



**NOTICE 2024.04
HIGHER EDUCATION**

To: University Procurement Staff
State Purchasing Officers

From: Bridget McHatton
Chief Procurement Officer – Higher Education

Date: December 28, 2023

Subject: Public Act 103-0570

CC: Commission on Equity and Inclusion
Procurement Policy Board

As a result of Public Act 103-0570 enacted on December 8, 2023, changes were made to the following sections of the Illinois Procurement Code (30 ILCS 500/); Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 537/); Governmental Joint Purchasing Act (30 ILCS 524/); Public Construction Bonds Act (30 ILCS 550/); Illinois Solid Waste Management Act (415 ILCS 20/); and Business Corporation Act (805 ILCS 5/). The Public Act becomes effective January 1, 2024.

Illinois Procurement Code (30 ILCS 500/)

- Section 1-10(b)(22)
Exempts contracts for public education programming, noncommercial sustaining announcements, public service announcements, and public awareness and education message with the nonprofit trade associations of the providers of those services that inform the public on immediate and ongoing health and safety risks and hazards.
- Section 1-13(12)
Exempts procurement expenditures for contracts entered into under the Public University Energy Conservation Act.
- Section 1-13(13)
Exempts procurement expenditures for advertising purchased directly from a media station or the owner of the station for distribution of advertising.



- Section 20-57(new)
A contract entered into by a public agency for the licensing of software applications designed to run on generally available desktop or server hardware may not limit the public agency's ability to install or run the software on any of the public agency's hardware.
- Section 20-60(a)
In connection with the issuance of certificates of participation or bonds, the governing board of a public institution of higher education may enter into contracts in excess of 10 years but not to exceed 30 years for the purpose of financing or refinancing real or person property.
- Section 20-160(c)
Removes "annually." Adds "pending" to "aggregate pending bids and proposals."
- Section 20-160(d)
Removes "annually" and "annual." Adds "pending" to "aggregate pending bids and proposals."
- Section 30-30(a)
Removes "operative through December 31, 2025."
- Section 30-30(b)
Adds "public institutions of higher education."
- Section 33-5(2)
"Board" means the Capital Development Board or, to the extent that the services are to be procured by a public institution of higher education.
- Section 45-35(a)(2)
Adds "provides for payment of a wage for contractual services under this Section that is no less than the applicable local or Illinois minimum wage, whichever is higher, for all employees performing work on the contract, including subcontractors performing work on the contract."
- Section 45-35(a)(3)
Adds "is (A) a disability-serving organization that is accredited by a nationally recognized accrediting organization or licensed by the Department of Human Services or (B) a Center for Independent Living."



- Section 45-45
Requires the CPO to issue a press release in conjunction with the small business annual report that includes an executive summary of the annual report and a link to the annual report on the CPO website.
- Section 45-57(e)
Increases the annual gross sales threshold from “\$75,000,000” to “\$150,000,000.”
- Section 45-105(a)
Deletes subsection.
- Section 45-105(e)
In procuring construction and construction-related professional services for projects with a total value that exceeds the small purchase maximum established by Section 20-20 of the Code, construction agencies shall provide a bid preference to a responsive and responsible bidder that is an Illinois Business as defined in this Section. The construction agency shall allocate to the lowest bid by an Illinois Business that is responsible and responsive a bid preference of 4% of the contract base bid. This subsection applies only to projects where a business that is not an Illinois business submits a bid.
- Section 45-105(g)
Provides definition of “Illinois Business.”
- Section 50-37(b)
Removes “annually.”
- Section 50-37(c)
Removes “annual.”

BEP Act (30 ILCS 575/)

- Section 2
Adds definitions of “Certified Vendor,” “Subcontractor,” “Prime Vendor,” and “Good Faith Efforts.” Changes definitions of “Business” and “Utilization Plan.”
- Section 7(3)
Changes “contractor” to “vendor.” Adds “[t]he Business Enterprise Program shall evaluate a vendor’s request for a waiver based on the vendor’s documented good faith efforts to meet the contract-specific Business Enterprise Program goal.”



- Section 7(3)(a)
Changes vendor requirements when requesting a waiver.
- Section 7(6)
Removes the requirement to include the “bid’s amount” of the contract awarded to each certified vendor that is a business owned by minorities, women, and persons with disabilities identified in the utilization plan in the public notice.
- Section 8(f)
Requires the Council to make the annual report available on its website and to issue a press release in conjunction with the annual report that includes an executive summary of the annual report and a link to the annual report on its website.

Governmental Joint Purchasing Act (30 ILCS 525/)

- Section 4.05(a)
Adds “it is in the best interest of the State to award a contract to a qualified not-for-profit agency for persons with significant disabilities under Section 45-35 of the Illinois Procurement Code.”
- Section 4.05(b)
Adds “whether the contract is eligible to be awarded to a not-for-profit agency for persons with significant disability under Section 45-35 of the Illinois Procurement Code.”
- Section 4.05(c)
Adds “[w]hen an agency requests to award a contract to a not-for-profit agency for persons with significant disabilities under Section 45-35 of the Illinois Procurement Code, the chief procurement officer may authorize the award.”
- Section 4.05(d)
Adds “[a]ll joint purchases under this Section shall follow the same procedures for not-for-profit agencies for persons with significant disabilities under Section 45-35 of the Illinois Procurement Code when the chief procurement officer determines that it is in the best interest of the State.”



Public Construction Bond Act (30 ILCS 550/)

- Section 1
Adds end date of January 1, 2029 and increases threshold from \$50,000 to \$150,000. On and after January 1, 2029, every contract for public work costing over \$50,000 requires every contractor for the work to furnish, supply and deliver a bond to the State. Adds requirements of the surety on the bond.

Illinois Solid Waste Management Act (415 ILCS 20/)

- Section 3
State agencies shall consider whether compost products can be used in the land maintenance activity project when soliciting and reviewing bids for land maintenance activity projects. If compost products can be used in the project, the State agency must use compost products unless it meets certain criteria. State agencies are encouraged to give priority to purchasing compost product from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs.

Business Corporation Act of 1983 (805 ILCS 5/)

- Section 14.40 (new)
Requires state contractors to provide reporting to the Commission on Equity and Inclusion and the Illinois Commerce Commission. Repeals on July 1, 2028.