

1 AN ACT concerning regulation.

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

4 Section 5. The Business Enterprise for Minorities,  
5 Females, and Persons with Disabilities Act is amended by  
6 changing Sections 2, 3, 4, 5, 6, 6a, 7, 8, and 8f and by adding  
7 Section 4f as follows:

8 (30 ILCS 575/2)

9 (Section scheduled to be repealed on June 30, 2016)

10 Sec. 2. Definitions.

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

13 (1) "Minority person" shall mean a person who is a  
14 citizen or lawful permanent resident of the United States  
15 and who is any of the following:

16 (a) American Indian or Alaska Native (a person  
17 having origins in any of the original peoples of North  
18 and South America, including Central America, and who  
19 maintains tribal affiliation or community attachment).

20 (b) Asian (a person having origins in any of the  
21 original peoples of the Far East, Southeast Asia, or  
22 the Indian subcontinent, including, but not limited  
23 to, Cambodia, China, India, Japan, Korea, Malaysia,

1 Pakistan, the Philippine Islands, Thailand, and  
2 Vietnam).

3 (c) Black or African American (a person having  
4 origins in any of the black racial groups of Africa).  
5 Terms such as "Haitian" or "Negro" can be used in  
6 addition to "Black or African American".

7 (d) Hispanic or Latino (a person of Cuban, Mexican,  
8 Puerto Rican, South or Central American, or other  
9 Spanish culture or origin, regardless of race).

10 (e) Native Hawaiian or Other Pacific Islander (a  
11 person having origins in any of the original peoples of  
12 Hawaii, Guam, Samoa, or other Pacific Islands).

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

16 (2.05) "Person with a disability" means a person who is  
17 a citizen or lawful resident of the United States and is a  
18 person qualifying as being disabled under subdivision  
19 (2.1) of this subsection (A).

20 (2.1) "Disabled" means a severe physical or mental  
21 disability that:

22 (a) results from:

23 amputation,

24 arthritis,

25 autism,

26 blindness,

1 burn injury,  
2 cancer,  
3 cerebral palsy,  
4 Crohn's disease,  
5 cystic fibrosis,  
6 deafness,  
7 head injury,  
8 heart disease,  
9 hemiplegia,  
10 hemophilia,  
11 respiratory or pulmonary dysfunction,  
12 an intellectual disability,  
13 mental illness,  
14 multiple sclerosis,  
15 muscular dystrophy,  
16 musculoskeletal disorders,  
17 neurological disorders, including stroke and  
18 epilepsy,  
19 paraplegia,  
20 quadriplegia and other spinal cord conditions,  
21 sickle cell anemia,  
22 ulcerative colitis,  
23 specific learning disabilities, or  
24 end stage renal failure disease; and  
25 (b) substantially limits one or more of the  
26 person's major life activities.

1 Another disability or combination of disabilities may  
2 also be considered as a severe disability for the purposes  
3 of item (a) of this subdivision (2.1) if it is determined  
4 by an evaluation of rehabilitation potential to cause a  
5 comparable degree of substantial functional limitation  
6 similar to the specific list of disabilities listed in item  
7 (a) of this subdivision (2.1).

8 (3) "Minority owned business" means a business ~~concern~~  
9 which is at least 51% owned by one or more minority  
10 persons, or in the case of a corporation, at least 51% of  
11 the stock in which is owned by one or more minority  
12 persons; and the management and daily business operations  
13 of which are controlled by one or more of the minority  
14 individuals who own it.

15 (4) "Female owned business" means a business ~~concern~~  
16 which is at least 51% owned by one or more females, or, in  
17 the case of a corporation, at least 51% of the stock in  
18 which is owned by one or more females; and the management  
19 and daily business operations of which are controlled by  
20 one or more of the females who own it.

21 (4.1) "Business owned by a person with a disability"  
22 means a business ~~concern~~ that is at least 51% owned by one  
23 or more persons with a disability and the management and  
24 daily business operations of which are controlled by one or  
25 more of the persons with disabilities who own it. A  
26 not-for-profit agency for persons with disabilities that

1 is exempt from taxation under Section 501 of the Internal  
2 Revenue Code of 1986 is also considered a "business owned  
3 by a person with a disability".

4 (4.2) "Council" means the Business Enterprise Council  
5 for Minorities, Females, and Persons with Disabilities  
6 created under Section 5 of this Act.

7 (5) "State contracts" means all State contracts,  
8 regardless of the source of the funds with which the  
9 contracts are paid, which are not subject to federal  
10 reimbursement. This definition shall control over any  
11 existing definition under this Act or applicable  
12 administrative rule. "State contracts" shall mean all  
13 State contracts, funded exclusively with State funds which  
14 are not subject to federal reimbursement, whether  
15 competitively bid or negotiated as defined by the Secretary  
16 of the Council and approved by the Council.

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

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

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

12 (7) "Public institutions of higher education" means  
13 the University of Illinois, Southern Illinois University,  
14 Chicago State University, Eastern Illinois University,  
15 Governors State University, Illinois State University,  
16 Northeastern Illinois University, Northern Illinois  
17 University, Western Illinois University, the public  
18 community colleges of the State, and any other public  
19 universities, colleges and community colleges now or  
20 hereafter established or authorized by the General  
21 Assembly. "State universities" shall mean the Board of  
22 Trustees of the University of Illinois, the Board of  
23 Trustees of Southern Illinois University, the Board of  
24 Trustees of Chicago State University, the Board of Trustees  
25 of Eastern Illinois University, the Board of Trustees of  
26 Governors State University, the Board of Trustees of

1 ~~Illinois State University, the Board of Trustees of~~  
2 ~~Northeastern Illinois University, the Board of Trustees of~~  
3 ~~Northern Illinois University, and the Board of Trustees of~~  
4 ~~Western Illinois University.~~

5 (8) "Certification" means a determination made by the  
6 Council or by one delegated authority from the Council to  
7 make certifications, or by a State agency with statutory  
8 authority to make such a certification, that a business  
9 entity is a business owned by a minority, female, or person  
10 with a disability for whatever purpose. A business owned  
11 and controlled by females shall be certified as a "female  
12 owned business". A business owned and controlled by females  
13 who are also minorities shall be certified as both a  
14 "female owned business" and a "minority owned business".

15 (9) "Control" means the exclusive or ultimate and sole  
16 control of the business including, but not limited to,  
17 capital investment and all other financial matters,  
18 property, acquisitions, contract negotiations, legal  
19 matters, officer-director-employee selection and  
20 comprehensive hiring, operating responsibilities,  
21 cost-control matters, income and dividend matters,  
22 financial transactions and rights of other shareholders or  
23 joint partners. Control shall be real, substantial and  
24 continuing, not pro forma. Control shall include the power  
25 to direct or cause the direction of the management and  
26 policies of the business and to make the day-to-day as well

1 as major decisions in matters of policy, management and  
2 operations. Control shall be exemplified by possessing the  
3 requisite knowledge and expertise to run the particular  
4 business and control shall not include simple majority or  
5 absentee ownership.

6 (10) (Blank). ~~"Business concern or business" means a~~  
7 ~~business that has annual gross sales of less than~~  
8 ~~\$75,000,000 as evidenced by the federal income tax return~~  
9 ~~of the business. A firm with gross sales in excess of this~~  
10 ~~cap may apply to the Council for certification for a~~  
11 ~~particular contract if the firm can demonstrate that the~~  
12 ~~contract would have significant impact on businesses owned~~  
13 ~~by minorities, females, or persons with disabilities as~~  
14 ~~suppliers or subcontractors or in employment of~~  
15 ~~minorities, females, or persons with disabilities.~~

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

25 (Source: P.A. 97-227, eff. 1-1-12; 97-396, eff. 1-1-12; 97-813,  
26 eff. 7-13-12; 98-95, eff. 7-17-13.)

1 (30 ILCS 575/3) (from Ch. 127, par. 132.603)

2 (Section scheduled to be repealed on June 30, 2016)

3 Sec. 3. Implementation and applicability. This Act shall be  
4 applied to all State agencies and public institutions of higher  
5 education ~~State universities~~.

6 (Source: P.A. 85-729.)

7 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

8 (Section scheduled to be repealed on June 30, 2016)

9 Sec. 4. Award of State contracts.

10 (a) Except as provided in subsections (b) and (c), not less  
11 than 20% of the total dollar amount of State contracts, as  
12 defined by the Secretary of the Council and approved by the  
13 Council, shall be established as a goal to be awarded to  
14 businesses owned by minorities, females, and persons with  
15 disabilities; provided, however, that of the total amount of  
16 all State contracts awarded to businesses owned by minorities,  
17 females, and persons with disabilities pursuant to this  
18 Section, contracts representing at least 11% shall be awarded  
19 to businesses owned by minorities, contracts representing at  
20 least 7% shall be awarded to female-owned businesses, and  
21 contracts representing at least 2% shall be awarded to  
22 businesses owned by persons with disabilities.

23 The above percentage relates to the total dollar amount of  
24 State contracts during each State fiscal year, calculated by

1 examining independently each type of contract for each agency  
2 or public institutions of higher education ~~university~~ which  
3 lets such contracts. Only that percentage of arrangements which  
4 represents the participation of businesses owned by  
5 minorities, females, and persons with disabilities on such  
6 contracts shall be included.

7 (b) In the case of State construction contracts, the  
8 provisions of subsection (a) requiring a portion of State  
9 contracts to be awarded to businesses owned and controlled by  
10 persons with disabilities do not apply. Not less than 20% ~~10%~~  
11 of the total dollar amount of State construction contracts is  
12 established as a goal to be awarded to minority and female  
13 owned businesses, and contracts representing 50% of the amount  
14 of all State construction contracts awarded to minority and  
15 female owned businesses shall be awarded to female owned  
16 businesses.

17 (c) In the case of all work undertaken by the University of  
18 Illinois related to the planning, organization, and staging of  
19 the games, the University of Illinois shall establish a goal of  
20 awarding not less than 25% of the annual dollar value of all  
21 contracts, purchase orders, and other agreements (collectively  
22 referred to as "the contracts") to minority-owned businesses or  
23 businesses owned by a person with a disability and 5% of the  
24 annual dollar value the contracts to female-owned businesses.  
25 For purposes of this subsection, the term "games" has the  
26 meaning set forth in the Olympic Games and Paralympic Games

1 (2016) Law.

2 (d) Within one year after April 28, 2009 (the effective  
3 date of Public Act 96-8), the Department of Central Management  
4 Services shall conduct a social scientific study that measures  
5 the impact of discrimination on minority and female business  
6 development in Illinois. Within 18 months after April 28, 2009  
7 (the effective date of Public Act 96-8), the Department shall  
8 issue a report of its findings and any recommendations on  
9 whether to adjust the goals for minority and female  
10 participation established in this Act. Copies of this report  
11 and the social scientific study shall be filed with the  
12 Governor and the General Assembly.

13 (e) Those who submit bids or proposals for State contracts  
14 shall not be given a period after the bid or proposal is  
15 submitted to cure deficiencies in the bid or proposal under  
16 this Act unless mandated by federal law or regulation.

17 (Source: P.A. 96-7, eff. 4-3-09; 96-8, eff. 4-28-09; 96-706,  
18 eff. 8-25-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
19 for the effective date of changes made by P.A. 96-795);  
20 96-1000, eff. 7-2-10.)

21 (30 ILCS 575/4f new)

22 Sec. 4f. Award of State contracts.

23 (1) It is hereby declared to be the public policy of  
24 the State of Illinois to promote and encourage each State  
25 agency and public institution of higher education to use

1 businesses owned by minorities, females, and persons with  
2 disabilities in the area of goods and services, including,  
3 but not limited to, insurance services, investment  
4 management services, information technology services,  
5 accounting services, cost containment and auditing  
6 services, architectural and engineering services, and  
7 legal services. Furthermore, each State agency and public  
8 institution of higher education shall utilize such firms to  
9 the greatest extent feasible within the bounds of financial  
10 and fiduciary prudence, and take affirmative steps to  
11 remove any barriers to the full participation of such firms  
12 in the procurement and placement opportunities afforded.

13 (a) When a State agency and public institution of  
14 higher education enters into a contract for insurance  
15 services, for each State agency and public institution  
16 of higher education, it shall be the goal to use  
17 insurance brokers owned by minorities, females, and  
18 persons with disabilities as defined by this Act, for  
19 not less than 20% of the total annual premiums or fees.

20 (b) When a State agency and public institution of  
21 higher education enters into a contract for investment  
22 services, for each State agency and public institution  
23 of higher education, it shall be the goal to use  
24 emerging investment managers owned by minorities,  
25 females, and persons with disabilities as defined by  
26 this Act, for not less than 20% of the total funds

1 under management. Furthermore, it is the goal that not  
2 less than 20% of the direct asset managers of the State  
3 funds be minorities, females, and persons with  
4 disabilities.

5 (c) When a State agency or public institution of  
6 higher education enters into contracts for information  
7 technology services, accounting services,  
8 architectural and engineering services, and legal  
9 services, for each State agency and public institution  
10 of higher education, it shall be the goal to use such  
11 firms owned by minorities, females, and persons with  
12 disabilities as defined by this Act and lawyers who are  
13 minorities, females, and persons with disabilities as  
14 defined by this Act, for not less than 20% of State  
15 contracts.

16 (2) As used in this Section:

17 "Accounting services" means the measurement,  
18 processing and communication of financial information  
19 about economic entities including, but is not limited  
20 to, financial accounting, management accounting,  
21 auditing, cost containment and auditing services,  
22 taxation and accounting information systems.

23 "Architectural and engineering services" means  
24 professional services of an architectural or  
25 engineering nature, or incidental services, that  
26 members of the architectural and engineering

1 professions, and individuals in their employ, may  
2 logically or justifiably perform, including studies,  
3 investigations, surveying and mapping, tests,  
4 evaluations, consultations, comprehensive planning,  
5 program management, conceptual designs, plans and  
6 specifications, value engineering, construction phase  
7 services, soils engineering, drawing reviews,  
8 preparation of operating and maintenance manuals, and  
9 other related services.

10 "Emerging investment manager" means an investment  
11 manager or claims consultant having assets under  
12 management below \$20 billion or otherwise adjudicating  
13 claims.

14 "Information technology services" means, but is  
15 not limited to, specialized technology-oriented  
16 solutions by combining the processes and functions of  
17 software, hardware, networks, telecommunications, web  
18 designers, cloud developing resellers, and  
19 electronics.

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

25 "Legal services" means work performed by a lawyer  
26 including, but not limited to, contracts in

1           anticipation of litigation, enforcement actions, or  
2           investigations.

3           (3) Each State agency and public institutions of higher  
4           education shall adopt policies that identify its plan and  
5           implementation procedures for increasing the use of  
6           service firms owned by minorities, females, and persons  
7           with disabilities.

8           (4) The Council shall file no later than March 1 of  
9           each year an annual report to the Governor and the General  
10           Assembly. This report shall: (i) identify the services  
11           firms used by each State agency and public institution of  
12           higher education, (ii) identify the actions it has  
13           undertaken to increase the use of service firms owned by  
14           minorities, females, and persons with disabilities,  
15           including encouraging non-minority owned firms to use  
16           other service firms owned by minorities, females, and  
17           persons with disabilities as subcontractors when the  
18           opportunities arise, (iii) state any recommendations made  
19           by the Council to each State agency and public institution  
20           of higher education to increase participation by the use of  
21           service firms owned by minorities, females, and persons  
22           with disabilities, and (iv) include the following:

23           (A) For insurance services: the names of the  
24           insurance brokers or claims consultants used, the  
25           total of risk managed by each State agency and public  
26           institution of higher education by insurance brokers,

1       the total commissions, fees paid, or both, the lines or  
2       insurance policies placed, and the amount of premiums  
3       placed; and the percentage of the risk managed by  
4       insurance brokers, the percentage of total commission,  
5       fees paid, or both, the lines or insurance policies  
6       placed, and the amount of premiums placed with each by  
7       the insurance brokers owned by minorities, females,  
8       and persons with disabilities by each State agency and  
9       public institution of higher education.

10       (B) For investment management services: the names  
11       of the investment managers used, the total funds under  
12       management of investment managers; the total  
13       commissions, fees paid, or both; the total and  
14       percentage of funds under management of emerging  
15       investment managers owned by minorities, females, and  
16       persons with disabilities, including the total and  
17       percentage of total commissions, fees paid, or both by  
18       each State agency and public institution of higher  
19       education.

20       (C) The names of service firms, the percentage and  
21       total dollar amount paid for professional services by  
22       category by each State agency and public institution of  
23       higher education.

24       (D) The names of service firms, the percentage and  
25       total dollar amount paid for services by category to  
26       firms owned by minorities, females, and persons with

1           disabilities by each State agency and public  
2           institution of higher education.

3           (E) The total number of contracts awarded for  
4           services by category and the total number of contracts  
5           awarded to firms owned by minorities, females, and  
6           persons with disabilities by each State agency and  
7           public institution of higher education.

8           (5) The status of the utilization of services shall be  
9           discussed at each of the regularly scheduled Business  
10           Enterprise Council meetings. Time shall be allotted for the  
11           Council to receive, review, and discuss the progress of the  
12           use of service firms owned by minorities, females, and  
13           persons with disabilities by each State agency and public  
14           institutions of higher education; and any evidence  
15           regarding past or present racial, ethnic, or gender-based  
16           discrimination which directly impacts State agency or  
17           public institutions of higher education contracting with  
18           such firms. If after reviewing such evidence the Council  
19           finds that there is or has been such discrimination against  
20           a specific group, race or sex, the Council shall establish  
21           sheltered markets or adjust existing sheltered markets  
22           tailored to address the Council's specific findings for  
23           these divisions of work.

24           (30 ILCS 575/5) (from Ch. 127, par. 132.605)

25           (Section scheduled to be repealed on June 30, 2016)

1           Sec. 5. Business Enterprise Council.

2           (1) To help implement, monitor and enforce the goals of  
3 this Act, there is created the Business Enterprise Council for  
4 Minorities, Females, and Persons with Disabilities,  
5 hereinafter referred to as the Council, composed of the  
6 Secretary of Human Services and the Directors of the Department  
7 of Human Rights, the Department of Commerce and Economic  
8 Opportunity, the Department of Central Management Services,  
9 the Department of Transportation and the Capital Development  
10 Board, or their duly appointed representatives. Ten  
11 individuals representing businesses that are minority or  
12 female owned or owned by persons with disabilities, 2  
13 individuals representing the business community, and a  
14 representative of public institutions of higher education  
15 ~~public universities~~ shall be appointed by the Governor. These  
16 members shall serve 2 year terms and shall be eligible for  
17 reappointment. Any vacancy occurring on the Council shall also  
18 be filled by the Governor. Any member appointed to fill a  
19 vacancy occurring prior to the expiration of the term for which  
20 his predecessor was appointed shall be appointed for the  
21 remainder of such term. Members of the Council shall serve  
22 without compensation but shall be reimbursed for any ordinary  
23 and necessary expenses incurred in the performance of their  
24 duties.

25           The Director of the Department of Central Management  
26 Services shall serve as the Council chairperson and shall

1 select, subject to approval of the council, a Secretary  
2 responsible for the operation of the program who shall serve as  
3 the Division Manager of the Business Enterprise for Minorities,  
4 Females, and Persons with Disabilities Division of the  
5 Department of Central Management Services.

6 The Director of each State agency and the chief executive  
7 officer of each public institutions of higher education ~~State~~  
8 ~~university~~ shall appoint a liaison to the Council. The liaison  
9 shall be responsible for submitting to the Council any reports  
10 and documents necessary under this Act.

11 (2) The Council's authority and responsibility shall be to:

12 (a) Devise a certification procedure to assure that  
13 businesses taking advantage of this Act are legitimately  
14 classified as businesses owned by minorities, females, or  
15 persons with disabilities.

16 (b) Maintain a list of all businesses legitimately  
17 classified as businesses owned by minorities, females, or  
18 persons with disabilities to provide to State agencies and  
19 public institutions of higher education ~~State~~  
20 ~~universities~~.

21 (c) Review rules and regulations for the  
22 implementation of the program for businesses owned by  
23 minorities, females, and persons with disabilities.

24 (d) Review compliance plans submitted by each State  
25 agency and public institutions of higher education ~~State~~  
26 ~~university~~ pursuant to this Act.

1           (e) Make annual reports as provided in Section 8f to  
2           the Governor and the General Assembly on the status of the  
3           program.

4           (f) Serve as a central clearinghouse for information on  
5           State contracts, including the maintenance of a list of all  
6           pending State contracts upon which businesses owned by  
7           minorities, females, and persons with disabilities may  
8           bid. At the Council's discretion, maintenance of the list  
9           may include 24-hour electronic access to the list along  
10          with the bid and application information.

11          (g) Establish a toll free telephone number to  
12          facilitate information requests concerning the  
13          certification process and pending contracts.

14          (3) No premium bond rate of a surety company for a bond  
15          required of a business owned by a minority, female, or person  
16          with a disability bidding for a State contract shall be higher  
17          than the lowest rate charged by that surety company for a  
18          similar bond in the same classification of work that would be  
19          written for a business not owned by a minority, female, or  
20          person with a disability.

21          (4) Any Council member who has direct financial or personal  
22          interest in any measure pending before the Council shall  
23          disclose this fact to the Council and refrain from  
24          participating in the determination upon such measure.

25          (5) The Secretary shall have the following duties and  
26          responsibilities:

1           (a) To be responsible for the day-to-day operation of  
2 the Council.

3           (b) To serve as a coordinator for all of the State's  
4 programs for businesses owned by minorities, females, and  
5 persons with disabilities and as the information and  
6 referral center for all State initiatives for businesses  
7 owned by minorities, females, and persons with  
8 disabilities.

9           (c) To establish an enforcement procedure whereby the  
10 Council may recommend to the appropriate State legal  
11 officer that the State exercise its legal remedies which  
12 shall include (1) termination of the contract involved, (2)  
13 prohibition of participation by the respondent in public  
14 contracts for a period not to exceed one year, (3)  
15 imposition of a penalty not to exceed any profit acquired  
16 as a result of violation, or (4) any combination thereof.  
17 Such procedures shall require prior approval by Council.

18           (d) To devise appropriate policies, regulations and  
19 procedures for including participation by businesses owned  
20 by minorities, females, and persons with disabilities as  
21 prime contractors including, but not limited to, (i)  
22 encouraging the inclusions of qualified businesses owned  
23 by minorities, females, and persons with disabilities on  
24 solicitation lists, (ii) investigating the potential of  
25 blanket bonding programs for small construction jobs,  
26 (iii) investigating and making recommendations concerning

1 the use of the sheltered market process.

2 (e) To devise procedures for the waiver of the  
3 participation goals in appropriate circumstances.

4 (f) To accept donations and, with the approval of the  
5 Council or the Director of Central Management Services,  
6 grants related to the purposes of this Act; to conduct  
7 seminars related to the purpose of this Act and to charge  
8 reasonable registration fees; and to sell directories,  
9 vendor lists and other such information to interested  
10 parties, except that forms necessary to become eligible for  
11 the program shall be provided free of charge to a business  
12 or individual applying for the program.

13 (Source: P.A. 94-793, eff. 5-19-06.)

14 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

15 (Section scheduled to be repealed on June 30, 2016)

16 Sec. 6. Agency compliance plans. Each State agency and  
17 public institutions of higher education ~~State university~~ under  
18 the jurisdiction of this Act shall file with the Council an  
19 annual compliance plan which shall outline the goals of the  
20 State agency or public institutions of higher education ~~State~~  
21 ~~university~~ for contracting with businesses owned by  
22 minorities, females, and persons with disabilities for the then  
23 current fiscal year, the manner in which the agency intends to  
24 reach these goals and a timetable for reaching these goals. The  
25 Council shall review and approve the plan of each State agency

1 and public institutions of higher education ~~State university~~  
2 and may reject any plan that does not comply with this Act or  
3 any rules or regulations promulgated pursuant to this Act.

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

23 (b) Approval of the compliance plans shall include such  
24 delegation of responsibilities to the requesting State agency  
25 or public institution of higher education ~~State university~~ as  
26 the Council deems necessary and appropriate to fulfill the

1 purpose of this Act. Such responsibilities may include, but  
2 need not be limited to those outlined in subsections (1), (2)  
3 and (3) of Section 7 and paragraph (a) of Section 8.

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

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

1 provisions of Section 8b, the Illinois Department of  
2 Transportation is authorized to establish sheltered markets  
3 for the State-funded portions of the program consistent with  
4 federal law and regulations. Additionally, a compliance plan  
5 which is filed by such State agency or public institution of  
6 higher education ~~State university~~ pursuant to this Act, which  
7 incorporates equivalent terms and conditions of its  
8 federally-approved compliance plan, shall be deemed approved  
9 under this Act.

10 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

11 (30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

12 (Section scheduled to be repealed on June 30, 2016)

13 Sec. 6a. Notice of contracts to Council. Except in case of  
14 emergency as defined in the Illinois Procurement Code  
15 ~~Purchasing Act~~, or as authorized by rule promulgated by the  
16 Department of Central Management Services, each agency and  
17 public institution of higher education ~~State university~~ under  
18 the jurisdiction of this Act shall notify the Secretary of the  
19 Council of proposed contracts for professional and artistic  
20 services and provide the information in the form and detail as  
21 required by rule promulgated by the Department of Central  
22 Management Services. Notification may be made through direct  
23 written communication to the Secretary to be received at least  
24 14 days before execution of the contract (or the solicitation  
25 response date, if applicable) or by advertising in the official

1 State newspaper for at least 3 days, the last of which must be  
2 at least 10 days after the first publication. The agency or  
3 public institution of higher education ~~university~~ must  
4 consider any vendor referred by the Secretary before execution  
5 of the contract. The provisions of this Section shall not apply  
6 to any State agency or public institution of higher education  
7 ~~State university~~ that has awarded contracts for professional  
8 and artistic services to businesses owned by minorities,  
9 females, and persons with disabilities totalling in the  
10 aggregate \$40,000,000 ~~\$5,000,000~~ or more during the preceding  
11 fiscal year.

12 (Source: P.A. 87-628; 88-377; 88-597, eff. 8-28-94.)

13 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

14 (Section scheduled to be repealed on June 30, 2016)

15 Sec. 7. Exemptions and waivers; publication of data.

16 (1) Individual contract exemptions. The Council, on its own  
17 initiative or at the request of the affected agency, public  
18 institution of higher education ~~university~~, or recipient of a  
19 grant or loan of State funds of \$250,000 or more complying with  
20 Section 45 of the State Finance Act, may permit an individual  
21 contract or contract package, (related contracts being bid or  
22 awarded simultaneously for the same project or improvements) be  
23 made wholly or partially exempt from State contracting goals  
24 for businesses owned by minorities, females, and persons with  
25 disabilities prior to the advertisement for bids or

1 solicitation of proposals whenever there has been a  
2 determination, reduced to writing and based on the best  
3 information available at the time of the determination, that  
4 there is an insufficient number of businesses owned by  
5 minorities, females, and persons with disabilities to ensure  
6 adequate competition and an expectation of reasonable prices on  
7 bids or proposals solicited for the individual contract or  
8 contract package in question.

9 (2) Class exemptions.

10 (a) Creation. The Council, on its own initiative or at  
11 the request of the affected agency or public institution of  
12 higher education ~~university~~, may permit an entire class of  
13 contracts be made exempt from State contracting goals for  
14 businesses owned by minorities, females, and persons with  
15 disabilities whenever there has been a determination,  
16 reduced to writing and based on the best information  
17 available at the time of the determination, that there is  
18 an insufficient number of qualified businesses owned by  
19 minorities, females, and persons with disabilities to  
20 ensure adequate competition and an expectation of  
21 reasonable prices on bids or proposals within that class.

22 (b) Limitation. Any such class exemption shall not be  
23 permitted for a period of more than one year at a time.

24 (3) Waivers. Where a particular contract requires a  
25 contractor to meet a goal established pursuant to this Act, the  
26 contractor shall have the right to request a waiver from such

1 requirements. The Council shall grant the waiver where the  
2 contractor demonstrates that there has been made a good faith  
3 effort to comply with the goals for participation by businesses  
4 owned by minorities, females, and persons with disabilities.

5 (4) Conflict with other laws. In the event that any State  
6 contract, which otherwise would be subject to the provisions of  
7 this Act, is or becomes subject to federal laws or regulations  
8 which conflict with the provisions of this Act or actions of  
9 the State taken pursuant hereto, the provisions of the federal  
10 laws or regulations shall apply and the contract shall be  
11 interpreted and enforced accordingly.

12 (5) Each chief procurement officer, as defined in the  
13 Illinois Procurement Code, shall maintain on his or her  
14 official Internet website a database of waivers granted under  
15 this Section with respect to contracts under his or her  
16 jurisdiction. The database, which shall be updated  
17 periodically as necessary, shall be searchable by contractor  
18 name and by contracting State agency.

19 Each public notice required by law of the award of a State  
20 contract shall include for each bid submitted for that contract  
21 the following: (i) the bidder's name, (ii) the bid amount,  
22 (iii) the bid's percentage of disadvantaged business  
23 utilization plan, and (iv) the bid's percentage of business  
24 enterprise program utilization plan.

25 (Source: P.A. 96-1064, eff. 7-16-10.)

1 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

2 (Section scheduled to be repealed on June 30, 2016)

3 Sec. 8. Enforcement. The Council shall make such findings,  
4 recommendations and proposals to the Governor as are necessary  
5 and appropriate to enforce this Act. If, as a result of its  
6 monitoring activities, the Council determines that its goals  
7 and policies are not being met by any State agency or public  
8 institution of higher education ~~State university~~, the Council  
9 may recommend any or all of the following actions:

10 (a) Establish enforcement procedures whereby the Council  
11 may recommend to the appropriate State agency, public  
12 institutions of higher education ~~State university~~, or law  
13 enforcement officer that legal or administrative remedies be  
14 initiated for violations of contract provisions or rules issued  
15 hereunder or by a contracting State agency or public  
16 institutions of higher education ~~State university~~. State  
17 agencies and public institutions of higher education ~~State~~  
18 ~~universities~~ shall be authorized to adopt remedies for such  
19 violations which shall include (1) termination of the contract  
20 involved, (2) prohibition of participation of the respondents  
21 in public contracts for a period not to exceed one year, (3)  
22 imposition of a penalty not to exceed any profit acquired as a  
23 result of violation, or (4) any combination thereof.

24 (b) If the Council concludes that a compliance plan  
25 submitted under Section 6 is unlikely to produce the  
26 participation goals for businesses owned by minorities,

1 females, and persons with disabilities within the then current  
2 fiscal year, the Council may recommend that the State agency or  
3 public institution of higher education ~~State university~~ revise  
4 its plan to provide additional opportunities for participation  
5 by businesses owned by minorities, females, and persons with  
6 disabilities. Such recommended revisions may include, but  
7 shall not be limited to, the following:

8 (i) assurances of stronger and better focused  
9 solicitation efforts to obtain more businesses owned by  
10 minorities, females, and persons with disabilities as  
11 potential sources of supply;

12 (ii) division of job or project requirements, when  
13 economically feasible, into tasks or quantities to permit  
14 participation of businesses owned by minorities, females,  
15 and persons with disabilities;

16 (iii) elimination of extended experience or  
17 capitalization requirements, when programmatically  
18 feasible, to permit participation of businesses owned by  
19 minorities, females, and persons with disabilities;

20 (iv) identification of specific proposed contracts as  
21 particularly attractive or appropriate for participation  
22 by businesses owned by minorities, females, and persons  
23 with disabilities, such identification to result from and  
24 be coupled with the efforts of subparagraphs (i) through  
25 (iii);

26 (v) implementation of those regulations established

1 for the use of the sheltered market process.

2 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

3 (30 ILCS 575/8f)

4 (Section scheduled to be repealed on June 30, 2016)

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

10 (1) a summary detailing expenditures ~~State~~  
11 ~~appropriations~~ subject to the goals, the actual goals  
12 specified, and the goals attained by each State agency and  
13 public institution of higher education ~~State university~~;

14 (2) a summary of the number of contracts awarded and  
15 the average contract amount by each State agency and public  
16 institution of higher education ~~State university~~;

17 (3) an analysis of the level of overall goal  
18 achievement concerning purchases from minority businesses,  
19 female-owned businesses, and businesses owned by persons  
20 with disabilities;

21 (4) an analysis of the number of businesses owned by  
22 minorities, females, and persons with disabilities that  
23 are certified under the program as well as the number of  
24 those businesses that received State procurement  
25 contracts; and

1           (5) a summary of the number of contracts awarded to  
2           businesses with annual gross sales of less than \$1,000,000;  
3           of \$1,000,000 or more, but less than \$5,000,000; of  
4           \$5,000,000 or more, but less than \$10,000,000; and of  
5           \$10,000,000 or more.

6           (Source: P.A. 88-597, eff. 8-28-94.)

7           Section 99. Effective date. This Act takes effect upon  
8           becoming law.