



Sen. James F. Clayborne, Jr.

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09900HB3748sam001

LRB099 07602 MLM 44857 a

1 AMENDMENT TO HOUSE BILL 3748

2 AMENDMENT NO. _____. Amend House Bill 3748 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Business Enterprise for Minorities,
5 Females, and Persons with Disabilities Act is amended by
6 changing Section 4 as follows:

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

8 (Section scheduled to be repealed on June 30, 2016)

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, females, and persons
15 with disabilities; provided, however, that of the total amount
16 of all State contracts awarded to businesses owned by

1 minorities, females, and persons with disabilities pursuant to
2 this Section, contracts representing at least 11% shall be
3 awarded to businesses owned by minorities, contracts
4 representing at least 7% shall be awarded to female-owned
5 businesses, and contracts representing at least 2% shall be
6 awarded to businesses owned by persons with disabilities.

7 The above percentage relates to the total dollar amount of
8 State contracts during each State fiscal year, calculated by
9 examining independently each type of contract for each agency
10 or public institutions of higher education which lets such
11 contracts. Only that percentage of arrangements which
12 represents the participation of businesses owned by
13 minorities, females, and persons with disabilities on such
14 contracts shall be included.

15 (b) In the case of State construction contracts, the
16 provisions of subsection (a) requiring a portion of State
17 contracts to be awarded to businesses owned and controlled by
18 persons with disabilities do not apply. The following
19 aspirational goals are established for State construction
20 contracts: not less than 20% of the total dollar amount of
21 State construction contracts is established as a goal to be
22 awarded to minority and female owned businesses, and contracts
23 representing 50% of the amount of all State construction
24 contracts awarded to minority and female owned businesses shall
25 be awarded to female owned businesses.

26 (c) In the case of all work undertaken by the University of

1 Illinois related to the planning, organization, and staging of
2 the games, the University of Illinois shall establish a goal of
3 awarding not less than 25% of the annual dollar value of all
4 contracts, purchase orders, and other agreements (collectively
5 referred to as "the contracts") to minority-owned businesses or
6 businesses owned by a person with a disability and 5% of the
7 annual dollar value the contracts to female-owned businesses.
8 For purposes of this subsection, the term "games" has the
9 meaning set forth in the Olympic Games and Paralympic Games
10 (2016) Law.

11 (d) Within one year after April 28, 2009 (the effective
12 date of Public Act 96-8), the Department of Central Management
13 Services shall conduct a social scientific study that measures
14 the impact of discrimination on minority and female business
15 development in Illinois. Within 18 months after April 28, 2009
16 (the effective date of Public Act 96-8), the Department shall
17 issue a report of its findings and any recommendations on
18 whether to adjust the goals for minority and female
19 participation established in this Act. Copies of this report
20 and the social scientific study shall be filed with the
21 Governor and the General Assembly.

22 (e) Except as permitted under this Act or ~~Notwithstanding~~
23 ~~any provision of law to the contrary and except~~ as otherwise
24 mandated by federal law or regulation, those who submit bids or
25 proposals for State construction contracts subject to the
26 provisions of this Act, whose bids or proposals are successful

1 but that fail to meet the goals set forth in subsection (b) of
2 this Section, shall be notified of that deficiency and shall be
3 afforded a period not to exceed 10 days to cure that deficiency
4 in the bid or proposal. The deficiency in the bid or proposal
5 may only be cured by contracting with additional subcontractors
6 who are owned by minorities or females, but in no case shall an
7 identified subcontractor with a certification made pursuant to
8 this Act be terminated from the contract without the written
9 consent of the State agency or public institution of higher
10 education entering into the contract.

11 (Source: P.A. 99-462, eff. 8-25-15.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."