



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3469

Introduced 1/19/2022, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

See Index

Provides that the Act may be referred to as the Second Chance State Contracts Act. Amends the Illinois Procurement Code. Creates the Second Chance State Contracts Apprenticeship and Preapprenticeship Program Article. Provides public works contracts hiring requirements. Provides for waivers from public works contracts hiring requirements. Provides for the issuance of certificates of arrest or conviction. Provides reporting and funding provisions concerning public works contracts hiring requirements and apprenticeship programs. Provides for standing to enforce the requirements of the Article. Requires that inmates whose labor is used in the remodeling or rehabilitation of correctional facilities be paid the prevailing wage for work of a similar character. Repeals provisions prohibiting convicted felons from specified activities under the Code. Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Defines "person with a disability" for purposes of the Act to include a person who is a citizen or lawful permanent resident of the United States and a resident of the State of Illinois who has been arrested for committing a felony or convicted of a felony by any court of competent jurisdiction sitting in the United States or any territory of the United States. Defines other terms. Makes conforming changes. Effective immediately.

LRB102 22621 RJF 31764 b

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 1. This Act may be referred to as the Second Chance  
5 State Contracts Act.

6 Section 5. The Illinois Procurement Code is amended by  
7 changing Sections 1-10, 1-13, 1-35, 1-40, 30-15, and 50-60 and  
8 by adding Article 34 as follows:

9 (30 ILCS 500/1-10)

10 Sec. 1-10. Application.

11 (a) This Code applies only to procurements for which  
12 bidders, offerors, potential contractors, or contractors were  
13 first solicited on or after July 1, 1998. This Code shall not  
14 be construed to affect or impair any contract, or any  
15 provision of a contract, entered into based on a solicitation  
16 prior to the implementation date of this Code as described in  
17 Article 99, including, but not limited to, any covenant  
18 entered into with respect to any revenue bonds or similar  
19 instruments. All procurements for which contracts are  
20 solicited between the effective date of Articles 50 and 99 and  
21 July 1, 1998 shall be substantially in accordance with this  
22 Code and its intent.

1 (b) This Code shall apply regardless of the source of the  
2 funds with which the contracts are paid, including federal  
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political  
5 subdivisions or other governments, or between State  
6 governmental bodies, except as specifically provided in  
7 this Code.

8 (2) Grants, except for the filing requirements of  
9 Section 20-80.

10 (3) Purchase of care, except as provided in Section  
11 5-30.6 of the Illinois Public Aid Code and this Section.

12 (4) Hiring of an individual as an employee and not as  
13 an independent contractor, whether pursuant to an  
14 employment code or policy or by contract directly with  
15 that individual, except as provided in Article 34 of this  
16 Code.

17 (5) Collective bargaining contracts, except as  
18 provided in Article 34 of this Code.

19 (6) Purchase of real estate, except that notice of  
20 this type of contract with a value of more than \$25,000  
21 must be published in the Procurement Bulletin within 10  
22 calendar days after the deed is recorded in the county of  
23 jurisdiction. The notice shall identify the real estate  
24 purchased, the names of all parties to the contract, the  
25 value of the contract, and the effective date of the  
26 contract.

1           (7) Contracts necessary to prepare for anticipated  
2 litigation, enforcement actions, or investigations,  
3 provided that the chief legal counsel to the Governor  
4 shall give his or her prior approval when the procuring  
5 agency is one subject to the jurisdiction of the Governor,  
6 and provided that the chief legal counsel of any other  
7 procuring entity subject to this Code shall give his or  
8 her prior approval when the procuring entity is not one  
9 subject to the jurisdiction of the Governor.

10           (8) (Blank).

11           (9) Procurement expenditures by the Illinois  
12 Conservation Foundation when only private funds are used.

13           (10) (Blank).

14           (11) Public-private agreements entered into according  
15 to the procurement requirements of Section 20 of the  
16 Public-Private Partnerships for Transportation Act and  
17 design-build agreements entered into according to the  
18 procurement requirements of Section 25 of the  
19 Public-Private Partnerships for Transportation Act.

20           (12) (A) Contracts for legal, financial, and other  
21 professional and artistic services entered into by the  
22 Illinois Finance Authority in which the State of Illinois  
23 is not obligated. Such contracts shall be awarded through  
24 a competitive process authorized by the members of the  
25 Illinois Finance Authority and are subject to Sections  
26 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,

1 as well as the final approval by the members of the  
2 Illinois Finance Authority of the terms of the contract.

3 (B) Contracts for legal and financial services entered  
4 into by the Illinois Housing Development Authority in  
5 connection with the issuance of bonds in which the State  
6 of Illinois is not obligated. Such contracts shall be  
7 awarded through a competitive process authorized by the  
8 members of the Illinois Housing Development Authority and  
9 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
10 and 50-37 of this Code, as well as the final approval by  
11 the members of the Illinois Housing Development Authority  
12 of the terms of the contract.

13 (13) Contracts for services, commodities, and  
14 equipment to support the delivery of timely forensic  
15 science services in consultation with and subject to the  
16 approval of the Chief Procurement Officer as provided in  
17 subsection (d) of Section 5-4-3a of the Unified Code of  
18 Corrections, except for the requirements of Sections  
19 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
20 Code; however, the Chief Procurement Officer may, in  
21 writing with justification, waive any certification  
22 required under Article 50 of this Code. For any contracts  
23 for services which are currently provided by members of a  
24 collective bargaining agreement, the applicable terms of  
25 the collective bargaining agreement concerning  
26 subcontracting shall be followed.

1           On and after January 1, 2019, this paragraph (13),  
2           except for this sentence, is inoperative.

3           (14) Contracts for participation expenditures required  
4           by a domestic or international trade show or exhibition of  
5           an exhibitor, member, or sponsor.

6           (15) Contracts with a railroad or utility that  
7           requires the State to reimburse the railroad or utilities  
8           for the relocation of utilities for construction or other  
9           public purpose. Contracts included within this paragraph  
10          (15) shall include, but not be limited to, those  
11          associated with: relocations, crossings, installations,  
12          and maintenance. For the purposes of this paragraph (15),  
13          "railroad" means any form of non-highway ground  
14          transportation that runs on rails or electromagnetic  
15          guideways and "utility" means: (1) public utilities as  
16          defined in Section 3-105 of the Public Utilities Act, (2)  
17          telecommunications carriers as defined in Section 13-202  
18          of the Public Utilities Act, (3) electric cooperatives as  
19          defined in Section 3.4 of the Electric Supplier Act, (4)  
20          telephone or telecommunications cooperatives as defined in  
21          Section 13-212 of the Public Utilities Act, (5) rural  
22          water or waste water systems with 10,000 connections or  
23          less, (6) a holder as defined in Section 21-201 of the  
24          Public Utilities Act, and (7) municipalities owning or  
25          operating utility systems consisting of public utilities  
26          as that term is defined in Section 11-117-2 of the

1 Illinois Municipal Code.

2 (16) Procurement expenditures necessary for the  
3 Department of Public Health to provide the delivery of  
4 timely newborn screening services in accordance with the  
5 Newborn Metabolic Screening Act.

6 (17) Procurement expenditures necessary for the  
7 Department of Agriculture, the Department of Financial and  
8 Professional Regulation, the Department of Human Services,  
9 and the Department of Public Health to implement the  
10 Compassionate Use of Medical Cannabis Program and Opioid  
11 Alternative Pilot Program requirements and ensure access  
12 to medical cannabis for patients with debilitating medical  
13 conditions in accordance with the Compassionate Use of  
14 Medical Cannabis Program Act.

15 (18) This Code does not apply to any procurements  
16 necessary for the Department of Agriculture, the  
17 Department of Financial and Professional Regulation, the  
18 Department of Human Services, the Department of Commerce  
19 and Economic Opportunity, and the Department of Public  
20 Health to implement the Cannabis Regulation and Tax Act if  
21 the applicable agency has made a good faith determination  
22 that it is necessary and appropriate for the expenditure  
23 to fall within this exemption and if the process is  
24 conducted in a manner substantially in accordance with the  
25 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
26 ~~50-10, 50-10.5,~~ 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,

1 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
2 Section 50-35, compliance applies only to contracts or  
3 subcontracts over \$100,000. Notice of each contract  
4 entered into under this paragraph (18) that is related to  
5 the procurement of goods and services identified in  
6 paragraph (1) through (9) of this subsection shall be  
7 published in the Procurement Bulletin within 14 calendar  
8 days after contract execution. The Chief Procurement  
9 Officer shall prescribe the form and content of the  
10 notice. Each agency shall provide the Chief Procurement  
11 Officer, on a monthly basis, in the form and content  
12 prescribed by the Chief Procurement Officer, a report of  
13 contracts that are related to the procurement of goods and  
14 services identified in this subsection. At a minimum, this  
15 report shall include the name of the contractor, a  
16 description of the supply or service provided, the total  
17 amount of the contract, the term of the contract, and the  
18 exception to this Code utilized. A copy of any or all of  
19 these contracts shall be made available to the Chief  
20 Procurement Officer immediately upon request. The Chief  
21 Procurement Officer shall submit a report to the Governor  
22 and General Assembly no later than November 1 of each year  
23 that includes, at a minimum, an annual summary of the  
24 monthly information reported to the Chief Procurement  
25 Officer. This exemption becomes inoperative 5 years after  
26 June 25, 2019 (the effective date of Public Act 101-27).



1           (19) Acquisition of modifications or adjustments,  
2           limited to assistive technology devices and assistive  
3           technology services, adaptive equipment, repairs, and  
4           replacement parts to provide reasonable accommodations (i)  
5           that enable a qualified applicant with a disability to  
6           complete the job application process and be considered for  
7           the position such qualified applicant desires, (ii) that  
8           modify or adjust the work environment to enable a  
9           qualified current employee with a disability to perform  
10          the essential functions of the position held by that  
11          employee, (iii) to enable a qualified current employee  
12          with a disability to enjoy equal benefits and privileges  
13          of employment as are enjoyed by ~~its~~ other similarly  
14          situated employees without disabilities, and (iv) that  
15          allow a customer, client, claimant, or member of the  
16          public seeking State services full use and enjoyment of  
17          and access to its programs, services, or benefits.

18           For purposes of this paragraph (19):

19           "Assistive technology devices" means any item, piece  
20           of equipment, or product system, whether acquired  
21           commercially off the shelf, modified, or customized, that  
22           is used to increase, maintain, or improve functional  
23           capabilities of individuals with disabilities.

24           "Assistive technology services" means any service that  
25           directly assists an individual with a disability in  
26           selection, acquisition, or use of an assistive technology

1 device.

2 "Qualified" has the same meaning and use as provided  
3 under the federal Americans with Disabilities Act when  
4 describing an individual with a disability.

5 (20) ~~(19)~~ Procurement expenditures necessary for the  
6 Illinois Commerce Commission to hire third-party  
7 facilitators pursuant to Sections 16-105.17 and ~~Section~~  
8 16-108.18 of the Public Utilities Act or an ombudsman  
9 pursuant to Section 16-107.5 of the Public Utilities Act,  
10 a facilitator pursuant to Section 16-105.17 of the Public  
11 Utilities Act, or a grid auditor pursuant to Section  
12 16-105.10 of the Public Utilities Act.

13 Notwithstanding any other provision of law, for contracts  
14 entered into on or after October 1, 2017 under an exemption  
15 provided in any paragraph of this subsection (b), except  
16 paragraph (1), (2), or (5), each State agency shall post to the  
17 appropriate procurement bulletin the name of the contractor, a  
18 description of the supply or service provided, the total  
19 amount of the contract, the term of the contract, and the  
20 exception to the Code utilized. The chief procurement officer  
21 shall submit a report to the Governor and General Assembly no  
22 later than November 1 of each year that shall include, at a  
23 minimum, an annual summary of the monthly information reported  
24 to the chief procurement officer.

25 (c) This Code does not apply to the electric power  
26 procurement process provided for under Section 1-75 of the

1 Illinois Power Agency Act and Section 16-111.5 of the Public  
2 Utilities Act.

3 (d) Except for Section 20-160 and Article 50 of this Code,  
4 and as expressly required by Section 9.1 of the Illinois  
5 Lottery Law, the provisions of this Code do not apply to the  
6 procurement process provided for under Section 9.1 of the  
7 Illinois Lottery Law.

8 (e) This Code does not apply to the process used by the  
9 Capital Development Board to retain a person or entity to  
10 assist the Capital Development Board with its duties related  
11 to the determination of costs of a clean coal SNG brownfield  
12 facility, as defined by Section 1-10 of the Illinois Power  
13 Agency Act, as required in subsection (h-3) of Section 9-220  
14 of the Public Utilities Act, including calculating the range  
15 of capital costs, the range of operating and maintenance  
16 costs, or the sequestration costs or monitoring the  
17 construction of clean coal SNG brownfield facility for the  
18 full duration of construction.

19 (f) (Blank).

20 (g) (Blank).

21 (h) This Code does not apply to the process to procure or  
22 contracts entered into in accordance with Sections 11-5.2 and  
23 11-5.3 of the Illinois Public Aid Code.

24 (i) Each chief procurement officer may access records  
25 necessary to review whether a contract, purchase, or other  
26 expenditure is or is not subject to the provisions of this

1 Code, unless such records would be subject to attorney-client  
2 privilege.

3 (j) This Code does not apply to the process used by the  
4 Capital Development Board to retain an artist or work or works  
5 of art as required in Section 14 of the Capital Development  
6 Board Act.

7 (k) This Code does not apply to the process to procure  
8 contracts, or contracts entered into, by the State Board of  
9 Elections or the State Electoral Board for hearing officers  
10 appointed pursuant to the Election Code.

11 (l) This Code does not apply to the processes used by the  
12 Illinois Student Assistance Commission to procure supplies and  
13 services paid for from the private funds of the Illinois  
14 Prepaid Tuition Fund. As used in this subsection (l), "private  
15 funds" means funds derived from deposits paid into the  
16 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

17 (m) This Code shall apply regardless of the source of  
18 funds with which contracts are paid, including federal  
19 assistance moneys. Except as specifically provided in this  
20 Code, this Code shall not apply to procurement expenditures  
21 necessary for the Department of Public Health to conduct the  
22 Healthy Illinois Survey in accordance with Section 2310-431 of  
23 the Department of Public Health Powers and Duties Law of the  
24 Civil Administrative Code of Illinois.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
26 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff

1 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,  
2 eff. 9-15-21; revised 11-23-21.)

3 (30 ILCS 500/1-13)

4 Sec. 1-13. Applicability to public institutions of higher  
5 education.

6 (a) This Code shall apply to public institutions of higher  
7 education, regardless of the source of the funds with which  
8 contracts are paid, except as provided in this Section.

9 (b) Except as provided in this Section, this Code shall  
10 not apply to procurements made by or on behalf of public  
11 institutions of higher education for any of the following:

12 (1) Memberships in professional, academic, research,  
13 or athletic organizations on behalf of a public  
14 institution of higher education, an employee of a public  
15 institution of higher education, or a student at a public  
16 institution of higher education.

17 (2) Procurement expenditures for events or activities  
18 paid for exclusively by revenues generated by the event or  
19 activity, gifts or donations for the event or activity,  
20 private grants, or any combination thereof.

21 (3) Procurement expenditures for events or activities  
22 for which the use of specific potential contractors is  
23 mandated or identified by the sponsor of the event or  
24 activity, provided that the sponsor is providing a  
25 majority of the funding for the event or activity.

1           (4) Procurement expenditures necessary to provide  
2 athletic, artistic or musical services, performances,  
3 events, or productions by or for a public institution of  
4 higher education.

5           (5) Procurement expenditures for periodicals, books,  
6 subscriptions, database licenses, and other publications  
7 procured for use by a university library or academic  
8 department, except for expenditures related to procuring  
9 textbooks for student use or materials for resale or  
10 rental.

11           (6) Procurement expenditures for placement of students  
12 in externships, practicums, field experiences, and for  
13 medical residencies and rotations.

14           (7) Contracts for programming and broadcast license  
15 rights for university-operated radio and television  
16 stations.

17           (8) Procurement expenditures necessary to perform  
18 sponsored research and other sponsored activities under  
19 grants and contracts funded by the sponsor or by sources  
20 other than State appropriations.

21           (9) Contracts with a foreign entity for research or  
22 educational activities, provided that the foreign entity  
23 either does not maintain an office in the United States or  
24 is the sole source of the service or product.

25 Notice of each contract entered into by a public institution  
26 of higher education that is related to the procurement of

1 goods and services identified in items (1) through (9) of this  
2 subsection shall be published in the Procurement Bulletin  
3 within 14 calendar days after contract execution. The Chief  
4 Procurement Officer shall prescribe the form and content of  
5 the notice. Each public institution of higher education shall  
6 provide the Chief Procurement Officer, on a monthly basis, in  
7 the form and content prescribed by the Chief Procurement  
8 Officer, a report of contracts that are related to the  
9 procurement of goods and services identified in this  
10 subsection. At a minimum, this report shall include the name  
11 of the contractor, a description of the supply or service  
12 provided, the total amount of the contract, the term of the  
13 contract, and the exception to the Code utilized. A copy of any  
14 or all of these contracts shall be made available to the Chief  
15 Procurement Officer immediately upon request. The Chief  
16 Procurement Officer shall submit a report to the Governor and  
17 General Assembly no later than November 1 of each year that  
18 shall include, at a minimum, an annual summary of the monthly  
19 information reported to the Chief Procurement Officer.

20 (b-5) Except as provided in this subsection, the  
21 provisions of this Code shall not apply to contracts for  
22 medical supplies, and to contracts for medical services  
23 necessary for the delivery of care and treatment at medical,  
24 dental, or veterinary teaching facilities utilized by Southern  
25 Illinois University or the University of Illinois and at any  
26 university-operated health care center or dispensary that

1 provides care, treatment, and medications for students,  
2 faculty and staff. Other supplies and services needed for  
3 these teaching facilities shall be subject to the jurisdiction  
4 of the Chief Procurement Officer for Public Institutions of  
5 Higher Education who may establish expedited procurement  
6 procedures and may waive or modify certification, contract,  
7 hearing, process and registration requirements required by the  
8 Code. All procurements made under this subsection shall be  
9 documented and may require publication in the Illinois  
10 Procurement Bulletin.

11 (b-10) Procurements made by or on behalf of the University  
12 of Illinois for investment services scheduled to expire June  
13 2021 may be extended through June 2022 without being subject  
14 to the requirements of this Code. Any contract extended,  
15 renewed, or entered pursuant to this exception shall be  
16 published on the Executive Ethics Commission's website within  
17 5 days of contract execution. This subsection is inoperative  
18 on and after July 1, 2022.

19 (c) Procurements made by or on behalf of public  
20 institutions of higher education for the fulfillment of a  
21 grant shall be made in accordance with the requirements of  
22 this Code to the extent practical.

23 Upon the written request of a public institution of higher  
24 education, the Chief Procurement Officer may waive contract,  
25 registration, certification, and hearing requirements of this  
26 Code if, based on the item to be procured or the terms of a



1 grant, compliance is impractical. The public institution of  
2 higher education shall provide the Chief Procurement Officer  
3 with specific reasons for the waiver, including the necessity  
4 of contracting with a particular potential contractor, and  
5 shall certify that an effort was made in good faith to comply  
6 with the provisions of this Code. The Chief Procurement  
7 Officer shall provide written justification for any waivers.  
8 By November 1 of each year, the Chief Procurement Officer  
9 shall file a report with the General Assembly identifying each  
10 contract approved with waivers and providing the justification  
11 given for any waivers for each of those contracts. Notice of  
12 each waiver made under this subsection shall be published in  
13 the Procurement Bulletin within 14 calendar days after  
14 contract execution. The Chief Procurement Officer shall  
15 prescribe the form and content of the notice.

16 (d) Notwithstanding this Section, a waiver of the  
17 registration requirements of Section 20-160 does not permit a  
18 business entity and any affiliated entities or affiliated  
19 persons to make campaign contributions if otherwise prohibited  
20 by Section 50-37. The total amount of contracts awarded in  
21 accordance with this Section shall be included in determining  
22 the aggregate amount of contracts or pending bids of a  
23 business entity and any affiliated entities or affiliated  
24 persons.

25 (e) ~~The Notwithstanding subsection (c) of Section 50-10.5~~  
26 ~~of this Code, the~~ Chief Procurement Officer, with the approval

1 of the Executive Ethics Commission, may permit a public  
2 institution of higher education to accept a bid or enter into a  
3 contract with a business that assisted the public institution  
4 of higher education in determining whether there is a need for  
5 a contract or assisted in reviewing, drafting, or preparing  
6 documents related to a bid or contract, provided that the bid  
7 or contract is essential to research administered by the  
8 public institution of higher education and it is in the best  
9 interest of the public institution of higher education to  
10 accept the bid or contract. For purposes of this subsection,  
11 "business" includes all individuals with whom a business is  
12 affiliated, including, but not limited to, any officer, agent,  
13 employee, consultant, independent contractor, director,  
14 partner, manager, or shareholder of a business. The Executive  
15 Ethics Commission may promulgate rules and regulations for the  
16 implementation and administration of the provisions of this  
17 subsection (e).

18 (f) As used in this Section:

19 "Grant" means non-appropriated funding provided by a  
20 federal or private entity to support a project or program  
21 administered by a public institution of higher education and  
22 any non-appropriated funding provided to a sub-recipient of  
23 the grant.

24 "Public institution of higher education" means Chicago  
25 State University, Eastern Illinois University, Governors State  
26 University, Illinois State University, Northeastern Illinois

1 University, Northern Illinois University, Southern Illinois  
2 University, University of Illinois, Western Illinois  
3 University, and, for purposes of this Code only, the Illinois  
4 Mathematics and Science Academy.

5 (g) (Blank).

6 (h) The General Assembly finds and declares that:

7 (1) Public Act 98-1076, which took effect on January  
8 1, 2015, changed the repeal date set for this Section from  
9 December 31, 2014 to December 31, 2016.

10 (2) The Statute on Statutes sets forth general rules  
11 on the repeal of statutes and the construction of multiple  
12 amendments, but Section 1 of that Act also states that  
13 these rules will not be observed when the result would be  
14 "inconsistent with the manifest intent of the General  
15 Assembly or repugnant to the context of the statute".

16 (3) This amendatory Act of the 100th General Assembly  
17 manifests the intention of the General Assembly to remove  
18 the repeal of this Section.

19 (4) This Section was originally enacted to protect,  
20 promote, and preserve the general welfare. Any  
21 construction of this Section that results in the repeal of  
22 this Section on December 31, 2014 would be inconsistent  
23 with the manifest intent of the General Assembly and  
24 repugnant to the context of this Code.

25 It is hereby declared to have been the intent of the  
26 General Assembly that this Section not be subject to repeal on

1 December 31, 2014.

2 This Section shall be deemed to have been in continuous  
3 effect since December 20, 2011 (the effective date of Public  
4 Act 97-643), and it shall continue to be in effect  
5 henceforward until it is otherwise lawfully repealed. All  
6 previously enacted amendments to this Section taking effect on  
7 or after December 31, 2014, are hereby validated.

8 All actions taken in reliance on or pursuant to this  
9 Section by any public institution of higher education, person,  
10 or entity are hereby validated.

11 In order to ensure the continuing effectiveness of this  
12 Section, it is set forth in full and re-enacted by this  
13 amendatory Act of the 100th General Assembly. This  
14 re-enactment is intended as a continuation of this Section. It  
15 is not intended to supersede any amendment to this Section  
16 that is enacted by the 100th General Assembly.

17 In this amendatory Act of the 100th General Assembly, the  
18 base text of the reenacted Section is set forth as amended by  
19 Public Act 98-1076. Striking and underscoring is used only to  
20 show changes being made to the base text.

21 This Section applies to all procurements made on or before  
22 the effective date of this amendatory Act of the 100th General  
23 Assembly.

24 (Source: P.A. 101-640, eff. 6-12-20; 102-16, eff. 6-17-21.)

25 (30 ILCS 500/1-35)

1 (Section scheduled to be repealed on July 17, 2023)

2 Sec. 1-35. Application to Quincy Veterans' Home. This  
3 Code does not apply to any procurements related to the  
4 renovation, restoration, rehabilitation, or rebuilding of the  
5 Quincy Veterans' Home under the Quincy Veterans' Home  
6 Rehabilitation and Rebuilding Act, provided that the process  
7 shall be conducted in a manner substantially in accordance  
8 with the requirements of the following Sections of this Code:  
9 20-160, 25-60, 30-22, 50-5, ~~50-10, 50-10.5,~~ 50-12, 50-13,  
10 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50;  
11 however, for Section 50-35, compliance shall apply only to  
12 contracts or subcontracts over \$100,000.

13 This Section is repealed 5 years after becoming law. The  
14 repeal of this Section shall not apply to contracts for  
15 procurements under the Quincy Veterans' Home Rehabilitation  
16 and Rebuilding Act executed prior to the repeal date.

17 (Source: P.A. 102-35, eff. 6-25-21; 102-558, eff. 8-20-21.)

18 (30 ILCS 500/1-40)

19 Sec. 1-40. Application to James R. Thompson Center. In  
20 accordance with Section 7.4 of the State Property Control Act,  
21 this Code does not apply to any procurements related to the  
22 sale of the James R. Thompson Center, provided that the  
23 process shall be conducted in a manner substantially in  
24 accordance with the requirements of the following Sections of  
25 this Code: 20-160, 50-5, ~~50-10, 50-10.5,~~ 50-12, 50-13, 50-15,

1 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50. The  
2 exemption contained in this Section does not apply to any  
3 leases involving the James R. Thompson Center, including a  
4 leaseback authorized under Section 7.4 of the State Property  
5 Control Act.

6 (Source: P.A. 102-558, eff. 8-20-21.)

7 (30 ILCS 500/30-15)

8 Sec. 30-15. Method of source selection.

9 (a) Competitive sealed bidding. Except as provided in  
10 subsections (b), (c), and (d) and Sections 20-20, 20-25, and  
11 20-30, all State construction contracts shall be procured by  
12 competitive sealed bidding in accordance with Section 20-10.

13 (b) Other methods. The Capital Development Board shall  
14 establish by rule construction purchases that may be made  
15 without competitive sealed bidding and the most competitive  
16 alternate method of source selection that shall be used.

17 (c) Construction-related professional services. All  
18 construction-related professional services contracts shall be  
19 awarded in accordance with the provisions of the  
20 Architectural, Engineering, and Land Surveying Qualifications  
21 Based Selection Act. "Professional services" means those  
22 services within the scope of the practice of architecture,  
23 professional engineering, structural engineering, or  
24 registered land surveying, as defined by the laws of this  
25 State.

1 (d) Correctional facilities. Remodeling and rehabilitation  
2 projects at correctional facilities under \$25,000 funded from  
3 the General Revenue Fund are exempt from the provisions of  
4 this Article. The Department of Corrections may use inmate  
5 labor for the remodeling or rehabilitation of correctional  
6 facilities on those projects under \$25,000 funded from the  
7 General Revenue Fund. Notwithstanding any other law to the  
8 contrary, inmates performing such labor as provided under this  
9 subsection (d) shall be paid the prevailing wage for work of a  
10 similar character.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

12 (30 ILCS 500/Art. 34 heading new)

13 ARTICLE 34.

14 SECOND CHANCE STATE CONTRACTS APPRENTICESHIP AND

15 PREAPPRENTICESHIP PROGRAM

16 (30 ILCS 500/34-1 new)

17 Sec. 34-1. Findings. The General Assembly finds that the  
18 provisions of this Article will specifically and individually  
19 benefit each person who and each entity that is a resident of  
20 the State of Illinois by, without limitation, reducing  
21 recidivism and the financial and social costs and violence  
22 attributable to recidivism.

23 (30 ILCS 500/34-5 new)

1       Sec. 34-5. Definitions.

2       (a) As used in this Article:

3       "Apprentices" means participants in any apprenticeship  
4 program approved by and registered with the United States  
5 Department of Labor's Bureau of Apprenticeship and Training.

6       "Apprenticeship program" means an apprenticeship and  
7 training program approved by and registered with the United  
8 States Department of Labor's Bureau of Apprenticeship and  
9 Training.

10       "Certificate of arrest or conviction" means a certifying  
11 agency's certificate that an impacted individual has been  
12 arrested or convicted of a felony by any court of competent  
13 jurisdiction sitting in the United States or any territory of  
14 the United States. A certificate of arrest or conviction shall  
15 only state the name of the impacted individual to whom it is  
16 being issued and that the certifying agency has information  
17 showing that the impacted individual was arrested for  
18 committing a felony or convicted of a felony by any court of  
19 competent jurisdiction sitting in the United States or any  
20 territory of the United States. A certificate of arrest or  
21 conviction shall set forth no other information.

22       "Certifying agency" means the Illinois State Police, the  
23 Department of Corrections, the clerk of any circuit court of  
24 this State, any law enforcement agency of the State, or any  
25 political subdivision of the State.

26       "Chief procurement officer" has the same meaning as



1 provided under Section 1-15.15.

2 "Contract for public works" means any agreement entered on  
3 or after July 1, 2023 that involves public works regardless of  
4 the name given to such agreement or the form of such agreement.

5 "Contractor" means any person or entity that is a party to  
6 a contract for public works other than the State, any State  
7 agency, or any community college district.

8 "Impacted individual" means a person who: (i) is a citizen  
9 or lawful permanent resident of the United States; (ii) is a  
10 resident of the State of Illinois; and (iii) has been arrested  
11 for committing a felony or convicted of a felony by any court  
12 of competent jurisdiction sitting in the United States or any  
13 territory of the United States.

14 "Preapprenticeship program" means a program that: (i) has  
15 a documented partnership with an employer; (ii) is designed to  
16 prepare individuals to enter and succeed in an apprenticeship  
17 program; and (iii) includes all of the following:

18 (A) training and curriculum that aligns with the skill  
19 needs of employers in the economy of the State or region  
20 and that has been designed to prepare participants to meet  
21 the minimum entry-level requirements of an apprenticeship  
22 program;

23 (B) access to educational and career counseling, and  
24 other supportive services as needed by participants;

25 (C) hands-on meaningful learning activities that are  
26 connected to education and training activities, such as

1 career exploration and career development experiences, and  
2 that reinforce foundational professional skills,  
3 including, at a minimum, those outlined in the Essential  
4 Employability Skills framework, with the terms set forth  
5 in this Section having the definitions given to them in  
6 the most recent edition of the Illinois Career Pathways  
7 Dictionary that includes such definitions; and

8 (D) upon successful completion of the program,  
9 participants are supported to apply for an apprenticeship  
10 program, and may receive preference for enrollment.

11 "Public works" means any work, contracted or funded, in  
12 whole or in part, by the State, any State agency, or any  
13 community college district, that constitutes public works  
14 under the Prevailing Wage Act.

15 (b) To the extent of a conflict between these definitions  
16 and any existing definition provided elsewhere in this Code or  
17 otherwise pursuant to law or applicable administrative rule,  
18 the definitions provided under this Section shall control.

19 (30 ILCS 500/34-10 new)

20 Sec. 34-10. Public works contracts hiring requirements.

21 (a) Notwithstanding any other provision of law to the  
22 contrary, no contract for public works in which the estimated  
23 total dollar amount of the contract for public works is  
24 \$500,000 or more shall be valid unless it includes the  
25 following requirements:

1           (1) The contractor shall cause impacted individuals to  
2           be hired as apprentices to perform labor required pursuant  
3           to the contract, with the impacted individuals being paid  
4           wages and provided with benefits with a total dollar cost  
5           equal to not less than 5% of the total dollar amount of the  
6           contract for public works. Taxes paid solely by the  
7           contractor as a result of its hiring of impacted  
8           individuals under this Act shall not be included in the  
9           computation of wages paid and benefits provided to  
10           impacted individuals pursuant to this Section.

11           (2) The contractor shall provide the chief procurement  
12           officer and the purchasing agency or community college  
13           district that is a party to the contract for public works  
14           with the contractor's affidavits, given under oath,  
15           evidencing the contractor's compliance with this Article.  
16           Those affidavits shall, at a minimum, set forth the total  
17           dollar amount of the contractor's contract for public  
18           works and include the following information pertaining to  
19           each of the impacted individuals hired pursuant to the  
20           contract for public works:

21                   (i) name and residential address;

22                   (ii) job classification;

23                   (iii) hourly wage;

24                   (iv) number of non-overtime hours worked during  
25           each week included in the period covered by the  
26           affidavit;

1           (v) number of overtime hours worked during each  
2           week included in the period covered by the affidavit;

3           (vi) amount of non-overtime wages paid during each  
4           week included in the period covered by the affidavit;

5           (vii) amount of overtime wages paid during each  
6           week included in the period covered by the affidavit;

7           and

8           (viii) the cost of benefits that were provided  
9           during each week included in the period covered by the  
10           affidavit and were not paid by any impacted  
11           individuals.

12           (b) Taxes paid solely by the contractor as a result of its  
13           hiring of impacted individuals pursuant to this Act shall not  
14           be included in the computation of wages paid and benefits  
15           provided to impacted individuals pursuant to this Section. The  
16           affidavit shall also include additional information evidencing  
17           compliance with this Article as may be required by the chief  
18           procurement officer or the purchasing agency or community  
19           college district that is a party to the contract for public  
20           works. The contractor shall provide the affidavits to the  
21           chief procurement officer or the purchasing agency or  
22           community college district that is a party to the contract for  
23           public works according to the following schedule:

24           (1) The affidavit reflecting wages paid and benefits  
25           provided between January 1 and June 30 of any year shall be  
26           due on July 31 of that year.

1           (2) The affidavit reflecting wages paid and benefits  
2           provided between July 1 and December 31 of any year shall  
3           be due on January 31 of the following year.

4           (c) Each contract for public works shall expressly include  
5           the provisions of this Section.

6           (30 ILCS 500/34-15 new)

7           Sec. 34-15. Waivers.

8           (a) The chief procurement officer, upon the written  
9           request of a contractor, may wholly or partially waive that  
10           contractor's compliance with paragraph (1) of subsection (a)  
11           of Section 34-10 whenever that chief procurement officer has  
12           made a written determination, based on the best information  
13           available at the time of the determination, that there is an  
14           insufficient number of impacted individuals who are able to  
15           qualify for an apprenticeship program related to the work that  
16           is the subject of the contractor's contract for public works.

17           (b) A contractor's written request for waiver to the chief  
18           procurement officer pursuant to this Section must include, at  
19           a minimum and without limitation, the following:

20           (1) Evidence that the contractor contacted every  
21           apprenticeship program within 100 miles of the locations  
22           where the work pursuant to the contractor's contract for  
23           public works is expected to be performed, for the purpose  
24           of hiring impacted individuals who are participating in  
25           such apprenticeship programs, and the response of each

1 such apprenticeship program.

2 (2) Evidence that the contractor contacted every  
3 preapprenticeship programs within 100 miles of the  
4 locations where the work pursuant to the contractor's  
5 contract for public works is expected to be performed, for  
6 the purpose of hiring impacted individuals who are  
7 participating in such preapprenticeship programs, and the  
8 response of each such preapprenticeship program.

9 (3) Evidence that the contractor contacted not less  
10 than 40 reentry navigators or similarly titled individuals  
11 who facilitate the provision of services to impacted  
12 individuals or apprenticeship programs and who are located  
13 within 100 miles of the locations where the work pursuant  
14 to the contractor's contract for public works is expected  
15 to be performed, for the purpose of hiring impacted  
16 individuals as apprentices, and the response of each  
17 reentry navigator or similarly titled individual.

18 (4) Evidence that the contractor undertook other  
19 diligent efforts to solicit and hire impacted individuals  
20 as apprentices for the contractor's contract for public  
21 works, with that evidence being in addition to other  
22 evidence required by this Section.

23 (5) The total dollar amount of all wages the  
24 contractor would have paid to impacted individuals but for  
25 the requested waiver being granted and the contractor  
26 being able to hire those impacted individuals who would

1 otherwise be required pursuant to this Article.

2 (6) The total dollar amount of all benefits the  
3 contractor would have expended on behalf of impacted  
4 individuals but for the requested waiver being granted and  
5 the contractor being able to hire those impacted  
6 individuals who would otherwise be required pursuant to  
7 this Article.

8 (7) Any additional evidence as the chief procurement  
9 officer may reasonably find to be required to make a  
10 determination on the contractor's request.

11 (8) A statement made under oath or attestation that  
12 the matters included in the contractor's request for  
13 waiver are true and correct to the best of the  
14 contractor's knowledge after a reasonable inquiry.

15 (c) Taxes that would have been paid solely by the  
16 contractor as a result of its hiring of impacted individuals  
17 pursuant to this Act shall not be included in the computation  
18 of wages paid and benefits provided to impacted individuals  
19 pursuant to this Section.

20 (d) The chief procurement officer shall make each request  
21 for waiver and all documents provided to it by a contractor in  
22 support of that request available on that chief procurement  
23 officer's website. No determination shall be made on any  
24 request until 10 business days after that chief procurement  
25 officer has made the request and all supporting documents  
26 available on its website. Within that 10 business day period,

1 any person who or entity that is a resident of the State of  
2 Illinois, without need for showing any interest in the  
3 contract or waiver at issue, may submit evidence and opinions  
4 to that chief procurement officer in opposition to the  
5 contractor's request for waiver. The evidence shall be  
6 accompanied by a statement made under oath or attestation that  
7 the matters provided in opposition to the contractor's request  
8 for waiver are true and correct to the best of the knowledge of  
9 the person or entity that is submitting them, after a  
10 reasonable inquiry.

11 The granting of a waiver pursuant to this Section shall be  
12 disfavored and shall be granted only when there is clear and  
13 convincing evidence to support the waiver, considering,  
14 without limitation, the contractor's request, documents  
15 provided by the contractor in support of that request and any  
16 submissions made in opposition to that request pursuant to  
17 this Section. The chief procurement officer's determination  
18 regarding each waiver shall set forth, in detail, the reasons  
19 for that determination and all matters supporting that  
20 determination. The chief procurement officer shall post each  
21 determination on its website within one business day after the  
22 determination is made and shall serve notice of the  
23 determination on all persons who or entities that submitted  
24 evidence and opinions to the chief procurement officer in  
25 opposition to the contractor's request for the waiver within 5  
26 business days after the determination.



1       The provisions of the Administrative Review Law shall  
2 apply to and govern every action to review judicially a  
3 determination made by the chief procurement officer in  
4 response to a contractor's request for waiver pursuant to this  
5 Section. Notwithstanding any other law to the contrary, all  
6 persons who or entities that submitted evidence and opinions  
7 to the chief procurement officer in opposition to the  
8 contractor's request for the waiver shall have standing to  
9 seek judicial review of a determination made by the chief  
10 procurement officer in opposition to a contractor's request  
11 for waiver pursuant to this Section.

12       (e) A contractor that has been granted a waiver pursuant  
13 to this Section shall, within 5 business days after the  
14 granting of that waiver, pay the following amounts to a  
15 program within this State that provides preapprenticeship  
16 training to impacted individuals pursuant to Section 34-30:

17       (1) the total dollar amount of all wages the  
18 contractor would have paid to impacted individuals but for  
19 the requested waiver being granted and the contractor  
20 being able to hire those impacted individuals who would  
21 otherwise be required pursuant to this Article; and

22       (2) the total dollar amount of all benefits the  
23 contractor would have expended on behalf of impacted  
24 individuals but for the requested waiver being granted and  
25 the contractor being able to hire those impacted  
26 individuals who would otherwise be required pursuant to

1 this Article.

2 Amounts paid by a contractor pursuant to this subsection  
3 (e) shall be in addition to and supplement existing payments  
4 for such preapprenticeship training programs and shall not  
5 substitute for payments otherwise necessary for such programs.

6 (30 ILCS 500/34-20 new)

7 Sec. 34-20. Certificate of arrest or conviction.

8 (a) An impacted individual may request a certificate of  
9 arrest or conviction from any certifying agency. There shall  
10 be no charge for such a request or response thereto. Within 10  
11 business days after receiving a request, the certifying agency  
12 shall provide the impacted individual who made the request  
13 with either: (i) a certificate of arrest or conviction; or  
14 (ii) a statement that it does not have information sufficient  
15 to provide a certificate of arrest or conviction.

16 (b) Every certifying agency shall adopt reasonable  
17 procedures for the request and issuance of a certificate of  
18 arrest or conviction. The procedures shall be set forth on the  
19 certifying agency's website, and shall allow, at a minimum,  
20 for an impacted individual to make a request for a certificate  
21 through the certifying agency's website, by email, by regular  
22 mail, and in-person at or by other means of delivery to the  
23 certifying agency's office.

24 (c) For purposes of complying with this Article, a  
25 certificate of arrest or conviction shall constitute evidence

1 that the person named thereon has been arrested or convicted  
2 of a felony by any court of competent jurisdiction sitting in  
3 the United States or any territory of the United States. A  
4 contractor shall accept and may rely upon a certificate of  
5 arrest or conviction that is presented to the contractor by or  
6 on behalf of an impacted person for purposes of evidencing  
7 compliance with this Article. Notwithstanding the foregoing, a  
8 contractor shall also accept and may rely upon any other  
9 reasonable evidence of an impacted individual's arrest for the  
10 commission of a felony or conviction of a felony by any court  
11 of competent jurisdiction sitting in the United States or any  
12 territory of the United States that is presented to the  
13 contractor by or on behalf of that impacted person for  
14 purposes of evidencing compliance with this Article.

15 (30 ILCS 500/34-25 new)

16 Sec. 34-25. Fiscal year reports.

17 (a) By or before November 1, 2024 and on November 1 of each  
18 year thereafter, the chief procurement officer shall report to  
19 the General Assembly on compliance with this Article during  
20 the fiscal year immediately preceding the date of the report.  
21 Each report shall, at a minimum, include the following for the  
22 period covered by the fiscal year immediately preceding the  
23 date of the report:

24 (1) The total dollar amount of all contracts for  
25 public works.

1           (2) The total number of impacted individuals who were  
2           employed as apprentices pursuant to contracts for public  
3           works.

4           (3) The total amount of non-overtime hours worked by  
5           impacted individuals as apprentices pursuant to contracts  
6           for public works.

7           (4) The total amount of overtime hours worked by  
8           impacted individuals as apprentices pursuant to contracts  
9           for public works.

10           (5) The total amount of non-overtime wages paid to  
11           impacted individuals as apprentices pursuant to contracts  
12           for public works.

13           (6) The total amount of overtime wages paid to  
14           impacted individuals as apprentices pursuant to contracts  
15           for public works.

16           (7) The total cost of benefits that were provided to  
17           impacted individuals pursuant to contracts for public  
18           works and that were not paid by any impacted individuals.

19           (8) The total number of waivers from the requirements  
20           of this Article that were requested by contractors,  
21           including: (i) the total number of determinations granting  
22           waivers; (ii) the total dollar amount of all contracts for  
23           public works that were the subject of requests for waivers  
24           that were granted; (iii) the total amount of all wages and  
25           all contractors requesting waivers that were granted that  
26           would have been paid to impacted individuals had the

1 waiver not been granted, and those contractors that hired  
2 impacted individuals who would otherwise be required  
3 pursuant to this Article; and (iv) the total dollar amount  
4 of all benefits of all contractors requesting waivers that  
5 were granted that would have expended on behalf of  
6 impacted individuals had the waiver not been granted and  
7 those contractors that hired impacted individuals who  
8 would otherwise be required pursuant to this Article.

9 (b) Taxes paid solely by the contractor as a result of its  
10 hiring of impacted individuals pursuant to this Act shall not  
11 be included in the computation of wages paid and benefits  
12 provided to impacted individuals pursuant to this Section.

13 (30 ILCS 500/34-30 new)

14 Sec. 34-30. Funding preapprenticeship programs.

15 (a) No collective bargaining agreement entered into by the  
16 State or any State agency on or after the effective date of  
17 this amendatory Act of the 102nd General Assembly shall be  
18 valid unless it provides that an amount equal to not less than  
19 5% of the dollar amount of wages paid and benefits provided by  
20 the State or State agency pursuant to the collective  
21 bargaining agreement shall be contributed by the labor union  
22 that is a party to that collective bargaining agreement to one  
23 or more preapprenticeship programs that exclusively serve  
24 impacted individuals.

25 (b) No collective bargaining agreement entered into by the

1 State or any State agency that is in effect prior to the  
2 effective date of this amendatory Act of the 102nd General  
3 Assembly shall be renewed, extended, or otherwise continued  
4 beyond the initial duration of that collective bargaining  
5 agreement, unless the labor union that is a party to that  
6 collective bargaining agreement agrees to make the  
7 contribution required by subsection (a) throughout the period  
8 of the renewal, extension, or continuation. The State or any  
9 State agency that is a party to a collective bargaining  
10 agreement that is in effect prior to the effective date of this  
11 amendatory Act of the 102nd General Assembly shall provide all  
12 notices and cancellations, and take all other actions required  
13 pursuant to the collective bargaining agreement or any other  
14 legal requirements to effectuate the provisions of this  
15 subsection (b).

16 (c) Taxes paid solely by the State or State agency as a  
17 result of its entry into a collective bargaining agreement  
18 shall not be included in the computation of wages paid and  
19 benefits provided pursuant to that collective bargaining  
20 agreement.

21 (d) Each union that is required to make contributions to  
22 one or more preapprenticeship programs that exclusively serve  
23 impacted individuals pursuant to this Section shall provide a  
24 sworn statement with reasonable evidence of its compliance  
25 with this Section to the chief procurement office on a  
26 semi-annual basis.

1       (e) Nothing in this Act shall be construed to prohibit a  
2       labor union that is required to make contributions to one or  
3       more preapprenticeship programs that exclusively serve  
4       impacted individuals pursuant to this Section from making  
5       those contributions to a preapprenticeship program that  
6       exclusively serves impacted individuals and is operated or  
7       sponsored by that labor union.

8           (30 ILCS 500/34-35 new)

9       Sec. 34-35. Standing to enforce. Each person who and each  
10       entity that is a resident of the State of Illinois has standing  
11       to enforce the provisions of this Article without need of  
12       showing any other interest in the matter.

13           (30 ILCS 500/50-60)

14       Sec. 50-60. Voidable contracts.

15       (a) If any contract or amendment thereto is entered into  
16       or purchase or expenditure of funds is made at any time in  
17       violation of this Code or any other law, the contract or  
18       amendment thereto may be declared void by the chief  
19       procurement officer or may be ratified and affirmed, provided  
20       the chief procurement officer determines that ratification is  
21       in the best interests of the State. If the contract is ratified  
22       and affirmed, it shall be without prejudice to the State's  
23       rights to any appropriate damages.

24       (b) If, during the term of a contract, the chief

1 procurement officer determines that the contractor is  
2 delinquent in the payment of debt as set forth in Section 50-11  
3 of this Code, the chief procurement officer may declare the  
4 contract void if it determines that voiding the contract is in  
5 the best interests of the State. The Debt Collection Bureau  
6 shall adopt rules for the implementation of this subsection  
7 (b).

8 (c) (Blank). ~~If, during the term of a contract, the chief~~  
9 ~~procurement officer determines that the contractor is in~~  
10 ~~violation of Section 50-10.5 of this Code, the chief~~  
11 ~~procurement officer shall declare the contract void.~~

12 (d) If, during the term of a contract, the contracting  
13 agency learns from an annual certification or otherwise  
14 determines that the contractor no longer qualifies to enter  
15 into State contracts by reason of Section 50-5, ~~50-10~~, 50-12,  
16 50-14, or 50-14.5 of this Article, the chief procurement  
17 officer may declare the contract void if it determines that  
18 voiding the contract is in the best interests of the State.

19 (e) If, during the term of a contract, the chief  
20 procurement officer learns from an annual certification or  
21 otherwise determines that a subcontractor subject to Section  
22 20-120 no longer qualifies to enter into State contracts by  
23 reason of Section 50-5, ~~50-10, 50-10.5~~, 50-11, 50-12, 50-14,  
24 or 50-14.5 of this Article, the chief procurement officer may  
25 declare the related contract void if it determines that  
26 voiding the contract is in the best interests of the State.



1       However, the related contract shall not be declared void  
2       unless the contractor refuses to terminate the subcontract  
3       upon the State's request after a finding that the  
4       subcontractor no longer qualifies to enter into State  
5       contracts by reason of one of the Sections listed in this  
6       subsection.

7               (f) The changes to this Section made by Public Act 96-795  
8       apply to actions taken by the chief procurement officer on or  
9       after July 1, 2010.

10       (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see  
11       Section 5 of P.A. 96-793 for the effective date of changes made  
12       by P.A. 96-795); 96-1000, eff. 7-2-10; 97-895, eff. 8-3-12.)

13               (30 ILCS 500/50-10 rep.)

14               (30 ILCS 500/50-10.5 rep.)

15       Section 10. The Illinois Procurement Code is amended by  
16       repealing Sections 50-10 and 50-10.5.

17       Section 15. The Business Enterprise for Minorities, Women,  
18       and Persons with Disabilities Act is amended by changing  
19       Section 2 as follows:

20               (30 ILCS 575/2)

21               (Section scheduled to be repealed on June 30, 2024)

22       Sec. 2. Definitions.

23               (A) For the purpose of this Act, the following terms shall

1 have the following definitions:

2 (1) "Minority person" shall mean a person who is a  
3 citizen or lawful permanent resident of the United States  
4 and who is any of the following:

5 (a) American Indian or Alaska Native (a person  
6 having origins in any of the original peoples of North  
7 and South America, including Central America, and who  
8 maintains tribal affiliation or community attachment).

9 (b) Asian (a person having origins in any of the  
10 original peoples of the Far East, Southeast Asia, or  
11 the Indian subcontinent, including, but not limited  
12 to, Cambodia, China, India, Japan, Korea, Malaysia,  
13 Pakistan, the Philippine Islands, Thailand, and  
14 Vietnam).

15 (c) Black or African American (a person having  
16 origins in any of the black racial groups of Africa).

17 (d) Hispanic or Latino (a person of Cuban,  
18 Mexican, Puerto Rican, South or Central American, or  
19 other Spanish culture or origin, regardless of race).

20 (e) Native Hawaiian or Other Pacific Islander (a  
21 person having origins in any of the original peoples  
22 of Hawaii, Guam, Samoa, or other Pacific Islands).

23 (2) "Woman" shall mean a person who is a citizen or  
24 lawful permanent resident of the United States and who is  
25 of the female gender.

26 (2.05) "Person with a disability" means: (i) a person

1           who is a citizen or lawful resident of the United States  
2           and is a person qualifying as a person with a disability  
3           under subdivision (2.1) of this subsection (A); or (ii) a  
4           person who is a citizen or lawful permanent resident of  
5           the United States and a resident of the State of Illinois  
6           who has been arrested for committing a felony or convicted  
7           of a felony by any court of competent jurisdiction sitting  
8           in the United States or any territory of the United  
9           States.

10           (2.1) "Person with a disability" means a person with a  
11           severe physical or mental disability that:

12                   (a) results from:

13                           amputation,

14                           arthritis,

15                           autism,

16                           blindness,

17                           burn injury,

18                           cancer,

19                           cerebral palsy,

20                           Crohn's disease,

21                           cystic fibrosis,

22                           deafness,

23                           head injury,

24                           heart disease,

25                           hemiplegia,

26                           hemophilia,

1 respiratory or pulmonary dysfunction,  
2 an intellectual disability,  
3 mental illness,  
4 multiple sclerosis,  
5 muscular dystrophy,  
6 musculoskeletal disorders,  
7 neurological disorders, including stroke and  
8 epilepsy,  
9 paraplegia,  
10 quadriplegia and other spinal cord conditions,  
11 sickle cell anemia,  
12 ulcerative colitis,  
13 specific learning disabilities, or  
14 end stage renal failure disease; and

15 (b) substantially limits one or more of the  
16 person's major life activities.

17 Another disability or combination of disabilities may  
18 also be considered as a severe disability for the purposes  
19 of item (a) of this subdivision (2.1) if it is determined  
20 by an evaluation of rehabilitation potential to cause a  
21 comparable degree of substantial functional limitation  
22 similar to the specific list of disabilities listed in  
23 item (a) of this subdivision (2.1).

24 (3) "Minority-owned business" means a business which  
25 is at least 51% owned by one or more minority persons, or  
26 in the case of a corporation, at least 51% of the stock in

1           which is owned by one or more minority persons; and the  
2           management and daily business operations of which are  
3           controlled by one or more of the minority individuals who  
4           own it.

5           (4) "Women-owned business" means a business which is  
6           at least 51% owned by one or more women, or, in the case of  
7           a corporation, at least 51% of the stock in which is owned  
8           by one or more women; and the management and daily  
9           business operations of which are controlled by one or more  
10          of the women who own it.

11          (4.1) "Business owned by a person with a disability"  
12          means a business that is at least 51% owned by one or more  
13          persons with a disability and the management and daily  
14          business operations of which are controlled by one or more  
15          of the persons with disabilities who own it. A  
16          not-for-profit agency for persons with disabilities that  
17          is exempt from taxation under Section 501 of the Internal  
18          Revenue Code of 1986 is also considered a "business owned  
19          by a person with a disability".

20          (4.2) "Council" means the Business Enterprise Council  
21          for Minorities, Women, and Persons with Disabilities  
22          created under Section 5 of this Act.

23          (4.3) "Commission" means, unless the context clearly  
24          indicates otherwise, the Commission on Equity and  
25          Inclusion created under the Commission on Equity and  
26          Inclusion Act.

1           (5) "State contracts" means all contracts entered into  
2           by the State, any agency or department thereof, or any  
3           public institution of higher education, including  
4           community college districts, regardless of the source of  
5           the funds with which the contracts are paid, which are not  
6           subject to federal reimbursement. "State contracts" does  
7           not include contracts awarded by a retirement system,  
8           pension fund, or investment board subject to Section  
9           1-109.1 of the Illinois Pension Code. This definition  
10          shall control over any existing definition under this Act  
11          or applicable administrative rule.

12          "State construction contracts" means all State  
13          contracts entered into by a State agency or public  
14          institution of higher education for the repair,  
15          remodeling, renovation or construction of a building or  
16          structure, or for the construction or maintenance of a  
17          highway defined in Article 2 of the Illinois Highway Code.

18          (6) "State agencies" shall mean all departments,  
19          officers, boards, commissions, institutions and bodies  
20          politic and corporate of the State, but does not include  
21          the Board of Trustees of the University of Illinois, the  
22          Board of Trustees of Southern Illinois University, the  
23          Board of Trustees of Chicago State University, the Board  
24          of Trustees of Eastern Illinois University, the Board of  
25          Trustees of Governors State University, the Board of  
26          Trustees of Illinois State University, the Board of

1 Trustees of Northeastern Illinois University, the Board of  
2 Trustees of Northern Illinois University, the Board of  
3 Trustees of Western Illinois University, municipalities or  
4 other local governmental units, or other State  
5 constitutional officers.

6 (7) "Public institutions of higher education" means  
7 the University of Illinois, Southern Illinois University,  
8 Chicago State University, Eastern Illinois University,  
9 Governors State University, Illinois State University,  
10 Northeastern Illinois University, Northern Illinois  
11 University, Western Illinois University, the public  
12 community colleges of the State, and any other public  
13 universities, colleges, and community colleges now or  
14 hereafter established or authorized by the General  
15 Assembly.

16 (8) "Certification" means a determination made by the  
17 Council or by one delegated authority from the Council to  
18 make certifications, or by a State agency with statutory  
19 authority to make such a certification, that a business  
20 entity is a business owned by a minority, woman, or person  
21 with a disability for whatever purpose. A business owned  
22 and controlled by women shall be certified as a  
23 "woman-owned business". A business owned and controlled by  
24 women who are also minorities shall be certified as both a  
25 "women-owned business" and a "minority-owned business".

26 (9) "Control" means the exclusive or ultimate and sole

1 control of the business including, but not limited to,  
2 capital investment and all other financial matters,  
3 property, acquisitions, contract negotiations, legal  
4 matters, officer-director-employee selection and  
5 comprehensive hiring, operating responsibilities,  
6 cost-control matters, income and dividend matters,  
7 financial transactions and rights of other shareholders or  
8 joint partners. Control shall be real, substantial and  
9 continuing, not pro forma. Control shall include the power  
10 to direct or cause the direction of the management and  
11 policies of the business and to make the day-to-day as  
12 well as major decisions in matters of policy, management  
13 and operations. Control shall be exemplified by possessing  
14 the requisite knowledge and expertise to run the  
15 particular business and control shall not include simple  
16 majority or absentee ownership.

17 (10) "Business" means a business that has annual gross  
18 sales of less than \$75,000,000 as evidenced by the federal  
19 income tax return of the business. A firm with gross sales  
20 in excess of this cap may apply to the Council for  
21 certification for a particular contract if the firm can  
22 demonstrate that the contract would have significant  
23 impact on businesses owned by minorities, women, or  
24 persons with disabilities as suppliers or subcontractors  
25 or in employment of minorities, women, or persons with  
26 disabilities.



1           (11) "Utilization plan" means a form and additional  
2           documentations included in all bids or proposals that  
3           demonstrates a vendor's proposed utilization of vendors  
4           certified by the Business Enterprise Program to meet the  
5           targeted goal. The utilization plan shall demonstrate that  
6           the Vendor has either: (1) met the entire contract goal or  
7           (2) requested a full or partial waiver and made good faith  
8           efforts towards meeting the goal.

9           (12) "Business Enterprise Program" means the Business  
10          Enterprise Program of the Commission on Equity and  
11          Inclusion.

12          (B) When a business is owned at least 51% by any  
13          combination of minority persons, women, or persons with  
14          disabilities, even though none of the 3 classes alone holds at  
15          least a 51% interest, the ownership requirement for purposes  
16          of this Act is considered to be met. The certification  
17          category for the business is that of the class holding the  
18          largest ownership interest in the business. If 2 or more  
19          classes have equal ownership interests, the certification  
20          category shall be determined by the business.

21          (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;  
22          102-29, eff. 6-25-21.)

23          Section 99. Effective date. This Act takes effect upon  
24          becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 30 ILCS 500/1-10
- 4 30 ILCS 500/1-13
- 5 30 ILCS 500/1-35
- 6 30 ILCS 500/1-40
- 7 30 ILCS 500/30-15
- 8 30 ILCS 500/Art. 34
- 9 heading new
- 10 30 ILCS 500/34-1 new
- 11 30 ILCS 500/34-5 new
- 12 30 ILCS 500/34-10 new
- 13 30 ILCS 500/34-15 new
- 14 30 ILCS 500/34-20 new
- 15 30 ILCS 500/34-25 new
- 16 30 ILCS 500/34-30 new
- 17 30 ILCS 500/34-35 new
- 18 30 ILCS 500/50-60
- 19 30 ILCS 500/50-10 rep.
- 20 30 ILCS 500/50-10.5 rep.
- 21 30 ILCS 575/2