



Rep. Charles Meier

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10400HB2044ham001

LRB104 11509 JDS 36934 a

1 AMENDMENT TO HOUSE BILL 2044

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2044 by replacing  
3 everything after the enacting clause with the following:

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

6 (30 ILCS 500/45-45)

7 Sec. 45-45. Small businesses.

8 (a) Set-asides. Each chief procurement officer has  
9 authority to designate as small business set-asides a fair  
10 proportion of construction, supply, and service contracts for  
11 award to small businesses in Illinois. Advertisements for bids  
12 or offers for those contracts shall specify designation as  
13 small business set-asides. In awarding the contracts, only  
14 bids or offers from qualified small businesses shall be  
15 considered.

16 (b) Small business. "Small business" means a business that

1 is independently owned and operated and that is not dominant  
2 in its field of operation. The chief procurement officer shall  
3 establish a detailed definition by rule, using in addition to  
4 the foregoing criteria other criteria, including the number of  
5 employees and the dollar volume of business. When computing  
6 the size status of a potential contractor, annual sales and  
7 receipts of the potential contractor and all of its affiliates  
8 shall be included. The maximum number of employees and the  
9 maximum dollar volume that a small business may have under the  
10 rules promulgated by the chief procurement officer may vary  
11 from industry to industry to the extent necessary to reflect  
12 differing characteristics of those industries. Notwithstanding  
13 the provisions of this subsection (b), no construction  
14 business is a small business if its annual sales and receipts  
15 exceed \$20,000,000. , subject to the following limitations:

16 ~~(1) No wholesale business is a small business if its~~  
17 ~~annual sales for its most recently completed fiscal year~~  
18 ~~exceed \$13,000,000.~~

19 ~~(2) No retail business or business selling services is~~  
20 ~~a small business if its annual sales and receipts exceed~~  
21 ~~\$8,000,000.~~

22 ~~(3) No manufacturing business is a small business if~~  
23 ~~it employs more than 250 persons.~~

24 ~~(4) No construction business is a small business if~~  
25 ~~its annual sales and receipts exceed \$14,000,000.~~

26 (c) Fair proportion. For the purpose of subsection (a),

1 for State agencies of the executive branch, a fair proportion  
2 of construction contracts shall be no less than 25% nor more  
3 than 40% of the annual total contracts for construction.

4 (d) Withdrawal of designation. A small business set-aside  
5 designation may be withdrawn by the purchasing agency when  
6 deemed in the best interests of the State. Upon withdrawal,  
7 all bids or offers shall be rejected, and the bidders or  
8 offerors shall be notified of the reason for rejection. The  
9 contract shall then be awarded in accordance with this Code  
10 without the designation of small business set-aside. Each  
11 chief procurement officer shall make the annual report  
12 available on his or her official website. Each chief  
13 procurement officer shall also issue a press release in  
14 conjunction with the small business annual report that  
15 includes an executive summary of the annual report and a link  
16 to the annual report on the chief procurement officer's  
17 website.

18 (e) Small business specialist. Each chief procurement  
19 officer shall designate one or more individuals to serve as  
20 its small business specialist. The small business specialists  
21 shall collectively work together to accomplish the following  
22 duties:

23 (1) Compiling and maintaining a comprehensive list of  
24 potential small contractors. In this duty, he or she shall  
25 cooperate with the Federal Small Business Administration  
26 in locating potential sources for various products and

1 services.

2 (2) Assisting small businesses in complying with the  
3 procedures for bidding on State contracts.

4 (3) Examining requests from State agencies for the  
5 purchase of property or services to help determine which  
6 invitations to bid are to be designated small business  
7 set-asides.

8 (4) Making recommendations to the chief procurement  
9 officer for the simplification of specifications and terms  
10 in order to increase the opportunities for small business  
11 participation.

12 (5) Assisting in investigations by purchasing agencies  
13 to determine the responsibility of bidders or offerors on  
14 small business set-asides.

15 (f) Small business annual report. Each small business  
16 specialist designated under subsection (e) shall annually  
17 before November 1 report in writing to the General Assembly  
18 concerning the awarding of contracts to small businesses. The  
19 report shall include the total value of awards made in the  
20 preceding fiscal year under the designation of small business  
21 set-aside. The report shall also include the total value of  
22 awards made to businesses owned by minorities, women, and  
23 persons with disabilities, as defined in the Business  
24 Enterprise for Minorities, Women, and Persons with  
25 Disabilities Act, in the preceding fiscal year under the  
26 designation of small business set-aside.

1           The requirement for reporting to the General Assembly  
2 shall be satisfied by filing copies of the report as required  
3 by Section 3.1 of the General Assembly Organization Act.  
4 (Source: P.A. 103-570, eff. 1-1-24.)

5           Section 99. Effective date. This Act takes effect upon  
6 becoming law.".