

1 AN ACT relating to public contracting.

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

4 Section 1. Short title. This Act may be cited as the
5 Open Contracting Act.

6 Section 5. Purpose. The purpose of this Act is to
7 prohibit public entities from imposing certain labor
8 requirements as a condition of performing public works.

9 Section 10. Prohibited activities. The State, and any
10 political subdivision, agency, or instrumentality of the
11 State, when engaged in procuring products or services or
12 letting contracts for the manufacture or construction of
13 public works, or overseeing such procurement, manufacture, or
14 construction, shall ensure that bid specifications, project
15 agreements, and other controlling documents entered into,
16 required, or subject to approval by the State, political
17 subdivision, agency, or instrumentality do not:

18 (1) require bidders, offerors, contractors, or
19 subcontractors to enter into or adhere to agreements with
20 one or more labor organizations on the same or related
21 projects;

22 (2) discriminate against bidders, offerors,
23 contractors, or subcontractors for refusing to become or
24 remain signatories or otherwise adhere to agreements with
25 one or more labor organizations on the same or related
26 construction projects; or

27 (3) require any bidder, offeror, contractor, or
28 subcontractor to enter into, adhere to, or enforce any
29 agreement that requires its employees, as a condition of
30 employment, to:

1 (A) become members of or become affiliated
2 with a labor organization; or

3 (B) pay dues or fees to a labor organization,
4 over an employee's objection, in excess of the
5 employee's share of labor organization's costs
6 relating to collective bargaining, contract
7 administration, or grievance adjustment.

8 Section 15. Grants and cooperative agreements.

9 (a) The State, and any political subdivision, agency, or
10 instrumentality of the State, may not issue any grant or
11 enter into any cooperative agreement for any construction
12 project a condition of which requires that bid
13 specifications, project agreements, or other controlling
14 documents pertaining to the grant or cooperative agreement
15 contain any of the elements specified in Section 10.

16 (b) The State, and any political subdivision, agency, or
17 instrumentality of the State, shall exercise such authority
18 as may be required to preclude a grant recipient or party to
19 a cooperative agreement from imposing any of the elements
20 specified in Section 10 in connection with the award of any
21 grant or the entering into of any cooperative agreement.

22 Section 20. Enforcement. Any interested party,
23 including a bidder, offeror, contractor, subcontractor, or
24 taxpayer, has standing to challenge any bid specification,
25 project agreement, controlling document, grant, or
26 cooperative agreement that violates this Act and shall be
27 awarded costs and attorney's fees if the challenge prevails.