



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1914

Introduced 2/15/2019, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

30 ILCS 575/4

from Ch. 127, par. 132.604

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that solicitations (currently, only Non-construction solicitations) that include Business Enterprise Program participation goals shall require bidders and offerors to include utilization plans. Provides that failure to complete and include a completed utilization plan shall render a bid or offer non-responsive. Provides that those who submit bids or proposals for State contracts, whose bids or proposals are successful and include a completed utilization plan but that fail to meet the goals set forth in the solicitation, shall be notified of that deficiency and shall be afforded a period not to exceed 10 calendar days from the date of notification to cure that deficiency in the bid or proposal. Provides that the deficiency in the bid or proposal may only be cured by contracting with additional subcontractors owned by minorities or women subcontractors, or by increasing the work to be performed by previously identified vendors owned by minorities or women subcontractors. Provides that in no case shall an identified subcontractor with a certification be terminated from the contract without the written consent of the State agency or public institution of higher education entering into the contract. Makes conforming and other changes.

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1 AN ACT concerning finance.

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, Women,  
5 and Persons with Disabilities Act is amended by changing  
6 Section 4 as follows:

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

8 (Section scheduled to be repealed on June 30, 2020)

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 an aspirational goal to be  
14 awarded to businesses owned by minorities, women, and persons  
15 with disabilities; provided, however, that of the total amount  
16 of all State contracts awarded to businesses owned by  
17 minorities, women, and persons with disabilities pursuant to  
18 this Section, contracts representing at least 11% shall be  
19 awarded to businesses owned by minorities, contracts  
20 representing at least 7% shall be awarded to women-owned  
21 businesses, and contracts representing at least 2% shall be  
22 awarded to businesses owned by persons with disabilities.

23 The above percentage relates to the total dollar amount of

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

8 (b) In the case of State construction contracts, the  
9 provisions of subsection (a) requiring a portion of State  
10 contracts to be awarded to businesses owned and controlled by  
11 persons with disabilities do not apply. The following  
12 aspirational goals are established for State construction  
13 contracts: not less than 20% of the total dollar amount of  
14 State construction contracts is established as a goal to be  
15 awarded to minority-owned and women-owned businesses.

16 (c) In the case of all work undertaken by the University of  
17 Illinois related to the planning, organization, and staging of  
18 the games, the University of Illinois shall establish a goal of  
19 awarding not less than 25% of the annual dollar value of all  
20 contracts, purchase orders, and other agreements (collectively  
21 referred to as "the contracts") to minority-owned businesses or  
22 businesses owned by a person with a disability and 5% of the  
23 annual dollar value the contracts to women-owned businesses.  
24 For purposes of this subsection, the term "games" has the  
25 meaning set forth in the Olympic Games and Paralympic Games  
26 (2016) Law.

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

12           (e) (Blank). ~~Except as permitted under this Act or as~~  
13 ~~otherwise mandated by federal law or regulation, those who~~  
14 ~~submit bids or proposals for State contracts subject to the~~  
15 ~~provisions of this Act, whose bids or proposals are successful~~  
16 ~~and include a utilization plan but that fail to meet the goals~~  
17 ~~set forth in subsection (b) of this Section, shall be notified~~  
18 ~~of that deficiency and shall be afforded a period not to exceed~~  
19 ~~10 calendar days from the date of notification to cure that~~  
20 ~~deficiency in the bid or proposal. The deficiency in the bid or~~  
21 ~~proposal may only be cured by contracting with additional~~  
22 ~~subcontractors who are owned by minorities or women, but in no~~  
23 ~~case shall an identified subcontractor with a certification~~  
24 ~~made pursuant to this Act be terminated from the contract~~  
25 ~~without the written consent of the State agency or public~~  
26 ~~institution of higher education entering into the contract.~~

1           (f) Solicitations ~~Non-construction solicitations~~ that  
2 include Business Enterprise Program participation goals shall  
3 require bidders and offerors to include utilization plans.

4           Utilization plans are due at the time of bid or offer  
5 submission. Failure to complete and include a completed  
6 utilization plan, including documentation demonstrating good  
7 faith effort if ~~when~~ requesting a waiver, shall render the bid  
8 or offer non-responsive.

9           Except as permitted under this Act or as otherwise mandated  
10 by federal law or regulation, those who submit bids or  
11 proposals for State contracts, whose bids or proposals are  
12 successful and include a completed utilization plan but that  
13 fail to meet the goals set forth in the solicitation, shall be  
14 notified of that deficiency and shall be afforded a period not  
15 to exceed 10 calendar days from the date of notification to  
16 cure that deficiency in the bid or proposal.

17           The deficiency in the bid or proposal may only be cured by  
18 contracting with additional subcontractors owned by minorities  
19 or women subcontractors, or by increasing the work to be  
20 performed by previously identified vendors owned by minorities  
21 or women subcontractors. In no case shall an identified  
22 subcontractor with a certification made pursuant to this Act be  
23 terminated from the contract without the written consent of the  
24 State agency or public institution of higher education entering  
25 into the contract.

26           (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;

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1 100-391, eff. 8-25-17.)