage grants and ensure compliance, design and  
20          implement management and operational structures, and  
21          establish new means of engaging with families, educators,  
22          providers, and stakeholders. The procurement processes  
23          shall be conducted in a manner substantially in accordance  
24          with the requirements of Article 50 (ethics) and Sections  
25          5-5 (Procurement Policy Board), 5-7 (Commission on Equity  
26          and Inclusion), 20-80 (contract files), 20-120

1 (subcontractors), 20-155 (paperwork), 20-160  
2 (ethics/campaign contribution prohibitions), 25-60  
3 (prevailing wage), and 25-90 (prohibited and authorized  
4 cybersecurity) of this Code. Beginning January 1, 2025,  
5 the Department of Early Childhood shall provide a  
6 quarterly report to the General Assembly detailing a list  
7 of expenditures and contracts for which the Department  
8 uses this exemption. This paragraph is inoperative on and  
9 after July 1, 2027.

10 (26) Procurements that are necessary for increasing  
11 the recruitment and retention of State employees,  
12 particularly minority candidates for employment,  
13 including:

14 (A) procurements related to registration fees for  
15 job fairs and other outreach and recruitment events;

16 (B) production of recruitment materials; and

17 (C) other services related to recruitment and  
18 retention of State employees.

19 The exemption under this paragraph (26) applies only  
20 if the State agency has made a good faith determination  
21 that it is necessary and appropriate for the expenditure  
22 to fall within this paragraph (26). The procurement  
23 process under this paragraph (26) shall be conducted in a  
24 manner substantially in accordance with the requirements  
25 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
26 copy of these contracts shall be made available to the

1 Chief Procurement Officer immediately upon request.  
2 Nothing in this paragraph (26) authorizes the replacement  
3 or diminishment of State responsibilities in hiring or the  
4 positions that effectuate that hiring. This paragraph (26)  
5 is inoperative on and after June 30, 2029.

6 (27) Procurements necessary for the Department of  
7 Healthcare and Family Services to implement changes to the  
8 State's Integrated Eligibility System to ensure the  
9 system's compliance with federal implementation mandates  
10 and deadlines, if the Department of Healthcare and Family  
11 Services has made a good faith determination that it is  
12 necessary and appropriate for the procurement to fall  
13 within this exemption.

14 (28) After exhausting any procurement method available  
15 through a contract already established under a chief  
16 procurement officer joint purchasing program or  
17 cooperative purchasing program, procurement expenditures  
18 by or on behalf of the Department of Public Health, the  
19 Department of Agriculture, the Illinois State Police, the  
20 Department of Natural Resources, the Illinois Emergency  
21 Management Agency and Office of Homeland Security, the  
22 Department of Transportation, or the Illinois  
23 Environmental Protection Agency for laboratory supplies,  
24 laboratory equipment, software necessary for laboratory  
25 operations, or service contracts that are necessary for  
26 the applicable agency to operate State laboratories. The

1 exemption under this paragraph (28) applies only if the  
2 applicable State agency has made a good faith  
3 determination that it is necessary and appropriate for the  
4 expenditure to fall within this exemption. The procurement  
5 process shall be conducted in a manner substantially in  
6 accordance with the requirements of Sections 20-160 and  
7 25-60 and Article 50 of this Code. A copy of these  
8 contracts shall be made available to the Chief Procurement  
9 Officer immediately upon request. For any contracts for  
10 services that are currently provided by members of a  
11 collective bargaining agreement, the applicable terms of  
12 the collective bargaining agreement concerning  
13 subcontracting shall be followed.

14 Notwithstanding any other provision of law, for contracts  
15 with an annual value of more than \$100,000 entered into on or  
16 after October 1, 2017 under an exemption provided in any  
17 paragraph of this subsection (b), except paragraph (1), (2),  
18 or (5), each State agency shall post to the appropriate  
19 procurement bulletin the name of the contractor, a description  
20 of the supply or service provided, the total amount of the  
21 contract, the term of the contract, and the exception to the  
22 Code utilized. The chief procurement officer shall submit a  
23 report to the Governor and General Assembly no later than  
24 November 1 of each year that shall include, at a minimum, an  
25 annual summary of the monthly information reported to the  
26 chief procurement officer.

1           (c) This Code does not apply to the electric power  
2 procurement process provided for under Section 1-75 of the  
3 Illinois Power Agency Act and Section 16-111.5 of the Public  
4 Utilities Act. This Code does not apply to the procurement of  
5 technical and policy experts pursuant to Section 1-129 of the  
6 Illinois Power Agency Act.

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

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

23           (f) (Blank).

24           (g) (Blank).

25           (h) This Code does not apply to the process to procure or  
26 contracts entered into in accordance with Sections 11-5.2 and

1 11-5.3 of the Illinois Public Aid Code.

2 (i) Each chief procurement officer may access records  
3 necessary to review whether a contract, purchase, or other  
4 expenditure is or is not subject to the provisions of this  
5 Code, unless such records would be subject to attorney-client  
6 privilege.

7 (j) This Code does not apply to the process used by the  
8 Capital Development Board to retain an artist or work or works  
9 of art as required in Section 14 of the Capital Development  
10 Board Act.

11 (k) This Code does not apply to the process to procure  
12 contracts, or contracts entered into, by the State Board of  
13 Elections or the State Electoral Board for hearing officers  
14 appointed pursuant to the Election Code.

15 (l) This Code does not apply to the processes used by the  
16 Illinois Student Assistance Commission to procure supplies and  
17 services paid for from the private funds of the Illinois  
18 Prepaid Tuition Fund. As used in this subsection (l), "private  
19 funds" means funds derived from deposits paid into the  
20 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

21 (m) This Code shall apply regardless of the source of  
22 funds with which contracts are paid, including federal  
23 assistance moneys. Except as specifically provided in this  
24 Code, this Code shall not apply to procurement expenditures  
25 necessary for the Department of Public Health to conduct the  
26 Healthy Illinois Survey in accordance with Section 2310-431 of

1 the Department of Public Health Powers and Duties Law of the  
2 Civil Administrative Code of Illinois.

3 (Source: P.A. 103-8, eff. 6-7-23; 103-103, eff. 6-27-23;  
4 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594, eff.  
5 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25; 104-2,  
6 eff. 6-16-25; 104-417, eff. 8-15-25; 104-458, eff. 6-1-26;  
7 revised 1-12-26.)

8 Section 95. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.