



Rep. Constance A. Howard

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LRB095 09926 JAM 35536 a

1 AMENDMENT TO HOUSE BILL 1021

2 AMENDMENT NO. _____. Amend House Bill 1021, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Procurement Code is amended by
6 adding Sections 25-80 and 25-85 as follows:

7 (30 ILCS 500/25-80 new)

8 Sec. 25-80. Government contracts. Each chief procurement
9 officer may authorize, when in the best interest of the State,
10 a State agency to procure supplies and services, including but
11 not limited to technology supplies and services, without any
12 method of source selection otherwise required by this Code,
13 from a vendor with a current contract with an Illinois
14 municipality of 500,000 or more population. The intended
15 contract must have been let pursuant to competitive selection
16 procedures reasonably comparable to procedures used by the

1 State of Illinois. The purchase must be for substantially
2 similar supplies or services and under the same or better terms
3 and conditions. Details of the determination and intent to use
4 the municipality's contract shall be published in the
5 appropriate volume of the Illinois Procurement Bulletin for a
6 period of 14 days prior to execution of the new contract to
7 allow for a challenge period to the determination of best
8 interest. Contracts resulting from this process shall contain
9 all statutory provisions required by Illinois law and rule.

10 (30 ILCS 500/25-85 new)

11 Sec. 25-85. Cooperative purchasing. Each chief procurement
12 officer may authorize, when in the best interest of the State,
13 without any method of source selection otherwise required by
14 this Code, a State agency to enter into agreements with other
15 State governmental entities, or consortia of other State
16 governmental entities, for the purpose of jointly procuring
17 supplies and services. The State of Illinois may act as the
18 lead or as a participant in such agreements. All solicitations
19 and awards resulting from any cooperative purchasing agreement
20 shall be published in the appropriate volume of the Illinois
21 Procurement Bulletin in compliance with current solicitation,
22 protest, and award publication requirements. Contracts
23 resulting from cooperative purchasing agreements shall contain
24 all statutory provisions required by Illinois law and rule. The
25 State procuring agency shall ensure Illinois distributors

1 participate to the maximum extent practicable.

2 Section 10. The Business Enterprise for Minorities,
3 Females, and Persons with Disabilities Act is amended by
4 changing Section 2 as follows:

5 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

6 (Section scheduled to be repealed on September 6, 2008)

7 Sec. 2. Definitions.

8 (A) For the purpose of this Act, the following terms shall
9 have the following definitions:

10 (1) "Minority person" shall mean a person who is a citizen
11 or lawful permanent resident of the United States and who is:

12 (a) African American (a person having origins in any of
13 the black racial groups in Africa);

14 (b) Hispanic (a person of Spanish or Portuguese culture
15 with origins in Mexico, South or Central America, or the
16 Caribbean Islands, regardless of race);

17 (c) Asian American (a person having origins in any of
18 the original peoples of the Far East, Southeast Asia, the
19 Indian Subcontinent or the Pacific Islands); or

20 (d) Native American or Alaskan Native (a person having
21 origins in any of the original peoples of North America).

22 (2) "Female" shall mean a person who is a citizen or lawful
23 permanent resident of the United States and who is of the
24 female gender.

1 (2.05) "Person with a disability" means a person who is a
2 citizen or lawful resident of the United States and is a person
3 qualifying as being disabled under subdivision (2.1) of this
4 subsection (A).

5 (2.1) "Disabled" means a severe physical or mental
6 disability that:

7 (a) results from:

8 amputation,

9 arthritis,

10 autism,

11 blindness,

12 burn injury,

13 cancer,

14 cerebral palsy,

15 cystic fibrosis,

16 deafness,

17 head injury,

18 heart disease,

19 hemiplegia,

20 hemophilia,

21 respiratory or pulmonary dysfunction,

22 mental retardation,

23 mental illness,

24 multiple sclerosis,

25 muscular dystrophy,

26 musculoskeletal disorders,

1 neurological disorders, including stroke and epilepsy,
2 paraplegia,
3 quadriplegia and other spinal cord conditions,
4 sickle cell anemia,
5 specific learning disabilities, or
6 end stage renal failure disease; and

7 (b) substantially limits one or more of the person's major
8 life activities.

9 Another disability or combination of disabilities may also
10 be considered as a severe disability for the purposes of item
11 (a) of this subdivision (2.1) if it is determined by an
12 evaluation of rehabilitation potential to cause a comparable
13 degree of substantial functional limitation similar to the
14 specific list of disabilities listed in item (a) of this
15 subdivision (2.1).

16 (3) "Minority owned business" means a business concern
17 which is at least 51% owned by one or more minority persons, or
18 in the case of a corporation, at least 51% of the stock in
19 which is owned by one or more minority persons; and the
20 management and daily business operations of which are
21 controlled by one or more of the minority individuals who own
22 it.

23 (4) "Female owned business" means a business concern which
24 is at least 51% owned by one or more females, or, in the case of
25 a corporation, at least 51% of the stock in which is owned by
26 one or more females; and the management and daily business

1 operations of which are controlled by one or more of the
2 females who own it.

3 (4.1) "Business owned by a person with a disability" means
4 a business concern that is at least 51% owned by one or more
5 persons with a disability and the management and daily business
6 operations of which are controlled by one or more of the
7 persons with disabilities who own it. A not-for-profit agency
8 for persons with disabilities that is exempt from taxation
9 under Section 501 of the Internal Revenue Code of 1986 is also
10 considered a "business owned by a person with a disability".

11 (4.2) "Council" means the Business Enterprise Council for
12 Minorities, Females, and Persons with Disabilities created
13 under Section 5 of this Act.

14 (5) "State contracts" shall mean all State contracts,
15 funded exclusively with State funds which are not subject to
16 federal reimbursement, whether competitively bid or negotiated
17 as defined by the Secretary of the Council and approved by the
18 Council.

19 "State construction contracts" means all State contracts
20 entered into by a State agency or State university for the
21 repair, remodeling, renovation or construction of a building or
22 structure, or for the construction or maintenance of a highway
23 defined in Article 2 of the Illinois Highway Code.

24 (6) "State agencies" shall mean all departments, officers,
25 boards, commissions, institutions and bodies politic and
26 corporate of the State, but does not include the Board of

1 Trustees of the University of Illinois, the Board of Trustees
2 of Southern Illinois University, the Board of Trustees of
3 Chicago State University, the Board of Trustees of Eastern
4 Illinois University, the Board of Trustees of Governors State
5 University, the Board of Trustees of Illinois State University,
6 the Board of Trustees of Northeastern Illinois University, the
7 Board of Trustees of Northern Illinois University, the Board of
8 Trustees of Western Illinois University, municipalities or
9 other local governmental units, or other State constitutional
10 officers.

11 (7) "State universities" shall mean the Board of Trustees
12 of the University of Illinois, the Board of Trustees of
13 Southern Illinois University, the Board of Trustees of Chicago
14 State University, the Board of Trustees of Eastern Illinois
15 University, the Board of Trustees of Governors State
16 University, the Board of Trustees of Illinois State University,
17 the Board of Trustees of Northeastern Illinois University, the
18 Board of Trustees of Northern Illinois University, and the
19 Board of Trustees of Western Illinois University.

20 (8) "Certification" means a determination made by the
21 Council or by one delegated authority from the Council to make
22 certifications, or by a State agency with statutory authority
23 to make such a certification, that a business entity is a
24 business owned by a minority, female, or person with a
25 disability for whatever purpose.

26 (9) "Control" means the exclusive or ultimate and sole

1 control of the business including, but not limited to, capital
2 investment and all other financial matters, property,
3 acquisitions, contract negotiations, legal matters,
4 officer-director-employee selection and comprehensive hiring,
5 operating responsibilities, cost-control matters, income and
6 dividend matters, financial transactions and rights of other
7 shareholders or joint partners. Control shall be real,
8 substantial and continuing, not pro forma. Control shall
9 include the power to direct or cause the direction of the
10 management and policies of the business and to make the
11 day-to-day as well as major decisions in matters of policy,
12 management and operations. Control shall be exemplified by
13 possessing the requisite knowledge and expertise to run the
14 particular business and control shall not include simple
15 majority or absentee ownership.

16 (10) "Business concern or business" means a business that
17 has average annual gross sales over the 3 most recent calendar
18 years of less than \$31,400,000 as evidenced by the federal
19 income tax return of the business. Each July 1 this cap shall
20 be adjusted for inflation as determined by the Consumer Price
21 Index for All Urban Consumers as determined by the United
22 States Department of Labor and rounded to the nearest \$100. A
23 firm with gross sales in excess of this cap may apply to the
24 Council for certification for a particular contract if the firm
25 can demonstrate that the contract would have significant impact
26 on businesses owned by minorities, females, or persons with

1 disabilities as suppliers or subcontractors or in employment of
2 minorities, females, or persons with disabilities. ~~"Business~~
3 ~~concern or business" means a business which has annual gross~~
4 ~~sales for the most recent fiscal year of less than \$27,000,000,~~
5 ~~except that a firm with gross sales in excess of that amount~~
6 ~~may apply to the Council for certification for a particular~~
7 ~~contract if the firm can demonstrate that the contract would~~
8 ~~have significant impact on businesses owned by minorities,~~
9 ~~females, or persons with disabilities as suppliers or~~
10 ~~subcontractors or in employment of minorities, females, or~~
11 ~~persons with disabilities.~~

12 (B) When a business concern is owned at least 51% by any
13 combination of minority persons, females, or persons with
14 disabilities, even though none of the 3 classes alone holds at
15 least a 51% interest, the ownership requirement for purposes of
16 this Act is considered to be met. The certification category
17 for the business is that of the class holding the largest
18 ownership interest in the business. If 2 or more classes have
19 equal ownership interests, the certification category shall be
20 determined by the Department of Central Management Services.

21 (Source: P.A. 92-670, eff. 7-16-02.)".