

# HB5099



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5099

by Rep. Elga L. Jefferies

### SYNOPSIS AS INTRODUCED:

70 ILCS 210/23.1

from Ch. 85, par. 1243.1

Amends the Metropolitan Pier and Exposition Authority Act. Makes a technical change in a Section concerning an affirmative action program.

LRB095 18142 HLH 44225 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Metropolitan Pier and Exposition Authority  
5 Act is amended by changing Section 23.1 as follows:

6 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

7 Sec. 23.1. Affirmative action.

8 (a) The Authority shall, within 90 days after the ~~the~~  
9 effective date of this amendatory Act of 1984, establish and  
10 maintain an affirmative action program designed to promote  
11 equal employment opportunity and eliminate the effects of past  
12 discrimination. Such program shall include a plan, including  
13 timetables where appropriate, which shall specify goals and  
14 methods for increasing participation by women and minorities in  
15 employment by the Authority and by parties which contract with  
16 the Authority. The Authority shall submit a detailed plan with  
17 the General Assembly prior to September 1 of each year. Such  
18 program shall also establish procedures and sanctions  
19 (including debarment), which the Authority shall enforce to  
20 ensure compliance with the plan established pursuant to this  
21 Section and with State and federal laws and regulations  
22 relating to the employment of women and minorities. A  
23 determination by the Authority as to whether a party to a

1 contract with the Authority has achieved the goals or employed  
2 the methods for increasing participation by women and  
3 minorities shall be determined in accordance with the terms of  
4 such contracts or the applicable provisions of rules and  
5 regulations of the Authority existing at the time such contract  
6 was executed, including any provisions for consideration of  
7 good faith efforts at compliance which the Authority may  
8 reasonably adopt.

9 (b) The Authority shall adopt and maintain minority and  
10 female owned business enterprise procurement programs under  
11 the affirmative action program described in subsection (a) for  
12 any and all work undertaken by the Authority. That work shall  
13 include, but is not limited to, the purchase of professional  
14 services, construction services, supplies, materials, and  
15 equipment. The programs shall establish goals of awarding not  
16 less than 25% of the annual dollar value of all contracts,  
17 purchase orders, or other agreements (collectively referred to  
18 as "contracts") to minority owned businesses and 5% of the  
19 annual dollar value of all contracts to female owned  
20 businesses. Without limiting the generality of the foregoing,  
21 the programs shall require in connection with the  
22 prequalification or consideration of vendors for professional  
23 service contracts, construction contracts, and contracts for  
24 supplies, materials, equipment, and services that each  
25 proposer or bidder submit as part of his or her proposal or bid  
26 a commitment detailing how he or she will expend 25% or more of

1 the dollar value of his or her contracts with one or more  
2 minority owned businesses and 5% or more of the dollar value  
3 with one or more female owned businesses. Bids or proposals  
4 that do not include such detailed commitments are not  
5 responsive and shall be rejected unless the Authority deems it  
6 appropriate to grant a waiver of these requirements. In  
7 addition the Authority may, in connection with the selection of  
8 providers of professional services, reserve the right to select  
9 a minority or female owned business or businesses to fulfill  
10 the commitment to minority and female business participation.  
11 The commitment to minority and female business participation  
12 may be met by the contractor or professional service provider's  
13 status as a minority or female owned business, by joint venture  
14 or by subcontracting a portion of the work with or purchasing  
15 materials for the work from one or more such businesses, or by  
16 any combination thereof. Each contract shall require the  
17 contractor or provider to submit a certified monthly report  
18 detailing the status of that contractor or provider's  
19 compliance with the Authority's minority and female owned  
20 business enterprise procurement program. The Authority, after  
21 reviewing the monthly reports of the contractors and providers,  
22 shall compile a comprehensive report regarding compliance with  
23 this procurement program and file it quarterly with the General  
24 Assembly. If, in connection with a particular contract, the  
25 Authority determines that it is impracticable or excessively  
26 costly to obtain minority or female owned businesses to perform

1 sufficient work to fulfill the commitment required by this  
2 subsection, the Authority shall reduce or waive the commitment  
3 in the contract, as may be appropriate. The Authority shall  
4 establish rules and regulations setting forth the standards to  
5 be used in determining whether or not a reduction or waiver is  
6 appropriate. The terms "minority owned business" and "female  
7 owned business" have the meanings given to those terms in the  
8 Business Enterprise for Minorities, Females, and Persons with  
9 Disabilities Act.

10 (c) The Authority shall adopt and maintain an affirmative  
11 action program in connection with the hiring of minorities and  
12 women on the Expansion Project and on any and all construction  
13 projects undertaken by the Authority. The program shall be  
14 designed to promote equal employment opportunity and shall  
15 specify the goals and methods for increasing the participation  
16 of minorities and women in a representative mix of job  
17 classifications required to perform the respective contracts  
18 awarded by the Authority.

19 (d) In connection with the Expansion Project, the Authority  
20 shall incorporate the following elements into its minority and  
21 female owned business procurement programs to the extent  
22 feasible: (1) a major contractors program that permits minority  
23 owned businesses and female owned businesses to bear  
24 significant responsibility and risk for a portion of the  
25 project; (2) a mentor/protege program that provides financial,  
26 technical, managerial, equipment, and personnel support to

1 minority owned businesses and female owned businesses; (3) an  
2 emerging firms program that includes minority owned businesses  
3 and female owned businesses that would not otherwise qualify  
4 for the project due to inexperience or limited resources; (4) a  
5 small projects program that includes participation by smaller  
6 minority owned businesses and female owned businesses on jobs  
7 where the total dollar value is \$5,000,000 or less; and (5) a  
8 set-aside program that will identify contracts requiring the  
9 expenditure of funds less than \$50,000 for bids to be submitted  
10 solely by minority owned businesses and female owned  
11 businesses.

12 (e) The Authority is authorized to enter into agreements  
13 with contractors' associations, labor unions, and the  
14 contractors working on the Expansion Project to establish an  
15 Apprenticeship Preparedness Training Program to provide for an  
16 increase in the number of minority and female journeymen and  
17 apprentices in the building trades and to enter into agreements  
18 with Community College District 508 to provide readiness  
19 training. The Authority is further authorized to enter into  
20 contracts with public and private educational institutions and  
21 persons in the hospitality industry to provide training for  
22 employment in the hospitality industry.

23 (f) McCormick Place Advisory Board. There is created a  
24 McCormick Place Advisory Board composed as follows: 2 members  
25 shall be appointed by the Mayor of Chicago; 2 members shall be  
26 appointed by the Governor; 2 members shall be State Senators

1 appointed by the President of the Senate; 2 members shall be  
2 State Senators appointed by the Minority Leader of the Senate;  
3 2 members shall be State Representatives appointed by the  
4 Speaker of the House of Representatives; and 2 members shall be  
5 State Representatives appointed by the Minority Leader of the  
6 House of Representatives. The terms of all previously appointed  
7 members of the Advisory Board expire on the effective date of  
8 this amendatory Act of the 92nd General Assembly. A State  
9 Senator or State Representative member may appoint a designee  
10 to serve on the McCormick Place Advisory Board in his or her  
11 absence.

12 A "member of a minority group" shall mean a person who is a  
13 citizen or lawful permanent resident of the United States and  
14 who is

15 (1) Black (a person having origins in any of the black  
16 racial groups in Africa);

17 (2) Hispanic (a person of Spanish or Portuguese culture  
18 with origins in Mexico, South or Central America, or the  
19 Caribbean Islands, regardless of race);

20 (3) Asian American (a person having origins in any of  
21 the original peoples of the Far East, Southeast Asia, the  
22 Indian Subcontinent, or the Pacific Islands); or

23 (4) American Indian or Alaskan Native (a person having  
24 origins in any of the original peoples of North America).

25 Members of the McCormick Place Advisory Board shall serve  
26 2-year terms and until their successors are appointed, except

1 members who serve as a result of their elected position whose  
2 terms shall continue as long as they hold their designated  
3 elected positions. Vacancies shall be filled by appointment for  
4 the unexpired term in the same manner as original appointments  
5 are made. The McCormick Place Advisory Board shall elect its  
6 own chairperson.

7 Members of the McCormick Place Advisory Board shall serve  
8 without compensation but, at the Authority's discretion, shall  
9 be reimbursed for necessary expenses in connection with the  
10 performance of their duties.

11 The McCormick Place Advisory Board shall meet quarterly, or  
12 as needed, shall produce any reports it deems necessary, and  
13 shall:

14 (1) Work with the Authority on ways to improve the area  
15 physically and economically;

16 (2) Work with the Authority regarding potential means  
17 for providing increased economic opportunities to  
18 minorities and women produced indirectly or directly from  
19 the construction and operation of the Expansion Project;

20 (3) Work with the Authority to minimize any potential  
21 impact on the area surrounding the McCormick Place  
22 Expansion Project, including any impact on minority or  
23 female owned businesses, resulting from the construction  
24 and operation of the Expansion Project;

25 (4) Work with the Authority to find candidates for  
26 building trades apprenticeships, for employment in the



1           hospitality industry, and to identify job training  
2           programs;

3           (5) Work with the Authority to implement the provisions  
4           of subsections (a) through (e) of this Section in the  
5           construction of the Expansion Project, including the  
6           Authority's goal of awarding not less than 25% and 5% of  
7           the annual dollar value of contracts to minority and female  
8           owned businesses, the outreach program for minorities and  
9           women, and the mentor/protege program for providing  
10          assistance to minority and female owned businesses.

11          (Source: P.A. 91-422, eff. 1-1-00; 92-16, eff. 6-28-01; 92-208,  
12          eff. 8-2-01.)