



Sen. Wm. Sam McCann

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1 AMENDMENT TO SENATE BILL 3659

2 AMENDMENT NO. _____. Amend Senate Bill 3659 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 45-35 as follows:

6 (30 ILCS 500/45-35)

7 Sec. 45-35. Facilities for persons with severe
8 disabilities.

9 (a) Qualification. Supplies and services may be procured
10 without advertising or calling for bids from any qualified
11 not-for-profit agency for persons with severe disabilities
12 that:

13 (1) complies with Illinois laws governing private
14 not-for-profit organizations;

15 (2) is certified as a sheltered workshop by the Wage
16 and Hour Division of the United States Department of Labor

1 or is an accredited vocational program that provides
2 transition services to youth between the ages of 14 1/2 and
3 22 in accordance with individualized education plans under
4 Section 14-8.03 of the School Code and that provides
5 residential services at a child care institution, as
6 defined under Section 2.06 of the Child Care Act of 1969,
7 or at a group home, as defined under Section 2.16 of the
8 Child Care Act of 1969; and

9 (3) meets the applicable Illinois Department of Human
10 Services just standards.

11 (b) Participation. To participate, the not-for-profit
12 agency must have indicated an interest in providing the
13 supplies and services, must meet the specifications and needs
14 of the using agency, and must set a fair market price.

15 (c) Committee. There is created within the Department of
16 Central Management Services a committee to facilitate the
17 purchase of products and services of persons so severely
18 disabled by a physical, developmental, or mental disability or
19 a combination of any of those disabilities that they cannot
20 engage in normal competitive employment. This committee is
21 called the State Use Committee. The committee shall consist of
22 the Director of the Department of Central Management Services
23 or his or her designee, the Director of the Department of Human
24 Services or his or her designee, one public member representing
25 private business who is knowledgeable of the employment needs
26 and concerns of persons with developmental disabilities, one

1 public member representing private business who is
2 knowledgeable of the needs and concerns of rehabilitation
3 facilities, one public member who is knowledgeable of the
4 employment needs and concerns of persons with developmental
5 disabilities, one public member who is knowledgeable of the
6 needs and concerns of rehabilitation facilities, and 2 public
7 members from a statewide association that represents
8 community-based rehabilitation facilities, all appointed by
9 the Governor. The public members shall serve 2 year terms,
10 commencing upon appointment and every 2 years thereafter. A
11 public member may be reappointed, and vacancies shall be filled
12 by appointment for the completion of the term. In the event
13 there is a vacancy on the Committee, the Governor must make an
14 appointment to fill that vacancy within 30 calendar days after
15 the notice of vacancy. The members shall serve without
16 compensation but shall be reimbursed for expenses at a rate
17 equal to that of State employees on a per diem basis by the
18 Department of Central Management Services. All members shall be
19 entitled to vote on issues before the committee.

20 The committee shall have the following powers and duties:

21 (1) To request from any State agency information as to
22 product specification and service requirements in order to
23 carry out its purpose.

24 (2) To meet quarterly or more often as necessary to
25 carry out its purposes.

26 (3) To request a quarterly report from each

1 participating qualified not-for-profit agency for persons
2 with severe disabilities describing the volume of sales for
3 each product or service sold under this Section.

4 (4) To prepare a report for the Governor annually.

5 (5) To prepare a publication that lists all supplies
6 and services currently available from any qualified
7 not-for-profit agency for persons with severe
8 disabilities. This list and any revisions shall be
9 distributed to all purchasing agencies.

10 (6) To encourage diversity in supplies and services
11 provided by qualified not-for-profit agencies for persons
12 with severe disabilities and discourage unnecessary
13 duplication or competition among facilities.

14 (7) To develop guidelines to be followed by qualifying
15 agencies for participation under the provisions of this
16 Section. The guidelines shall be developed within 6 months
17 after the effective date of this Code and made available on
18 a nondiscriminatory basis to all qualifying agencies.

19 (8) To review all bids submitted under the provisions
20 of this Section and reject any bid for any purchase that is
21 determined to be substantially more than the purchase would
22 have cost had it been competitively bid.

23 (9) To develop a 5-year plan for increasing the number
24 of products and services purchased from qualified
25 not-for-profit agencies for persons with severe
26 disabilities, including the feasibility of developing

1 mandatory set-aside contracts. This 5-year plan must be
2 developed no later than 180 calendar days after the
3 effective date of this amendatory Act of the 96th General
4 Assembly.

5 (c-5) Conditions for Use. Each chief procurement officer
6 shall, in consultation with the State Use Committee, determine
7 which articles, materials, services, food stuffs, and supplies
8 that are produced, manufactured, or provided by persons with
9 severe disabilities in qualified not-for-profit agencies shall
10 be given preference by purchasing agencies procuring those
11 items.

12 (d) Former committee. The committee created under
13 subsection (c) shall replace the committee created under
14 Section 7-2 of the Illinois Purchasing Act, which shall
15 continue to operate until the appointments under subsection (c)
16 are made.

17 (Source: P.A. 96-634, eff. 8-24-09.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."