

SB2042



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2042

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

SYNOPSIS AS INTRODUCED:

30 ILCS 575/5

from Ch. 127, par. 132.605

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that the Business Enterprise Council has the authority and responsibility to, among other authorities and responsibilities, (1) devise a certification procedure that certifies like certifications, including, but not limited to, such certifications for the City of Chicago and Cook County, and (2) annually evaluate certification procedures to ensure efficient standardization with like certifications to ensure current procedures do not cause undue burden to potential vendors owned by minorities, women or persons with disabilities.

LRB101 10723 RJF 55835 b

A BILL FOR

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 5 as follows:

7 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

8 (Section scheduled to be repealed on June 30, 2020)

9 Sec. 5. Business Enterprise Council.

10 (1) To help implement, monitor and enforce the goals of
11 this Act, there is created the Business Enterprise Council for
12 Minorities, Women, and Persons with Disabilities, hereinafter
13 referred to as the Council, composed of the Secretary of Human
14 Services and the Directors of the Department of Human Rights,
15 the Department of Commerce and Economic Opportunity, the
16 Department of Central Management Services, the Department of
17 Transportation and the Capital Development Board, or their duly
18 appointed representatives, with the Comptroller, or his or her
19 designee, serving as an advisory member of the Council. Ten
20 individuals representing businesses that are minority-owned or
21 women-owned or owned by persons with disabilities, 2
22 individuals representing the business community, and a
23 representative of public institutions of higher education

1 shall be appointed by the Governor. These members shall serve 2
2 year terms and shall be eligible for reappointment. Any vacancy
3 occurring on the Council shall also be filled by the Governor.
4 Any member appointed to fill a vacancy occurring prior to the
5 expiration of the term for which his predecessor was appointed
6 shall be appointed for the remainder of such term. Members of
7 the Council shall serve without compensation but shall be
8 reimbursed for any ordinary and necessary expenses incurred in
9 the performance of their duties.

10 The Director of the Department of Central Management
11 Services shall serve as the Council chairperson and shall
12 select, subject to approval of the council, a Secretary
13 responsible for the operation of the program who shall serve as
14 the Division Manager of the Business Enterprise for Minorities,
15 Women, and Persons with Disabilities Division of the Department
16 of Central Management Services.

17 The Director of each State agency and the chief executive
18 officer of each public institutions of higher education shall
19 appoint a liaison to the Council. The liaison shall be
20 responsible for submitting to the Council any reports and
21 documents necessary under this Act.

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

23 (a) Devise a certification procedure to assure that
24 businesses taking advantage of this Act are legitimately
25 classified as businesses owned by minorities, women, or
26 persons with disabilities.

1 (b) Maintain a list of all businesses legitimately
2 classified as businesses owned by minorities, women, or
3 persons with disabilities to provide to State agencies and
4 public institutions of higher education.

5 (c) Review rules and regulations for the
6 implementation of the program for businesses owned by
7 minorities, women, and persons with disabilities.

8 (d) Review compliance plans submitted by each State
9 agency and public institutions of higher education
10 pursuant to this Act.

11 (e) Make annual reports as provided in Section 8f to
12 the Governor and the General Assembly on the status of the
13 program.

14 (f) Serve as a central clearinghouse for information on
15 State contracts, including the maintenance of a list of all
16 pending State contracts upon which businesses owned by
17 minorities, women, and persons with disabilities may bid.
18 At the Council's discretion, maintenance of the list may
19 include 24-hour electronic access to the list along with
20 the bid and application information.

21 (g) Establish a toll free telephone number to
22 facilitate information requests concerning the
23 certification process and pending contracts.

24 (h) Devise a certification procedure that certifies
25 like certifications, including, but not limited to, such
26 certifications for the City of Chicago and Cook County.

1 These procedures shall not add undue burden to potential
2 vendors owned by minorities, women, or persons with
3 disabilities.

4 (i) Annually evaluate certification procedures to
5 ensure efficient standardization with like certifications
6 to ensure current procedures do not cause undue burden to
7 potential vendors owned by minorities, women or persons
8 with disabilities.

9 (3) No premium bond rate of a surety company for a bond
10 required of a business owned by a minority, woman, or person
11 with a disability bidding for a State contract shall be higher
12 than the lowest rate charged by that surety company for a
13 similar bond in the same classification of work that would be
14 written for a business not owned by a minority, woman, or
15 person with a disability.

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

20 (5) The Secretary shall have the following duties and
21 responsibilities:

22 (a) To be responsible for the day-to-day operation of
23 the Council.

24 (b) To serve as a coordinator for all of the State's
25 programs for businesses owned by minorities, women, and
26 persons with disabilities and as the information and

1 referral center for all State initiatives for businesses
2 owned by minorities, women, and persons with disabilities.

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

12 (d) To devise appropriate policies, regulations and
13 procedures for including participation by businesses owned
14 by minorities, women, and persons with disabilities as
15 prime contractors including, but not limited to, (i)
16 encouraging the inclusions of qualified businesses owned
17 by minorities, women, and persons with disabilities on
18 solicitation lists, (ii) investigating the potential of
19 blanket bonding programs for small construction jobs,
20 (iii) investigating and making recommendations concerning
21 the use of the sheltered market process.

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

24 (f) To accept donations and, with the approval of the
25 Council or the Director of Central Management Services,
26 grants related to the purposes of this Act; to conduct

1 seminars related to the purpose of this Act and to charge
2 reasonable registration fees; and to sell directories,
3 vendor lists and other such information to interested
4 parties, except that forms necessary to become eligible for
5 the program shall be provided free of charge to a business
6 or individual applying for the program.

7 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17;
8 100-801, eff. 8-10-18.)