



Sen. Pat McGuire

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10100SB2121sam001

LRB101 10969 RJF 58654 a

1 AMENDMENT TO SENATE BILL 2121

2 AMENDMENT NO. _____. Amend Senate Bill 2121 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Business Enterprise for Minorities, Women,
5 and Persons with Disabilities Act is amended by changing
6 Sections 4f, 6, and 8f as follows:

7 (30 ILCS 575/4f)

8 (Section scheduled to be repealed on June 30, 2020)

9 Sec. 4f. Award of State contracts to professional service
10 firms.

11 (1) It is hereby declared to be the public policy of the
12 State of Illinois to promote and encourage each State agency
13 and public institution of higher education to use businesses
14 owned by minorities, women, and persons with disabilities in
15 the area of goods and services, including, but not limited to,
16 insurance services, investment management services,

1 information technology services, accounting services,
2 architectural and engineering services, and legal services.
3 Furthermore, each State agency and public institution of higher
4 education shall utilize such firms to the greatest extent
5 feasible within the bounds of financial and fiduciary prudence,
6 and take affirmative steps to remove any barriers to the full
7 participation of such firms in the procurement and contracting
8 opportunities afforded.

9 (a) When a State agency or public institution of higher
10 education, other than a community college, awards a
11 contract for insurance services, for each State agency or
12 public institution of higher education, it shall be the
13 aspirational goal to use insurance brokers owned by
14 minorities, women, and persons with disabilities as
15 defined by this Act, for not less than 20% of the total
16 annual premiums or fees.

17 (b) When a State agency or public institution of higher
18 education, other than a community college, awards a
19 contract for investment services, for each State agency or
20 public institution of higher education, it shall be the
21 aspirational goal to use emerging investment managers
22 owned by minorities, women, and persons with disabilities
23 as defined by this Act, for not less than 20% of the total
24 funds under management. Furthermore, it is the
25 aspirational goal that not less than 20% of the direct
26 asset managers of the State funds be minorities, women, and

1 persons with disabilities.

2 (c) When a State agency or public institution of higher
3 education, other than a community college, awards
4 contracts for information technology services, accounting
5 services, architectural and engineering services, and
6 legal services, for each State agency and public
7 institution of higher education, it shall be the
8 aspirational goal to use such firms owned by minorities,
9 women, and persons with disabilities as defined by this Act
10 and lawyers who are minorities, women, and persons with
11 disabilities as defined by this Act, for not less than 20%
12 of the total dollar amount of State contracts.

13 (d) When a community college awards a contract for
14 insurance services, investment services, information
15 technology services, accounting services, architectural
16 and engineering services, and legal services, it shall be
17 the aspirational goal of each community college to use
18 businesses owned by minorities, women, and persons with
19 disabilities as defined in this Act for not less than 20%
20 of the total amount spent on contracts for these services
21 collectively. When a community college awards contracts
22 for investment services, contracts awarded to investment
23 managers who are not emerging investment managers as
24 defined in this Act shall not be considered businesses
25 owned by minorities, women, or persons with disabilities
26 for the purposes of this Section.

1 (2) As used in this Section:

2 "Accounting services" means the measurement,
3 processing and communication of financial information
4 about economic entities including, but is not limited to,
5 financial accounting, management accounting, auditing,
6 cost containment and auditing services, taxation and
7 accounting information systems.

8 "Architectural and engineering services" means
9 professional services of an architectural or engineering
10 nature, or incidental services, that members of the
11 architectural and engineering professions, and individuals
12 in their employ, may logically or justifiably perform,
13 including studies, investigations, surveying and mapping,
14 tests, evaluations, consultations, comprehensive planning,
15 program management, conceptual designs, plans and
16 specifications, value engineering, construction phase
17 services, soils engineering, drawing reviews, preparation
18 of operating and maintenance manuals, and other related
19 services.

20 "Emerging investment manager" means an investment
21 manager or claims consultant having assets under
22 management below \$10 billion or otherwise adjudicating
23 claims.

24 "Information technology services" means, but is not
25 limited to, specialized technology-oriented solutions by
26 combining the processes and functions of software,

1 hardware, networks, telecommunications, web designers,
2 cloud developing resellers, and electronics.

3 "Insurance broker" means an insurance brokerage firm,
4 claims administrator, or both, that procures, places all
5 lines of insurance, or administers claims with annual
6 premiums or fees of at least \$5,000,000 but not more than
7 \$10,000,000.

8 "Legal services" means work performed by a lawyer
9 including, but not limited to, contracts in anticipation of
10 litigation, enforcement actions, or investigations.

11 (3) Each State agency and public institution of higher
12 education shall adopt policies that identify its plan and
13 implementation procedures for increasing the use of service
14 firms owned by minorities, women, and persons with
15 disabilities.

16 (4) ~~The~~ ~~Except as provided in subsection (5),~~ the Council
17 shall file no later than March 1 of each year an annual report
18 to the Governor and the General Assembly. The report filed with
19 the General Assembly shall be filed as required in Section 3.1
20 of the General Assembly Organization Act. This report shall:
21 (i) identify the service firms used by each State agency and
22 public institution of higher education, (ii) identify the
23 actions it has undertaken to increase the use of service firms
24 owned by minorities, women, and persons with disabilities,
25 including encouraging non-minority-owned firms to use other
26 service firms owned by minorities, women, and persons with

1 disabilities as subcontractors when the opportunities arise,
2 (iii) state any recommendations made by the Council to each
3 State agency and public institution of higher education to
4 increase participation by the use of service firms owned by
5 minorities, women, and persons with disabilities, and (iv)
6 include the following:

7 (A) For insurance services: the names of the insurance
8 brokers or claims consultants used, the total of risk
9 managed by each State agency and public institution of
10 higher education by insurance brokers, the total
11 commissions, fees paid, or both, the lines or insurance
12 policies placed, and the amount of premiums placed; and the
13 percentage of the risk managed by insurance brokers, the
14 percentage of total commission, fees paid, or both, the
15 lines or insurance policies placed, and the amount of
16 premiums placed with each by the insurance brokers owned by
17 minorities, women, and persons with disabilities by each
18 State agency and public institution of higher education.

19 (B) For investment management services: the names of
20 the investment managers used, the total funds under
21 management of investment managers; the total commissions,
22 fees paid, or both; the total and percentage of funds under
23 management of emerging investment managers owned by
24 minorities, women, and persons with disabilities,
25 including the total and percentage of total commissions,
26 fees paid, or both by each State agency and public

1 institution of higher education.

2 (C) The names of service firms, the percentage and
3 total dollar amount paid for professional services by
4 category by each State agency and public institution of
5 higher education.

6 (D) The names of service firms, the percentage and
7 total dollar amount paid for services by category to firms
8 owned by minorities, women, and persons with disabilities
9 by each State agency and public institution of higher
10 education.

11 (E) The total number of contracts awarded for services
12 by category and the total number of contracts awarded to
13 firms owned by minorities, women, and persons with
14 disabilities by each State agency and public institution of
15 higher education.

16 (5) (Blank). ~~For community college districts, the Business~~
17 ~~Enterprise Council shall only report the following information~~
18 ~~for each community college district: (i) the name of the~~
19 ~~community colleges in the district, (ii) the name and contact~~
20 ~~information of a person at each community college appointed to~~
21 ~~be the single point of contact for vendors owned by minorities,~~
22 ~~women, or persons with disabilities, (iii) the policy of the~~
23 ~~community college district concerning certified vendors, (iv)~~
24 ~~the certifications recognized by the community college~~
25 ~~district for determining whether a business is owned or~~
26 ~~controlled by a minority, woman, or person with a disability,~~

1 ~~(v) outreach efforts conducted by the community college~~
2 ~~district to increase the use of certified vendors, (vi) the~~
3 ~~total expenditures by the community college district in the~~
4 ~~prior fiscal year in the divisions of work specified in~~
5 ~~paragraphs (a), (b), and (c) of subsection (1) of this Section~~
6 ~~and the amount paid to certified vendors in those divisions of~~
7 ~~work, and (vii) the total number of contracts entered into for~~
8 ~~the divisions of work specified in paragraphs (a), (b), and (c)~~
9 ~~of subsection (1) of this Section and the total number of~~
10 ~~contracts awarded to certified vendors providing these~~
11 ~~services to the community college district. The Business~~
12 ~~Enterprise Council shall not make any utilization reports under~~
13 ~~this Act for community college districts for Fiscal Year 2015~~
14 ~~and Fiscal Year 2016, but shall make the report required by~~
15 ~~this subsection for Fiscal Year 2017 and for each fiscal year~~
16 ~~thereafter. The Business Enterprise Council shall report the~~
17 ~~information in items (i), (ii), (iii), and (iv) of this~~
18 ~~subsection beginning in September of 2016. The Business~~
19 ~~Enterprise Council may collect the data needed to make its~~
20 ~~report from the Illinois Community College Board.~~

21 (6) The status of the utilization of services shall be
22 discussed at each of the regularly scheduled Business
23 Enterprise Council meetings. Time shall be allotted for the
24 Council to receive, review, and discuss the progress of the use
25 of service firms owned by minorities, women, and persons with
26 disabilities by each State agency and public institution of

1 higher education; and any evidence regarding past or present
2 racial, ethnic, or gender-based discrimination which directly
3 impacts a State agency or public institution of higher
4 education contracting with such firms. If after reviewing such
5 evidence the Council finds that there is or has been such
6 discrimination against a specific group, race or sex, the
7 Council shall establish sheltered markets or adjust existing
8 sheltered markets tailored to address the Council's specific
9 findings for the divisions of work specified in paragraphs (a),
10 (b), and (c) of subsection (1) of this Section.

11 (Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;
12 100-391, eff. 8-25-17.)

13 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

14 (Section scheduled to be repealed on June 30, 2020)

15 Sec. 6. Agency compliance plans. Each State agency and
16 public institutions of higher education under the jurisdiction
17 of this Act shall file with the Council an annual compliance
18 plan which shall outline the goals of the State agency or
19 public institutions of higher education for contracting with
20 businesses owned by minorities, women, and persons with
21 disabilities for the then current fiscal year, the manner in
22 which the agency intends to reach these goals and a timetable
23 for reaching these goals. The Council shall review and approve
24 the plan of each State agency and public institutions of higher
25 education and may reject any plan that does not comply with

1 this Act or any rules or regulations promulgated pursuant to
2 this Act.

3 (a) The compliance plan shall also include, but not be
4 limited to, (1) a policy statement, signed by the State agency
5 or public institution of higher education head, expressing a
6 commitment to encourage the use of businesses owned by
7 minorities, women, and persons with disabilities, (2) the
8 designation of the liaison officer provided for in Section 5 of
9 this Act, (3) procedures to distribute to potential contractors
10 and vendors the list of all businesses legitimately classified
11 as businesses owned by minorities, women, and persons with
12 disabilities and so certified under this Act, (4) procedures to
13 set separate contract goals on specific prime contracts and
14 purchase orders with subcontracting possibilities based upon
15 the type of work or services and subcontractor availability,
16 (5) procedures to assure that contractors and vendors make good
17 faith efforts to meet contract goals, (6) procedures for
18 contract goal exemption, modification and waiver, and (7) the
19 delineation of separate contract goals for businesses owned by
20 minorities, women, and persons with disabilities.

21 (b) Approval of the compliance plans shall include such
22 delegation of responsibilities to the requesting State agency
23 or public institution of higher education as the Council deems
24 necessary and appropriate to fulfill the purpose of this Act.
25 Such responsibilities may include, but need not be limited to
26 those outlined in subsections (1), (2) and (3) of Section 7,

1 paragraph (a) of Section 8, and Section 8a of this Act.

2 (c) Each State agency and public institution of higher
3 education under the jurisdiction of this Act shall file with
4 the Council an annual report of its utilization of businesses
5 owned by minorities, women, and persons with disabilities
6 during the preceding fiscal year including lapse period
7 spending and a mid-fiscal year report of its utilization to
8 date for the then current fiscal year. The reports shall
9 include a self-evaluation of the efforts of the State agency or
10 public institution of higher education to meet its goals under
11 the Act.

12 (d) Notwithstanding any provisions to the contrary in this
13 Act, any State agency or public institution of higher education
14 which administers a construction program, for which federal law
15 or regulations establish standards and procedures for the
16 utilization of minority-owned and women-owned businesses and
17 disadvantaged businesses, shall implement a disadvantaged
18 business enterprise program to include minority-owned and
19 women-owned businesses and disadvantaged businesses, using the
20 federal standards and procedures for the establishment of goals
21 and utilization procedures for the State-funded, as well as the
22 federally assisted, portions of the program. In such cases,
23 these goals shall not exceed those established pursuant to the
24 relevant federal statutes or regulations. Notwithstanding the
25 provisions of Section 8b, the Illinois Department of
26 Transportation is authorized to establish sheltered markets

1 for the State-funded portions of the program consistent with
2 federal law and regulations. Additionally, a compliance plan
3 which is filed by such State agency or public institution of
4 higher education pursuant to this Act, which incorporates
5 equivalent terms and conditions of its federally-approved
6 compliance plan, shall be deemed approved under this Act.

7 (e) Each community college district shall file the annual
8 compliance plan, mid-fiscal year report, and annual report as
9 specified in paragraphs (a) and (c) of this Section with the
10 Illinois Community College Board. The Illinois Community
11 College Board shall compile and submit the reports required
12 under this Section to the Secretary of the Council.

13 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

14 (30 ILCS 575/8f)

15 (Section scheduled to be repealed on June 30, 2020)

16 Sec. 8f. Annual report. The Council shall file no later
17 than March 1 of each year, an annual report that shall detail
18 the level of achievement toward the goals specified in this Act
19 over the 3 most recent fiscal years. The annual report shall
20 include, but need not be limited to the following:

21 (1) a summary detailing expenditures subject to the
22 goals, the actual goals specified, and the goals attained
23 by each State agency and public institution of higher
24 education;

25 (2) a summary of the number of contracts awarded and

1 the average contract amount by each State agency and public
2 institution of higher education;

3 (3) an analysis of the level of overall goal
4 achievement concerning purchases from minority-owned
5 businesses, women-owned businesses, and businesses owned
6 by persons with disabilities;

7 (4) an analysis of the number of businesses owned by
8 minorities, women, and persons with disabilities that are
9 certified under the program as well as the number of those
10 businesses that received State procurement contracts; ~~and~~

11 (5) a summary of the number of contracts awarded to
12 businesses with annual gross sales of less than \$1,000,000;
13 of \$1,000,000 or more, but less than \$5,000,000; of
14 \$5,000,000 or more, but less than \$10,000,000; and of
15 \$10,000,000 or more; and.

16 (6) for community college districts, the Council shall
17 only report the following information for each community
18 college district: (i) the name of the community colleges in
19 the district; (ii) the name and contact information of a
20 person at each community college appointed to be the single
21 point of contact for vendors owned by minorities, women, or
22 persons with disabilities; (iii) the policy of the
23 community college district concerning certified vendors;
24 (iv) the certifications recognized by the community
25 college district for determining whether a business is
26 owned or controlled by a minority, woman, or person with a

1 disability; (v) outreach efforts conducted by the
2 community college district to increase the use of certified
3 vendors; (vi) the total expenditures by the community
4 college district in the prior fiscal year in the divisions
5 of work specified in paragraph (d) of subsection (1) of
6 Section 4f and the amount paid to certified vendors in
7 those divisions of work; (vii) the total number of
8 contracts entered into for the divisions of work specified
9 in paragraph (d) of subsection (1) of Section 4f and the
10 total number of contracts awarded to certified vendors
11 providing these services to the community college
12 district; (viii) the total expenditures and the total
13 number of State contracts entered into by the community
14 college district in the prior fiscal year as specified in
15 paragraph (a) of Section 4, and the amount paid to
16 certified vendors and the total number of contract awarded
17 to vendors; and (ix) the total expenditures and the total
18 number of contracts entered into by the community college
19 district in the prior fiscal year as specified under
20 paragraph (b) of Section 4, and the amount paid to
21 certified vendors and the total number of contracts awarded
22 to certified vendors.

23 Each community college shall file the information required
24 under paragraph (6) with the Illinois Community College Board.
25 The Illinois Community College Board shall compile and submit
26 the reports required under paragraph (6) to the Secretary of

1 the Council.

2 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)".