Amends the Illinois Procurement Code. Provides for a scoring methodology for competitive sealed proposals under the Act. Provides that no vendor shall be eligible for renewal of a contract when that vendor has failed to demonstrate a good faith effort towards meeting the goals established in the utilization plan, or that vendor is not otherwise excused from compliance under the Business Enterprise Program Act. Provides for annual diversity training and a report on such training. Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that when a State agency or public institution of higher education issues requests for proposals or solicitations that fall within a service or product offering that has a history of disparate awards to a class of business owners that are underrepresented in contract awards, it shall be the aspirational goal to use service or product providers owned by minorities, women, and persons with disabilities for not less than 20% of the total dollar amount of that State contract. Provides that each State agency and institution of higher education shall include in its report on its utilization of businesses owned by minorities, women, and persons with disabilities a plan to increase the diversity of the vendors engaged in contracts with the State agency or public institution of higher education, with a particular focus on the most underrepresented in contract awards. Makes conforming changes.
AN ACT concerning finance.

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

Section 5. The Illinois Procurement Code is amended by changing Sections 20-15 and 20-60 and by adding Section 50-85 as follows:

(30 ILCS 500/20-15)

Sec. 20-15. Competitive sealed proposals.

(a) Conditions for use. When provided under this Code or under rules, or when the purchasing agency determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive sealed proposals.

(b) Request for proposals. Proposals shall be solicited through a request for proposals.

(c) Public notice. Public notice of the request for proposals shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of proposals.

(d) Receipt of proposals. Proposals shall be opened publicly or via an electronic procurement system in the presence of one or more witnesses at the time and place designated in the request for proposals, but proposals shall be
opened in a manner to avoid disclosure of contents to competing
offerors during the process of negotiation. A record of
proposals shall be prepared and shall be open for public
inspection after contract award.

(e) Evaluation factors. The requests for proposals shall
state the relative importance of price and other evaluation
factors. Proposals shall be submitted in 2 parts: the first,
covering items except price; and the second, covering price.
The first part of all proposals shall be evaluated and ranked
independently of the second part of all proposals.

(e-5) Method of scoring.

(1) Except as otherwise provided in this subsection
(e-5), scoring rubrics for competitive sealed proposals
may provide for bonus points toward the evaluation of a
respondent's commitment to the use of diverse and
veteran-owned businesses.

(2) Factors to be considered in the award of bonus
points shall be set by rule by the applicable chief
procurement officer and may include, but are not limited
to:

(A) the percentage of members of the respondent's
governing board who are women, minorities, persons
with disabilities, or veterans;

(B) the percentage of the respondent's owners,
senior executive leaders, partners, president, chief
operating officer, managing director, senior
executives, or managers who are women, minorities, persons with disabilities, or veterans;

(C) the percentage of the respondent's staff, including both full-time and part-time employees, who are women, minorities, persons with disabilities, or veterans;

(D) the percentage of prior year revenues of the respondent that involve businesses owned by women, minorities, persons with disabilities, or veterans;

(E) whether the respondent has a training or mentoring program with businesses owned by women, minorities, persons with disabilities, or veterans;

(F) whether the respondent has a written supplier diversity program;

(G) whether the respondent made efforts to assist businesses owned by women, minorities, persons with disabilities, or veterans in obtaining lines of credit or insurance; and

(H) whether the respondent made efforts to assist businesses owned by women, minorities, persons with disabilities, or veterans in obtaining necessary equipment, supplies, materials, or related assistance or services.

(3) If any State agency or public institution of higher education contract is eligible to be paid for or reimbursed, in whole or in part, with federal-aid funds,
grants, or loans, and the provisions of this subsection would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this Section in order to remain eligible for those federal-aid funds, grants, or loans.

For the purposes of this subsection (e-5):

"Manager" means a person who controls or administers all or part of a company or similar organization.

"Minorities" has the same meaning as "minority person" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Persons with disabilities" has the same meaning as "person with a disability" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Senior executive" means the chief executive officer, chief operating officer, chief financial officer, or anyone else in charge of a principal business unit or function.

"Veteran" means a member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of any reserve component of the Armed Forces of the United States.

"Women" has the same meaning as "woman" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

(f) Discussion with responsible offerors and revisions of offers or proposals. As provided in the request for proposals and under rules, discussions may be conducted with responsible
offerors who submit offers or proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of any information derived from proposals submitted by competing offerors. If information is disclosed to any offeror, it shall be provided to all competing offerors.

(g) Award. Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

(Source: P.A. 100-43, eff. 8-9-17.)

(30 ILCS 500/20-60)

Sec. 20-60. Duration of contracts.

(a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years inclusive, beginning January 1, 2010, of proposed contract renewals. Third parties may lease
State-owned dark fiber networks for any period of time deemed to be in the best interest of the State, but not exceeding 20 years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25. The length of energy conservation program contracts or energy savings contracts or leases shall be in accordance with the provisions of Section 25-45. A contract for bond or mortgage insurance awarded by the Illinois Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

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

(c) The chief procurement officer shall file a proposed extension or renewal of a contract with the Procurement Policy Board prior to entering into any extension or renewal if the cost associated with the extension or renewal exceeds $249,999. The Procurement Policy Board may object to the proposed extension or renewal within 30 calendar days and require a hearing before the Board prior to entering into the extension or renewal. If the Procurement Policy Board does not object within 30 calendar days or takes affirmative action to recommend the extension or renewal, the chief procurement
officer may enter into the extension or renewal of a contract. This subsection does not apply to any emergency procurement, any procurement under Article 40, or any procurement exempted by Section 1-10(b) of this Code. If any State agency contract is paid for in whole or in part with federal-aid funds, grants, or loans and the provisions of this subsection would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this subsection in order to remain eligible for those federal-aid funds, grants, or loans, and the State agency shall file notice of this exemption with the Procurement Policy Board prior to entering into the proposed extension or renewal. Nothing in this subsection permits a chief procurement officer to enter into an extension or renewal in violation of subsection (a). By August 1 each year, the Procurement Policy Board shall file a report with the General Assembly identifying for the previous fiscal year (i) the proposed extensions or renewals that were filed with the Board and whether the Board objected and (ii) the contracts exempt from this subsection.

(d) Notwithstanding the provisions of subsection (a) of this Section, the Department of Innovation and Technology may enter into leases for dark fiber networks for any period of time deemed to be in the best interests of the State but not exceeding 20 years inclusive. The Department of Innovation and Technology may lease dark fiber networks from third parties only for the primary purpose of providing services.
the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer and State agencies, as defined under Section 5-15 of the Civil Administrative Code of Illinois or (ii) for anchor institutions, as defined in Section 7 of the Illinois Century Network Act. Dark fiber network lease contracts shall be subject to all other provisions of this Code and any applicable rules or requirements, including, but not limited to, publication of lease solicitations, use of standard State contracting terms and conditions, and approval of vendor certifications and financial disclosures.

(e) As used in this Section, "dark fiber network" means a network of fiber optic cables laid but currently unused by a third party that the third party is leasing for use as network infrastructure.

(f) No vendor shall be eligible for renewal of a contract when that vendor has failed to demonstrate a good faith effort towards meeting the goals established in the utilization plan, or that vendor is not otherwise excused from compliance under the Business Enterprise Program Act.

(Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18; revised 10-11-18.)

(30 ILCS 500/50-85 new)

Sec. 50-85. Diversity training; report.

(a) All employees with purchasing power or the power to
award contracts under the Code shall complete annual training
for diversity and inclusion as prescribed by each chief
procurement officer in consultation with the Business
Enterprise Council. Employees for purposes of this subsection
include State purchasing officers, chief procurement officers,
State agency and public institution of higher education
purchasing staffs, and other applicable supportive personnel
and staff of each chief procurement officer.

(b) Each chief procurement officer shall submit to the
General Assembly an annual report that summarizes the diversity
training that was completed during the previous year and lays
out the plan for the diversity training programs in the coming
year. Each chief procurement officer shall also submit to the
Executive Ethics Commission an annual report detailing the
current status of his or her diversity efforts, and an action
plan to increase diversity within his or her office.

Section 10. The Business Enterprise for Minorities, Women,
and Persons with Disabilities Act is amended by changing
Sections 4f and 6 as follows:

(30 ILCS 575/4f)
(Section scheduled to be repealed on June 30, 2020)
Sec. 4f. Award of State contracts.
(1) It is hereby declared to be the public policy of the
State of Illinois to promote and encourage each State agency
and public institution of higher education to use businesses owned by minorities, women, and persons with disabilities in the area of goods and services, including, but not limited to, insurance services, investment management services, information technology services, accounting services, architectural and engineering services, and legal services. Furthermore, each State agency and public institution of higher education shall utilize such firms to the greatest extent feasible within the bounds of financial and fiduciary prudence, and take affirmative steps to remove any barriers to the full participation of such firms in the procurement and contracting opportunities afforded.

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

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

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

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

(e) When a State agency or public institution of higher education issues requests for proposals or solicitations, including requests and solicitations for contracts with group purchasing organizations, that fall within a service or product offering that has a history of disparate awards to a class of business owners that are underrepresented in contract awards, it shall be the aspirational goal to use service or product providers owned by minorities, women, and persons with disabilities as defined by this Act for not less than 20% of the total dollar amount of that State contract.

If any State agency or public institution of higher education contract is eligible to be paid for or reimbursed, in whole or in part, with federal-aid funds, grants, or loans, and the provisions of this paragraph (e) would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this paragraph (e) in order to remain eligible for those federal-aid funds, grants, or loans.

(2) As used in this Section:
"Accounting services" means the measurement, processing and communication of financial information
about economic entities including, but is not limited to, financial accounting, management accounting, auditing, cost containment and auditing services, taxation and accounting information systems.

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

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

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

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

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

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

(4) Except as provided in subsection (5), the Council shall
file no later than March 1 of each year an annual report to the
Governor and the General Assembly. The report filed with the
General Assembly shall be filed as required in Section 3.1 of
the General Assembly Organization Act. This report shall: (i)
identify the service firms used by each State agency and public
institute of higher education, (ii) identify the actions it
has undertaken to increase the use of service firms owned by
minorities, women, and persons with disabilities, including
encouraging non-minority-owned firms to use other service
firms owned by minorities, women, and persons with disabilities
as subcontractors when the opportunities arise, (iii) state any
recommendations made by the Council to each State agency and
public institution of higher education to increase
participation by the use of service firms owned by minorities, 
women, and persons with disabilities, and (iv) include the 
following:

(A) For insurance services: the names of the insurance 
brokers or claims consultants used, the total of risk 
managed by each State agency and public institution of 
higher education by insurance brokers, the total 
commissions, fees paid, or both, the lines or insurance 
policies placed, and the amount of premiums placed; and the 
percentage of the risk managed by insurance brokers, the 
percentage of total commission, fees paid, or both, the 
lines or insurance policies placed, and the amount of 
premiums placed with each by the insurance brokers owned by 
minorities, women, and persons with disabilities by each 
State agency and public institution of higher education. 

(B) For investment management services: the names of 
the investment managers used, the total funds under 
management of investment managers; the total commissions, 
fees paid, or both; the total and percentage of funds under 
management of emerging investment managers owned by 
minorities, women, and persons with disabilities, 
including the total and percentage of total commissions, 
fees paid, or both by each State agency and public 
institution of higher education. 

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

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

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

(5) For community college districts, the Business Enterprise Council shall only report the following information for each community college district: (i) the name of the community colleges in the district, (ii) the name and contact information of a person at each community college appointed to be the single point of contact for vendors owned by minorities, women, or persons with disabilities, (iii) the policy of the community college district concerning certified vendors, (iv) the certifications recognized by the community college district for determining whether a business is owned or controlled by a minority, woman, or person with a disability, (v) outreach efforts conducted by the community college district to increase the use of certified vendors, (vi) the total expenditures by the community college district in the
prior fiscal year in the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the amount paid to certified vendors in those divisions of work, and (vii) the total number of contracts entered into for the divisions of work specified in paragraphs (a), (b), and (c) of subsection (1) of this Section and the total number of contracts awarded to certified vendors providing these services to the community college district. The Business Enterprise Council shall not make any utilization reports under this Act for community college districts for Fiscal Year 2015 and Fiscal Year 2016, but shall make the report required by this subsection for Fiscal Year 2017 and for each fiscal year thereafter. The Business Enterprise Council shall report the information in items (i), (ii), (iii), and (iv) of this subsection beginning in September of 2016. The Business Enterprise Council may collect the data needed to make its report from the Illinois Community College Board.

(6) The status of the utilization of services shall be discussed at each of the regularly scheduled Business Enterprise Council meetings. Time shall be allotted for the Council to receive, review, and discuss the progress of the use of service firms owned by minorities, women, and persons with disabilities by each State agency and public institution of higher education; and any evidence regarding past or present racial, ethnic, or gender-based discrimination which directly impacts a State agency or public institution of higher
education contracting with such firms. If after reviewing such
evidence the Council finds that there is or has been such
discrimination against a specific group, race or sex, the
Council shall establish sheltered markets or adjust existing
sheltered markets tailored to address the Council's specific
findings for the divisions of work specified in paragraphs (a),
(b), and (c) of subsection (1) of this Section.
(Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;
100-391, eff. 8-25-17.)

(30 ILCS 575/6) (from Ch. 127, par. 132.606)
(Section scheduled to be repealed on June 30, 2020)

Sec. 6. Agency compliance plans. Each State agency and
public institutions of higher education under the jurisdiction
of this Act shall file with the Council an annual compliance
plan which shall outline the goals of the State agency or
public institutions of higher education for contracting with
businesses owned by minorities, women, and persons with
disabilities for the then current fiscal year, the manner in
which the agency intends to reach these goals and a timetable
for reaching these goals. The Council shall review and approve
the plan of each State agency and public institutions of higher
education and may reject any plan that does not comply with
this Act or any rules or regulations promulgated pursuant to
this Act.

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

(b) Approval of the compliance plans shall include such delegation of responsibilities to the requesting State agency or public institution of higher education as the Council deems necessary and appropriate to fulfill the purpose of this Act. Such responsibilities may include, but need not be limited to those outlined in subsections (1), (2) and (3) of Section 7, paragraph (a) of Section 8, and Section 8a of this Act.

(c) Each State agency and public institution of higher education under the jurisdiction of this Act shall file with
the Council an annual report of its utilization of businesses
owned by minorities, women, and persons with disabilities
during the preceding fiscal year including lapse period
spending and a mid-fiscal year report of its utilization to
date for the then current fiscal year. The reports shall
include a self-evaluation of the efforts of the State agency or
public institution of higher education to meet its goals under
the Act, as well as a plan to increase the diversity of the
vendors engaged in contracts with the State agency or public
institution of higher education, with a particular focus on the
most underrepresented in contract awards.

(d) Notwithstanding any provisions to the contrary in this
Act, any State agency or public institution of higher education
which administers a construction program, for which federal law
or regulations establish standards and procedures for the
utilization of minority-owned and women-owned businesses and
disadvantaged businesses, shall implement a disadvantaged
business enterprise program to include minority-owned and
women-owned businesses and disadvantaged businesses, using the
federal standards and procedures for the establishment of goals
and utilization procedures for the State-funded, as well as the
federally assisted, portions of the program. In such cases,
these goals shall not exceed those established pursuant to the
relevant federal statutes or regulations. Notwithstanding the
provisions of Section 8b, the Illinois Department of
Transportation is authorized to establish sheltered markets
for the State-funded portions of the program consistent with federal law and regulations. Additionally, a compliance plan which is filed by such State agency or public institution of higher education pursuant to this Act, which incorporates equivalent terms and conditions of its federally-approved compliance plan, shall be deemed approved under this Act.

(Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)