



Sen. Napoleon Harris, III

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LRB099 03019 SXM 33678 a

1 AMENDMENT TO SENATE BILL 275

2 AMENDMENT NO. _____. Amend Senate Bill 275 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

7 Sec. 30-30. Contracts in excess of \$250,000. For building
8 construction contracts in excess of \$250,000, separate
9 specifications shall be prepared for all equipment, labor, and
10 materials in connection with the following 5 subdivisions of
11 the work to be performed:

12 (1) plumbing;

13 (2) heating, piping, refrigeration, and automatic
14 temperature control systems, including the testing and
15 balancing of those systems;

16 (3) ventilating and distribution systems for

1 conditioned air, including the testing and balancing of
2 those systems;

3 (4) electric wiring; and

4 (5) general contract work.

5 The specifications must be so drawn as to facilitate ~~permit~~
6 separate and independent bidding upon each of the 5
7 subdivisions of work. Each of the 5 subdivisions of work must
8 be subject to a separate and independent bidding process. All
9 contracts awarded for any part thereof shall award the 5
10 subdivisions of work separately to responsible and reliable
11 persons, firms, or corporations engaged in these classes of
12 work. The contracts, at the discretion of the construction
13 agency, may be assigned to the successful bidder on the general
14 contract work or to the successful bidder on the subdivision of
15 work designated by the construction agency before the bidding
16 as the prime subdivision of work, provided that all payments
17 will be made directly to the contractors for the 5 subdivisions
18 of work upon compliance with the conditions of the contract.

19 Until a date 4 years after July 1, 2011, the requirements
20 of this Section do not apply to a construction project for
21 which the Capital Development Board is the construction agency
22 if: (i) the project budget is at least \$15,000,000; (ii) the
23 Capital Development Board has submitted to the Procurement
24 Policy Board a written request for a public hearing on waiver
25 of the application of the requirements of this Section to that
26 project, including its reasons for seeking the waiver and why

1 the waiver is in the best interest of the State; (iii) the
2 Capital Development Board has posted notice of the waiver
3 hearing on its procurement web page and on the online
4 Procurement Bulletin at least 15 calendar days before the
5 hearing; (iv) the Procurement Policy Board, after conducting
6 the public hearing on the waiver request, reviews and approves
7 the request in writing before the award of the contract; (v)
8 the successful low bidder has prequalified with the Capital
9 Development Board; (vi) the bid of the successful low bidder
10 identifies the name of the subcontractor, if any, and the bid
11 proposal costs for each of the 5 subdivisions of work set forth
12 in this Section; and (vii) the contract entered into with the
13 successful bidder provides that no identified subcontractor
14 may be terminated without the written consent of the Capital
15 Development Board. With respect to any construction project
16 described in this paragraph, the Capital Development Board
17 shall: (i) provide to the Auditor General an affidavit that the
18 waiver of the application of the requirements of this Section
19 is in the best interest of the State; (ii) specify in writing
20 as a public record that the project shall comply with the
21 disadvantaged business practices of the Business Enterprise
22 for Minorities, Females, and Persons with Disabilities Act and
23 the equal employment practices of Section 2-105 of the Illinois
24 Human Rights Act; and (iii) report annually to the Governor and
25 the General Assembly on the bidding, award, and performance. On
26 and after January 1, 2009 (the effective date of Public Act

1 95-758), the Capital Development Board may award in each year
2 contracts with an aggregate total value of no more than
3 \$200,000,000 with respect to construction projects described
4 in this paragraph.

5 Until a date 11 years after November 29, 2005 (the
6 effective date of Public Act 94-699), the requirements of this
7 Section do not apply to the Capitol Building HVAC upgrade
8 project if (i) the bid of the successful bidder identifies the
9 name of the subcontractor, if any, and the bid proposal costs
10 for each of the 5 subdivisions of work set forth in this
11 Section, and (ii) the contract entered into with the successful
12 bidder provides that no identified subcontractor may be
13 terminated without the written consent of the Capital
14 Development Board.

15 (Source: P.A. 97-182, eff. 7-22-11; 98-431, eff. 8-16-13;
16 98-1076, eff. 1-1-15.)

17 Section 10. The Business Enterprise for Minorities,
18 Females, and Persons with Disabilities Act is amended by
19 changing Section 4 as follows:

20 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

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

22 Sec. 4. Award of State contracts.

23 (a) Except as provided in subsections (b) and (c), not less
24 than 20% of the total dollar amount of State contracts, as

1 defined by the Secretary of the Council and approved by the
2 Council, shall be established as a goal to be awarded to
3 businesses owned by minorities, females, and persons with
4 disabilities; provided, however, that of the total amount of
5 all State contracts awarded to businesses owned by minorities,
6 females, and persons with disabilities pursuant to this
7 Section, contracts representing at least 11% shall be awarded
8 to businesses owned by minorities, contracts representing at
9 least 7% shall be awarded to female-owned businesses, and
10 contracts representing at least 2% shall be awarded to
11 businesses owned by persons with disabilities.

12 The above percentage relates to the total dollar amount of
13 State contracts during each State fiscal year, calculated by
14 examining independently each type of contract for each agency
15 or university which lets such contracts. Only that percentage
16 of arrangements which represents the participation of
17 businesses owned by minorities, females, and persons with
18 disabilities on such contracts shall be included.

19 (b) In the case of State construction contracts, the
20 provisions of subsection (a) requiring a portion of State
21 contracts to be awarded to businesses owned and controlled by
22 persons with disabilities do not apply. Not less than 20% ~~10%~~
23 of the total dollar amount of State construction contracts is
24 established as a goal to be awarded to minority and female
25 owned businesses, and contracts representing 50% of the amount
26 of all State construction contracts awarded to minority and

1 female owned businesses shall be awarded to female owned
2 businesses.

3 (c) In the case of all work undertaken by the University of
4 Illinois related to the planning, organization, and staging of
5 the games, the University of Illinois shall establish a goal of
6 awarding not less than 25% of the annual dollar value of all
7 contracts, purchase orders, and other agreements (collectively
8 referred to as "the contracts") to minority-owned businesses or
9 businesses owned by a person with a disability and 5% of the
10 annual dollar value the contracts to female-owned businesses.
11 For purposes of this subsection, the term "games" has the
12 meaning set forth in the Olympic Games and Paralympic Games
13 (2016) Law.

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

25 (e) Those who submit bids or proposals for State contracts
26 shall not be given a period after the bid or proposal is

1 submitted to cure deficiencies in the bid or proposal under
2 this Act unless mandated by federal law or regulation.

3 (Source: P.A. 96-7, eff. 4-3-09; 96-8, eff. 4-28-09; 96-706,
4 eff. 8-25-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
5 for the effective date of changes made by P.A. 96-795);
6 96-1000, eff. 7-2-10.)".