



Sen. James F. Clayborne, Jr.

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1 AMENDMENT TO SENATE BILL 2365

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2365 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Section 20-60 and by adding Sections 20-7 and 50-80 as  
6 follows:

7 (30 ILCS 500/20-7 new)

8 Sec. 20-7. Method of scoring.

9 (a) All procurement scoring rubrics for contracts entered  
10 into under this Code shall account for and allocate 20% of the  
11 total available points towards evaluation of each respondent's  
12 commitment to diversity, and shall require supporting  
13 documentation to that purpose.

14 (b) The scoring rubric requirements established under this  
15 Section shall include, but not be limited to, the following:

16 (1) for publicly owned businesses, the number and

1 percentage of members of the respondent's governance board  
2 who are women, minorities, or persons with disabilities;

3 (2) for privately owned businesses, the respondent  
4 shall identify whether it or its affiliates are managed by  
5 women, minorities, or persons with disabilities. For the  
6 purposes of this paragraph (2), "managed by women,  
7 minorities, or persons with disabilities" means being  
8 owned or managed by a 51% or more combination of women,  
9 minorities, or persons with disabilities;

10 (3) the respondent shall provide the number and  
11 percentage of the respondent's owners and managers who are  
12 women, minorities, or persons with disabilities;

13 (4) the number and percentage of the respondent's  
14 senior executive leaders, including partner, president,  
15 chief operating officer, managing director, or other  
16 senior executives, who are women, minorities, military  
17 veterans, or persons with disabilities;

18 (5) the number and percentage of the respondent's  
19 staff, including both full-time and part-time employees,  
20 who are women, minorities, or persons with disabilities;  
21 and

22 (6) the respondent's intended use of subcontractors  
23 for a project, if any, that are women, minorities, or  
24 persons with disabilities.

25 (c) When a solicitation, including solicitations for sole  
26 source contracts and contracts with group purchasing

1 organizations, is issued by any State agency or public  
2 institution of higher education and falls within a service or  
3 product offering that has a history of disparate awards to a  
4 class of business owners that are identified under the Business  
5 Enterprise Program Act, the scoring rubric allocation  
6 identified under subsection (a) shall be 30% of the total  
7 available points towards evaluation of each respondent's  
8 commitment to diversity.

9 (d) If any State agency contract is eligible to be paid  
10 for, in whole or in part, with federal-aid funds, grants, or  
11 loans, and the provisions of this Section would result in the  
12 loss of those federal-aid funds, grants, or loans, then the  
13 contract is exempt from the provisions of this Section in order  
14 to remain eligible for those federal-aid funds, grants, or  
15 loans.

16 (30 ILCS 500/20-60)

17 Sec. 20-60. Duration of contracts.

18 (a) Maximum duration. A contract may be entered into for  
19 any period of time deemed to be in the best interests of the  
20 State but not exceeding 10 years inclusive, beginning January  
21 1, 2010, of proposed contract renewals. The length of a lease  
22 for real property or capital improvements shall be in  
23 accordance with the provisions of Section 40-25. The length of  
24 energy conservation program contracts or energy savings  
25 contracts or leases shall be in accordance with the provisions

1 of Section 25-45. A contract for bond or mortgage insurance  
2 awarded by the Illinois Housing Development Authority,  
3 however, may be entered into for any period of time less than  
4 or equal to the maximum period of time that the subject bond or  
5 mortgage may remain outstanding.

6 (b) Subject to appropriation. All contracts made or entered  
7 into shall recite that they are subject to termination and  
8 cancellation in any year for which the General Assembly fails  
9 to make an appropriation to make payments under the terms of  
10 the contract.

11 (c) The chief procurement officer shall file a proposed  
12 extension or renewal of a contract with the Procurement Policy  
13 Board prior to entering into any extension or renewal if the  
14 cost associated with the extension or renewal exceeds \$249,999.  
15 The Procurement Policy Board may object to the proposed  
16 extension or renewal within 30 calendar days and require a  
17 hearing before the Board prior to entering into the extension  
18 or renewal. If the Procurement Policy Board does not object  
19 within 30 calendar days or takes affirmative action to  
20 recommend the extension or renewal, the chief procurement  
21 officer may enter into the extension or renewal of a contract.  
22 This subsection does not apply to any emergency procurement,  
23 any procurement under Article 40, or any procurement exempted  
24 by Section 1-10(b) of this Code. If any State agency contract  
25 is paid for in whole or in part with federal-aid funds, grants,  
26 or loans and the provisions of this subsection would result in

1 the loss of those federal-aid funds, grants, or loans, then the  
2 contract is exempt from the provisions of this subsection in  
3 order to remain eligible for those federal-aid funds, grants,  
4 or loans, and the State agency shall file notice of this  
5 exemption with the Procurement Policy Board prior to entering  
6 into the proposed extension or renewal. Nothing in this  
7 subsection permits a chief procurement officer to enter into an  
8 extension or renewal in violation of subsection (a). By August  
9 1 each year, the Procurement Policy Board shall file a report  
10 with the General Assembly identifying for the previous fiscal  
11 year (i) the proposed extensions or renewals that were filed  
12 with the Board and whether the Board objected and (ii) the  
13 contracts exempt from this subsection.

14 (d) No vendor shall be eligible for renewal of a contract  
15 when that vendor has failed to meet the Business Enterprise  
16 Program spending goal specified under the contract, and that  
17 vendor is not otherwise excused from compliance under the  
18 Business Enterprise Program Act.

19 (Source: P.A. 100-23, eff. 7-6-17.)

20 (30 ILCS 500/50-80 new)

21 Sec. 50-80. Diversity training; report.

22 (a) All employees under each Chief Procurement Officer, as  
23 defined under Section 1-15.15, shall complete annual training  
24 for diversity and inclusion as prescribed by the Chief  
25 Procurement Officer in consultation with the Executive Ethics

1 Commission.

2 (b) Each Chief Procurement Officer shall submit to the  
3 Executive Ethics Commission an annual report that summarizes  
4 diversity training that was completed during the previous year,  
5 and lays out the plan for the diversity training programs in  
6 the coming year. Each Chief Procurement Officer shall also  
7 submit to the Executive Ethics Commission an annual report  
8 detailing the current status of its diversity efforts, and an  
9 action plan to increase diversity internally within their  
10 respective offices, as well as a plan to increase the diversity  
11 of their vendors engaged in contracts, with a particular focus  
12 on those most underrepresented in contract awards.

13 Section 10. The Business Enterprise for Minorities, Women,  
14 and Persons with Disabilities Act is amended by changing  
15 Section 4f as follows:

16 (30 ILCS 575/4f)

17 (Section scheduled to be repealed on June 30, 2020)

18 Sec. 4f. Award of State contracts.

19 (1) It is hereby declared to be the public policy of the  
20 State of Illinois to promote and encourage each State agency  
21 and public institution of higher education to use businesses  
22 owned by minorities, women, and persons with disabilities in  
23 the area of goods and services, including, but not limited to,  
24 insurance services, investment management services,

1 information technology services, accounting services,  
2 architectural and engineering services, and legal services.  
3 Furthermore, each State agency and public institution of higher  
4 education shall utilize such firms to the greatest extent  
5 feasible within the bounds of financial and fiduciary prudence,  
6 and take affirmative steps to remove any barriers to the full  
7 participation of such firms in the procurement and contracting  
8 opportunities afforded.

9 (a) When a State agency or public institution of higher  
10 education, other than a community college, awards a  
11 contract for insurance services, for each State agency or  
12 public institution of higher education, it shall be the  
13 aspirational goal to use insurance brokers owned by  
14 minorities, women, and persons with disabilities as  
15 defined by this Act, for not less than 20% of the total  
16 annual premiums or fees.

17 (b) When a State agency or public institution of higher  
18 education, other than a community college, awards a  
19 contract for investment services, for each State agency or  
20 public institution of higher education, it shall be the  
21 aspirational goal to use emerging investment managers  
22 owned by minorities, women, and persons with disabilities  
23 as defined by this Act, for not less than 20% of the total  
24 funds under management. Furthermore, it is the  
25 aspirational goal that not less than 20% of the direct  
26 asset managers of the State funds be minorities, women, and

1 persons with disabilities.

2 (c) When a State agency or public institution of higher  
3 education, other than a community college, awards  
4 contracts for information technology services, accounting  
5 services, architectural and engineering services, and  
6 legal services, for each State agency and public  
7 institution of higher education, it shall be the  
8 aspirational goal to use such firms owned by minorities,  
9 women, and persons with disabilities as defined by this Act  
10 and lawyers who are minorities, women, and persons with  
11 disabilities as defined by this Act, for not less than 20%  
12 of the total dollar amount of State contracts.

13 (d) When a community college awards a contract for  
14 insurance services, investment services, information  
15 technology services, accounting services, architectural  
16 and engineering services, and legal services, it shall be  
17 the aspirational goal of each community college to use  
18 businesses owned by minorities, women, and persons with  
19 disabilities as defined in this Act for not less than 20%  
20 of the total amount spent on contracts for these services  
21 collectively. When a community college awards contracts  
22 for investment services, contracts awarded to investment  
23 managers who are not emerging investment managers as  
24 defined in this Act shall not be considered businesses  
25 owned by minorities, women, or persons with disabilities  
26 for the purposes of this Section.



1           (e) When a State agency or public institution of higher  
2           education issues requests for proposals or solicitations,  
3           including requests and solicitations for sole source  
4           contracts and contracts with group purchasing  
5           organizations, that fall within a service or product  
6           offering that has a history of disparate awards to a class  
7           of business owners that are underrepresented in contract  
8           awards, it shall be the aspirational goal to use service or  
9           product providers owned by minorities, women, and persons  
10           with disabilities as defined by this Act for not less than  
11           20% of the total dollar amount of State contracts. If the  
12           State agency or public institution of higher education  
13           believes that it may be difficult to properly assess the  
14           minimum 20% aspirational goal, then it may appear before  
15           the Council to seek a modification of the goal requirement  
16           provided under this paragraph (e).

17           If any State agency contract is eligible to be paid  
18           for, in whole or in part, with federal-aid funds, grants,  
19           or loans, and the provisions of this paragraph (e) would  
20           result in the loss of those federal-aid funds, grants, or  
21           loans, then the contract is exempt from the provisions of  
22           this paragraph (e) in order to remain eligible for those  
23           federal-aid funds, grants, or loans.

24           (2) As used in this Section:

25           "Accounting services" means the measurement,  
26           processing and communication of financial information

1 about economic entities including, but is not limited to,  
2 financial accounting, management accounting, auditing,  
3 cost containment and auditing services, taxation and  
4 accounting information systems.

5 "Architectural and engineering services" means  
6 professional services of an architectural or engineering  
7 nature, or incidental services, that members of the  
8 architectural and engineering professions, and individuals  
9 in their employ, may logically or justifiably perform,  
10 including studies, investigations, surveying and mapping,  
11 tests, evaluations, consultations, comprehensive planning,  
12 program management, conceptual designs, plans and  
13 specifications, value engineering, construction phase  
14 services, soils engineering, drawing reviews, preparation  
15 of operating and maintenance manuals, and other related  
16 services.

17 "Emerging investment manager" means an investment  
18 manager or claims consultant having assets under  
19 management below \$10 billion or otherwise adjudicating  
20 claims.

21 "Information technology services" means, but is not  
22 limited to, specialized technology-oriented solutions by  
23 combining the processes and functions of software,  
24 hardware, networks, telecommunications, web designers,  
25 cloud developing resellers, and electronics.

26 "Insurance broker" means an insurance brokerage firm,

1 claims administrator, or both, that procures, places all  
2 lines of insurance, or administers claims with annual  
3 premiums or fees of at least \$5,000,000 but not more than  
4 \$10,000,000.

5 "Legal services" means work performed by a lawyer  
6 including, but not limited to, contracts in anticipation of  
7 litigation, enforcement actions, or investigations.

8 (3) Each State agency and public institution of higher  
9 education shall adopt policies that identify its plan and  
10 implementation procedures for increasing the use of service  
11 firms owned by minorities, women, and persons with  
12 disabilities.

13 (4) Except as provided in subsection (5), the Council shall  
14 file no later than March 1 of each year an annual report to the  
15 Governor and the General Assembly. The report to the General  
16 Assembly shall be filed with the Clerk of the House of  
17 Representatives and the Secretary of the Senate in electronic  
18 form only, in the manner that the Clerk and the Secretary shall  
19 direct ~~The report filed with the General Assembly shall be~~  
20 ~~filed as required in Section 3.1 of the General Assembly~~  
21 ~~Organization Act.~~ This report shall: (i) identify the service  
22 firms used by each State agency and public institution of  
23 higher education, (ii) identify the actions it has undertaken  
24 to increase the use of service firms owned by minorities,  
25 women, and persons with disabilities, including encouraging  
26 non-minority-owned firms to use other service firms owned by

1 minorities, women, and persons with disabilities as  
2 subcontractors when the opportunities arise, (iii) state any  
3 recommendations made by the Council to each State agency and  
4 public institution of higher education to increase  
5 participation by the use of service firms owned by minorities,  
6 women, and persons with disabilities, and (iv) include the  
7 following:

8 (A) For insurance services: the names of the insurance  
9 brokers or claims consultants used, the total of risk  
10 managed by each State agency and public institution of  
11 higher education by insurance brokers, the total  
12 commissions, fees paid, or both, the lines or insurance  
13 policies placed, and the amount of premiums placed; and the  
14 percentage of the risk managed by insurance brokers, the  
15 percentage of total commission, fees paid, or both, the  
16 lines or insurance policies placed, and the amount of  
17 premiums placed with each by the insurance brokers owned by  
18 minorities, women, and persons with disabilities by each  
19 State agency and public institution of higher education.

20 (B) For investment management services: the names of  
21 the investment managers used, the total funds under  
22 management of investment managers; the total commissions,  
23 fees paid, or both; the total and percentage of funds under  
24 management of emerging investment managers owned by  
25 minorities, women, and persons with disabilities,  
26 including the total and percentage of total commissions,

1 fees paid, or both by each State agency and public  
2 institution of higher education.

3 (C) The names of service firms, the percentage and  
4 total dollar amount paid for professional services by  
5 category by each State agency and public institution of  
6 higher education.

7 (D) The names of service firms, the percentage and  
8 total dollar amount paid for services by category to firms  
9 owned by minorities, women, and persons with disabilities  
10 by each State agency and public institution of higher  
11 education.

12 (E) The total number of contracts awarded for services  
13 by category and the total number of contracts awarded to  
14 firms owned by minorities, women, and persons with  
15 disabilities by each State agency and public institution of  
16 higher education.

17 (5) For community college districts, the Business  
18 Enterprise Council shall only report the following information  
19 for each community college district: (i) the name of the  
20 community colleges in the district, (ii) the name and contact  
21 information of a person at each community college appointed to  
22 be the single point of contact for vendors owned by minorities,  
23 women, or persons with disabilities, (iii) the policy of the  
24 community college district concerning certified vendors, (iv)  
25 the certifications recognized by the community college  
26 district for determining whether a business is owned or

1 controlled by a minority, woman, or person with a disability,  
2 (v) outreach efforts conducted by the community college  
3 district to increase the use of certified vendors, (vi) the  
4 total expenditures by the community college district in the  
5 prior fiscal year in the divisions of work specified in  
6 paragraphs (a), (b), and (c) of subsection (1) of this Section  
7 and the amount paid to certified vendors in those divisions of  
8 work, and (vii) the total number of contracts entered into for  
9 the divisions of work specified in paragraphs (a), (b), and (c)  
10 of subsection (1) of this Section and the total number of  
11 contracts awarded to certified vendors providing these  
12 services to the community college district. The Business  
13 Enterprise Council shall not make any utilization reports under  
14 this Act for community college districts for Fiscal Year 2015  
15 and Fiscal Year 2016, but shall make the report required by  
16 this subsection for Fiscal Year 2017 and for each fiscal year  
17 thereafter. The Business Enterprise Council shall report the  
18 information in items (i), (ii), (iii), and (iv) of this  
19 subsection beginning in September of 2016. The Business  
20 Enterprise Council may collect the data needed to make its  
21 report from the Illinois Community College Board.

22 (6) The status of the utilization of services shall be  
23 discussed at each of the regularly scheduled Business  
24 Enterprise Council meetings. Time shall be allotted for the  
25 Council to receive, review, and discuss the progress of the use  
26 of service firms owned by minorities, women, and persons with

1 disabilities by each State agency and public institution of  
2 higher education; and any evidence regarding past or present  
3 racial, ethnic, or gender-based discrimination which directly  
4 impacts a State agency or public institution of higher  
5 education contracting with such firms. If after reviewing such  
6 evidence the Council finds that there is or has been such  
7 discrimination against a specific group, race or sex, the  
8 Council shall establish sheltered markets or adjust existing  
9 sheltered markets tailored to address the Council's specific  
10 findings for the divisions of work specified in paragraphs (a),  
11 (b), and (c) of subsection (1) of this Section.

12 (Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;  
13 100-391, eff. 8-25-17.)".