

SB1737



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1737

Introduced 2/19/2009, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-35

Amends the Illinois Procurement Code. Makes the following changes with respect to the contract preference for sheltered workshops: changes references from handicapped persons to persons with disabilities; names the advisory committee the State Use Committee and adds members; requires the Governor to fill Committee vacancies within 30 days after notice of a vacancy; requires the Committee to develop a 5-year plan for increased State procurements from not-for-profit agencies serving persons with disabilities; and requires chief procurement officers, in consultation with the Committee, to determine which items are available from those not-for-profit agencies and to give priority to those agencies when making procurements. Effective immediately.

LRB096 08757 JAM 18889 b

FISCAL NOTE ACT
MAY APPLY

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 Illinois Procurement Code is amended by
5 changing Section 45-35 as follows:

6 (30 ILCS 500/45-35)

7 Sec. 45-35. Facilities ~~Sheltered workshops~~ for persons
8 with severe disabilities ~~the severely handicapped~~.

9 (a) Qualification. Supplies and services may be procured
10 without advertising or calling for bids from any qualified
11 not-for-profit agency for persons with severe disabilities ~~the~~
12 ~~severely handicapped~~ that:

13 (1) complies with Illinois laws governing private
14 not-for-profit organizations;

15 (2) is certified as a sheltered workshop by the Wage
16 and Hour Division of the United States Department of Labor;
17 and

18 (3) meets the applicable Illinois Department of Human
19 Services just standards ~~for rehabilitation facilities~~.

20 (b) Participation. To participate, the not-for-profit
21 agency must have indicated an interest in providing the
22 supplies and services, must meet the specifications and needs
23 of the using agency, and must set a fair market price.

1 (c) Committee. There is created within the Department of
2 Central Management Services a committee to facilitate the
3 purchase of products and services of persons so severely
4 disabled ~~handicapped~~ by a physical or mental disability that
5 they cannot engage in normal competitive employment. This
6 committee is called the State Use Committee. The committee
7 shall consist of the Director of the Department of Central
8 Management Services or his or her designee, the Director of the
9 Department of Human Services or his or her designee, one public
10 member representing ~~and 2 representatives from~~ private
11 business who is knowledgeable of the employment needs and
12 concerns of persons with developmental disabilities, one
13 public member representing private business who is
14 knowledgeable of the needs and concerns of rehabilitation
15 facilities, one ~~and 2~~ public member who is knowledgeable of the
16 employment needs and concerns of persons with developmental
17 disabilities, one public member who is knowledgeable of the
18 needs and concerns of rehabilitation facilities, and 2 public
19 members from a statewide association that represents
20 community-based rehabilitation facilities, ~~members~~ all
21 appointed by the Governor ~~who are knowledgeable in the needs~~
22 ~~and concerns of rehabilitation facilities in Illinois.~~ The
23 public members shall serve 2 year terms, commencing upon
24 appointment and every 2 years thereafter. A public member may
25 be reappointed, and vacancies shall ~~may~~ be filled by
26 appointment for the completion of the term. In the event there

1 is a vacancy on the Committee, the Governor must make an
2 appointment to fill that vacancy within 30 calendar days after
3 the notice of vacancy. The members shall serve without
4 compensation but shall be reimbursed for expenses at a rate
5 equal to that of State employees on a per diem basis by the
6 Department of Central Management Services. All members shall be
7 entitled to vote on issues before the committee.

8 The committee shall have the following powers and duties:

9 (1) To request from any State agency information as to
10 product specification and service requirements in order to
11 carry out its purpose.

12 (2) To meet quarterly or more often as necessary to
13 carry out its purposes.

14 (3) To request a quarterly report from each
15 participating qualified not-for-profit agency for persons
16 with severe disabilities ~~the severely handicapped~~
17 describing the volume of sales for each product or service
18 sold under this Section.

19 (4) To prepare a report for the Governor annually.

20 (5) To prepare a publication that lists all supplies
21 and services currently available from any qualified
22 not-for-profit agency for persons with severe disabilities
23 ~~the severely handicapped~~. This list and any revisions shall
24 be distributed to all purchasing agencies.

25 (6) To encourage diversity in supplies and services
26 provided by qualified not-for-profit agencies for persons

1 with severe disabilities ~~the severely handicapped~~ and
2 discourage unnecessary duplication or competition among
3 facilities.

4 (7) To develop guidelines to be followed by qualifying
5 agencies for participation under the provisions of this
6 Section. The guidelines shall be developed within 6 months
7 after the effective date of this Code and made available on
8 a nondiscriminatory basis to all qualifying agencies.

9 (8) To review all bids submitted under the provisions
10 of this Section and reject any bid for any purchase that is
11 determined to be substantially more than the purchase would
12 have cost had it been competitively bid.

13 (9) To develop a 5-year plan for increasing the number
14 of products and services purchased from qualified
15 not-for-profit agencies for persons with severe
16 disabilities, including the feasibility of developing
17 mandatory set-aside contracts. This 5-year plan must be
18 developed no later than 180 calendar days after the
19 effective date of this amendatory Act of the 96th General
20 Assembly.

21 (c-5) Conditions for Use. Each chief procurement officer
22 shall, in consultation with the State Use Committee, determine
23 which articles, materials, services, food stuffs, and supplies
24 that are produced, manufactured, or provided by persons with
25 severe disabilities in qualified not-for-profit agencies shall
26 be given preference by purchasing agencies procuring those

1 items.

2 (d) Former committee. The committee created under
3 subsection (c) shall replace the committee created under
4 Section 7-2 of the Illinois Purchasing Act, which shall
5 continue to operate until the appointments under subsection (c)
6 are made.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.