



Sen. James F. Clayborne, Jr.

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LRB099 10713 SXM 34432 a

1 AMENDMENT TO SENATE BILL 1334

2 AMENDMENT NO. _____. Amend Senate Bill 1334, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Business Enterprise for Minorities,
6 Females, and Persons with Disabilities Act is amended by
7 changing Sections 2, 3, 4, 5, 6, 6a, 7, 8, and 8f and by adding
8 Section 4f as follows:

9 (30 ILCS 575/2)

10 (Section scheduled to be repealed on June 30, 2016)

11 Sec. 2. Definitions.

12 (A) For the purpose of this Act, the following terms shall
13 have the following definitions:

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

1 (a) American Indian or Alaska Native (a person
2 having origins in any of the original peoples of North
3 and South America, including Central America, and who
4 maintains tribal affiliation or community attachment).

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

11 (c) Black or African American (a person having
12 origins in any of the black racial groups of Africa).
13 Terms such as "Haitian" or "Negro" can be used in
14 addition to "Black or African American".

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

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

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

24 (2.05) "Person with a disability" means a person who is
25 a citizen or lawful resident of the United States and is a
26 person qualifying as being disabled under subdivision

1 (2.1) of this subsection (A).

2 (2.1) "Disabled" means a severe physical or mental
3 disability that:

4 (a) results from:

5 amputation,

6 arthritis,

7 autism,

8 blindness,

9 burn injury,

10 cancer,

11 cerebral palsy,

12 Crohn's disease,

13 cystic fibrosis,

14 deafness,

15 head injury,

16 heart disease,

17 hemiplegia,

18 hemophilia,

19 respiratory or pulmonary dysfunction,

20 an intellectual disability,

21 mental illness,

22 multiple sclerosis,

23 muscular dystrophy,

24 musculoskeletal disorders,

25 neurological disorders, including stroke and

26 epilepsy,

1 paraplegia,
2 quadriplegia and other spinal cord conditions,
3 sickle cell anemia,
4 ulcerative colitis,
5 specific learning disabilities, or
6 end stage renal failure disease; and

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

9 Another disability or combination of disabilities may
10 also be considered as a severe disability for the purposes
11 of item (a) of this subdivision (2.1) if it is determined
12 by an evaluation of rehabilitation potential to cause a
13 comparable degree of substantial functional limitation
14 similar to the specific list of disabilities listed in item
15 (a) of this subdivision (2.1).

16 (3) "Minority owned business" means a business ~~concern~~
17 which is at least 51% owned by one or more minority
18 persons, or in the case of a corporation, at least 51% of
19 the stock in which is owned by one or more minority
20 persons; and the management and daily business operations
21 of which are controlled by one or more of the minority
22 individuals who own it.

23 (4) "Female owned business" means a business ~~concern~~
24 which is at least 51% owned by one or more females, or, in
25 the case of a corporation, at least 51% of the stock in
26 which is owned by one or more females; and the management

1 and daily business operations of which are controlled by
2 one or more of the females who own it.

3 (4.1) "Business owned by a person with a disability"
4 means a business ~~concern~~ that is at least 51% owned by one
5 or more persons with a disability and the management and
6 daily business operations of which are controlled by one or
7 more of the persons with disabilities who own it. A
8 not-for-profit agency for persons with disabilities that
9 is exempt from taxation under Section 501 of the Internal
10 Revenue Code of 1986 is also considered a "business owned
11 by a person with a disability".

12 (4.2) "Council" means the Business Enterprise Council
13 for Minorities, Females, and Persons with Disabilities
14 created under Section 5 of this Act.

15 (5) "State contracts" means all State contracts,
16 regardless of the source of the funds with which the
17 contracts are paid, which are not subject to federal
18 reimbursement. This definition shall control over any
19 existing definition under this Act or applicable
20 administrative rule. "State contracts" shall mean all
21 State contracts, funded exclusively with State funds which
22 are not subject to federal reimbursement, whether
23 competitively bid or negotiated as defined by the Secretary
24 of the Council and approved by the Council.

25 "State construction contracts" means all State
26 contracts entered into by a State agency or public

1 institution of higher education ~~State university~~ for the
2 repair, remodeling, renovation or construction of a
3 building or structure, or for the construction or
4 maintenance of a highway defined in Article 2 of the
5 Illinois Highway Code.

6 (6) "State agencies" shall mean all departments,
7 officers, boards, commissions, institutions and bodies
8 politic and corporate of the State, but does not include
9 the Board of Trustees of the University of Illinois, the
10 Board of Trustees of Southern Illinois University, the
11 Board of Trustees of Chicago State University, the Board of
12 Trustees of Eastern Illinois University, the Board of
13 Trustees of Governors State University, the Board of
14 Trustees of Illinois State University, the Board of
15 Trustees of Northeastern Illinois University, the Board of
16 Trustees of Northern Illinois University, the Board of
17 Trustees of Western Illinois University, municipalities or
18 other local governmental units, or other State
19 constitutional officers.

20 (7) "Public institutions of higher education" means
21 the University of Illinois, Southern Illinois University,
22 Chicago State University, Eastern Illinois University,
23 Governors State University, Illinois State University,
24 Northeastern Illinois University, Northern Illinois
25 University, Western Illinois University, the public
26 community colleges of the State, and any other public

1 universities, colleges and community colleges now or
2 hereafter established or authorized by the General
3 Assembly. "State universities" shall mean the Board of
4 Trustees of the University of Illinois, the Board of
5 Trustees of Southern Illinois University, the Board of
6 Trustees of Chicago State University, the Board of Trustees
7 of Eastern Illinois University, the Board of Trustees of
8 Governors State University, the Board of Trustees of
9 Illinois State University, the Board of Trustees of
10 Northeastern Illinois University, the Board of Trustees of
11 Northern Illinois University, and the Board of Trustees of
12 Western Illinois University.

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

23 (9) "Control" means the exclusive or ultimate and sole
24 control of the business including, but not limited to,
25 capital investment and all other financial matters,
26 property, acquisitions, contract negotiations, legal

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

14 (10) (Blank). ~~"Business concern or business" means a~~
15 ~~business that has annual gross sales of less than~~
16 ~~\$75,000,000 as evidenced by the federal income tax return~~
17 ~~of the business. A firm with gross sales in excess of this~~
18 ~~cap may apply to the Council for certification for a~~
19 ~~particular contract if the firm can demonstrate that the~~
20 ~~contract would have significant impact on businesses owned~~
21 ~~by minorities, females, or persons with disabilities as~~
22 ~~suppliers or subcontractors or in employment of~~
23 ~~minorities, females, or persons with disabilities.~~

24 (B) When a business ~~concern~~ is owned at least 51% by any
25 combination of minority persons, females, or persons with
26 disabilities, even though none of the 3 classes alone holds at

1 least a 51% interest, the ownership requirement for purposes of
2 this Act is considered to be met. The certification category
3 for the business is that of the class holding the largest
4 ownership interest in the business. If 2 or more classes have
5 equal ownership interests, the certification category shall be
6 determined by the business ~~concern~~.

7 (Source: P.A. 97-227, eff. 1-1-12; 97-396, eff. 1-1-12; 97-813,
8 eff. 7-13-12; 98-95, eff. 7-17-13.)

9 (30 ILCS 575/3) (from Ch. 127, par. 132.603)

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

11 Sec. 3. Implementation and applicability. This Act shall be
12 applied to all State agencies and public institutions of higher
13 education ~~State universities~~.

14 (Source: P.A. 85-729.)

15 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

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

17 Sec. 4. Award of State contracts.

18 (a) Except as provided in subsections (b) and (c), not less
19 than 20% of the total dollar amount of State contracts, as
20 defined by the Secretary of the Council and approved by the
21 Council, shall be established as a goal to be awarded to
22 businesses owned by minorities, females, and persons with
23 disabilities; provided, however, that of the total amount of
24 all State contracts awarded to businesses owned by minorities,

1 females, and persons with disabilities pursuant to this
2 Section, contracts representing at least 11% shall be awarded
3 to businesses owned by minorities, contracts representing at
4 least 7% shall be awarded to female-owned businesses, and
5 contracts representing at least 2% shall be awarded to
6 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 ~~university~~ which
11 lets such 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. Not less than 20% ~~10%~~
19 of the total dollar amount of State construction contracts is
20 established as a goal to be awarded to minority and female
21 owned businesses, and contracts representing 50% of the amount
22 of all State construction contracts awarded to minority and
23 female owned businesses shall be awarded to female owned
24 businesses.

25 (c) In the case of all work undertaken by the University of
26 Illinois related to the planning, organization, and staging of

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

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

21 (e) Those who submit bids or proposals for State contracts
22 shall not be given a period after the bid or proposal is
23 submitted to cure deficiencies in the bid or proposal under
24 this Act unless mandated by federal law or regulation.

25 (Source: P.A. 96-7, eff. 4-3-09; 96-8, eff. 4-28-09; 96-706,
26 eff. 8-25-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793

1 for the effective date of changes made by P.A. 96-795);
2 96-1000, eff. 7-2-10.)

3 (30 ILCS 575/4f new)

4 Sec. 4f. Award of State contracts.

5 (1) It is hereby declared to be the public policy of
6 the State of Illinois to promote and encourage each State
7 agency and public institution of higher education to use
8 businesses owned by minorities, females, and persons with
9 disabilities in the area of goods and services, including,
10 but not limited to, insurance services, investment
11 management services, information technology services,
12 accounting services, cost containment and auditing
13 services, architectural and engineering services, and
14 legal services. Furthermore, each State agency and public
15 institution of higher education shall utilize such firms to
16 the greatest extent feasible within the bounds of financial
17 and fiduciary prudence, and take affirmative steps to
18 remove any barriers to the full participation of such firms
19 in the procurement and placement opportunities afforded.

20 (a) When a State agency and public institution of
21 higher education enters into a contract for insurance
22 services, for each State agency and public institution
23 of higher education, it shall be the goal to use
24 insurance brokers owned by minorities, females, and
25 persons with disabilities as defined by this Act, for

1 not less than 20% of the total annual premiums or fees.

2 (b) When a State agency and public institution of
3 higher education enters into a contract for investment
4 services, for each State agency and public institution
5 of higher education, it shall be the goal to use
6 emerging investment managers owned by minorities,
7 females, and persons with disabilities as defined by
8 this Act, for not less than 20% of the total funds
9 under management. Furthermore, it is the goal that not
10 less than 20% of the direct asset managers of the State
11 funds be minorities, females, and persons with
12 disabilities.

13 (c) When a State agency or public institution of
14 higher education enters into contracts for information
15 technology services, accounting services,
16 architectural and engineering services, and legal
17 services, for each State agency and public institution
18 of higher education, it shall be the goal to use such
19 firms owned by minorities, females, and persons with
20 disabilities as defined by this Act and lawyers who are
21 minorities, females, and persons with disabilities as
22 defined by this Act, for not less than 20% of State
23 contracts.

24 (2) As used in this Section:

25 "Accounting services" means the measurement,
26 processing and communication of financial information

1 about economic entities including, but is not limited
2 to, financial accounting, management accounting,
3 auditing, cost containment and auditing services,
4 taxation and accounting information systems.

5 "Architectural and engineering services" means
6 professional services of an architectural or
7 engineering nature, or incidental services, that
8 members of the architectural and engineering
9 professions, and individuals in their employ, may
10 logically or justifiably perform, including studies,
11 investigations, surveying and mapping, tests,
12 evaluations, consultations, comprehensive planning,
13 program management, conceptual designs, plans and
14 specifications, value engineering, construction phase
15 services, soils engineering, drawing reviews,
16 preparation of operating and maintenance manuals, and
17 other related services.

18 "Emerging investment manager" means an investment
19 manager or claims consultant having assets under
20 management below \$20 billion or otherwise adjudicating
21 claims.

22 "Information technology services" means, but is
23 not limited to, specialized technology-oriented
24 solutions by combining the processes and functions of
25 software, hardware, networks, telecommunications, web
26 designers, cloud developing resellers, and

1 electronics.

2 "Insurance broker" means an insurance brokerage
3 firm, claims administrator, or both, that procures,
4 places all lines of insurance, or administers claims
5 with annual premiums or fees of at least \$5,000,000 but
6 not more than \$10,000,000.

7 "Legal services" means work performed by a lawyer
8 including, but not limited to, contracts in
9 anticipation of litigation, enforcement actions, or
10 investigations.

11 (3) Each State agency and public institutions of higher
12 education shall adopt policies that identify its plan and
13 implementation procedures for increasing the use of
14 service firms owned by minorities, females, and persons
15 with disabilities.

16 (4) The Council shall file no later than March 1 of
17 each year an annual report to the Governor and the General
18 Assembly. This report shall: (i) identify the services
19 firms used by each State agency and public institution of
20 higher education, (ii) identify the actions it has
21 undertaken to increase the use of service firms owned by
22 minorities, females, and persons with disabilities,
23 including encouraging non-minority owned firms to use
24 other service firms owned by minorities, females, and
25 persons with disabilities as subcontractors when the
26 opportunities arise, (iii) state any recommendations made

1 by the Council to each State agency and public institution
2 of higher education to increase participation by the use of
3 service firms owned by minorities, females, and persons
4 with disabilities, and (iv) include the following:

5 (A) For insurance services: the names of the
6 insurance brokers or claims consultants used, the
7 total of risk managed by each State agency and public
8 institution of higher education by insurance brokers,
9 the total commissions, fees paid, or both, the lines or
10 insurance policies placed, and the amount of premiums
11 placed; and the percentage of the risk managed by
12 insurance brokers, the percentage of total commission,
13 fees paid, or both, the lines or insurance policies
14 placed, and the amount of premiums placed with each by
15 the insurance brokers owned by minorities, females,
16 and persons with disabilities by each State agency and
17 public institution of higher education.

18 (B) For investment management services: the names
19 of the investment managers used, the total funds under
20 management of investment managers; the total
21 commissions, fees paid, or both; the total and
22 percentage of funds under management of emerging
23 investment managers owned by minorities, females, and
24 persons with disabilities, including the total and
25 percentage of total commissions, fees paid, or both by
26 each State agency and public institution of higher

1 education.

2 (C) The names of service firms, the percentage and
3 total dollar amount paid for professional services by
4 category by each State agency and public institution of
5 higher education.

6 (D) The names of service firms, the percentage and
7 total dollar amount paid for services by category to
8 firms owned by minorities, females, and persons with
9 disabilities by each State agency and public
10 institution of higher education.

11 (E) The total number of contracts awarded for
12 services by category and the total number of contracts
13 awarded to firms owned by minorities, females, and
14 persons with disabilities by each State agency and
15 public institution of higher education.

16 (5) The status of the utilization of services shall be
17 discussed at each of the regularly scheduled Business
18 Enterprise Council meetings. Time shall be allotted for the
19 Council to receive, review, and discuss the progress of the
20 use of service firms owned by minorities, females, and
21 persons with disabilities by each State agency and public
22 institutions of higher education; and any evidence
23 regarding past or present racial, ethnic, or gender-based
24 discrimination which directly impacts State agency or
25 public institutions of higher education contracting with
26 such firms. If after reviewing such evidence the Council

1 finds that there is or has been such discrimination against
2 a specific group, race or sex, the Council shall establish
3 sheltered markets or adjust existing sheltered markets
4 tailored to address the Council's specific findings for
5 these divisions of work.

6 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

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

8 Sec. 5. Business Enterprise Council.

9 (1) To help implement, monitor and enforce the goals of
10 this Act, there is created the Business Enterprise Council for
11 Minorities, Females, and Persons with Disabilities,
12 hereinafter referred to as the Council, composed of the
13 Secretary of Human Services and the Directors of the Department
14 of Human Rights, the Department of Commerce and Economic
15 Opportunity, the Department of Central Management Services,
16 the Department of Transportation and the Capital Development
17 Board, or their duly appointed representatives. Ten
18 individuals representing businesses that are minority or
19 female owned or owned by persons with disabilities, 2
20 individuals representing the business community, and a
21 representative of public institutions of higher education
22 ~~public universities~~ shall be appointed by the Governor. These
23 members shall serve 2 year terms and shall be eligible for
24 reappointment. Any vacancy occurring on the Council shall also
25 be filled by the Governor. Any member appointed to fill a

1 vacancy occurring prior to the expiration of the term for which
2 his predecessor was appointed shall be appointed for the
3 remainder of such term. Members of the Council shall serve
4 without compensation but shall be reimbursed for any ordinary
5 and necessary expenses incurred in the performance of their
6 duties.

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

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

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

20 (a) Devise a certification procedure to assure that
21 businesses taking advantage of this Act are legitimately
22 classified as businesses owned by minorities, females, or
23 persons with disabilities.

24 (b) Maintain a list of all businesses legitimately
25 classified as businesses owned by minorities, females, or
26 persons with disabilities to provide to State agencies and

1 public institutions of higher education ~~State~~
2 ~~universities~~.

3 (c) Review rules and regulations for the
4 implementation of the program for businesses owned by
5 minorities, females, and persons with disabilities.

6 (d) Review compliance plans submitted by each State
7 agency and public institutions of higher education ~~State~~
8 ~~university~~ pursuant to this Act.

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

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

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

22 (3) No premium bond rate of a surety company for a bond
23 required of a business owned by a minority, female, or person
24 with a disability bidding for a State contract shall be higher
25 than the lowest rate charged by that surety company for a
26 similar bond in the same classification of work that would be

1 written for a business not owned by a minority, female, or
2 person with a disability.

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

7 (5) The Secretary shall have the following duties and
8 responsibilities:

9 (a) To be responsible for the day-to-day operation of
10 the Council.

11 (b) To serve as a coordinator for all of the State's
12 programs for businesses owned by minorities, females, and
13 persons with disabilities and as the information and
14 referral center for all State initiatives for businesses
15 owned by minorities, females, and persons with
16 disabilities.

17 (c) To establish an enforcement procedure whereby the
18 Council may recommend to the appropriate State legal
19 officer that the State exercise its legal remedies which
20 shall include (1) termination of the contract involved, (2)
21 prohibition of participation by the respondent in public
22 contracts for a period not to exceed one year, (3)
23 imposition of a penalty not to exceed any profit acquired
24 as a result of violation, or (4) any combination thereof.
25 Such procedures shall require prior approval by Council.

26 (d) To devise appropriate policies, regulations and

1 procedures for including participation by businesses owned
2 by minorities, females, and persons with disabilities as
3 prime contractors including, but not limited to, (i)
4 encouraging the inclusions of qualified businesses owned
5 by minorities, females, and persons with disabilities on
6 solicitation lists, (ii) investigating the potential of
7 blanket bonding programs for small construction jobs,
8 (iii) investigating and making recommendations concerning
9 the use of the sheltered market process.

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

12 (f) To accept donations and, with the approval of the
13 Council or the Director of Central Management Services,
14 grants related to the purposes of this Act; to conduct
15 seminars related to the purpose of this Act and to charge
16 reasonable registration fees; and to sell directories,
17 vendor lists and other such information to interested
18 parties, except that forms necessary to become eligible for
19 the program shall be provided free of charge to a business
20 or individual applying for the program.

21 (Source: P.A. 94-793, eff. 5-19-06.)

22 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

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

24 Sec. 6. Agency compliance plans. Each State agency and
25 public institutions of higher education ~~State university~~ under

1 the jurisdiction of this Act shall file with the Council an
2 annual compliance plan which shall outline the goals of the
3 State agency or public institutions of higher education ~~State~~
4 ~~university~~ for contracting with businesses owned by
5 minorities, females, and persons with disabilities for the then
6 current fiscal year, the manner in which the agency intends to
7 reach these goals and a timetable for reaching these goals. The
8 Council shall review and approve the plan of each State agency
9 and public institutions of higher education ~~State university~~
10 and may reject any plan that does not comply with this Act or
11 any rules or regulations promulgated pursuant to this Act.

12 (a) The compliance plan shall also include, but not be
13 limited to, (1) a policy statement, signed by the State agency
14 or public institution of higher education ~~State university~~
15 head, expressing a commitment to encourage the use of
16 businesses owned by minorities, females, and persons with
17 disabilities, (2) the designation of the liaison officer
18 provided for in Section 5 of this Act, (3) procedures to
19 distribute to potential contractors and vendors the list of all
20 businesses legitimately classified as businesses owned by
21 minorities, females, and persons with disabilities and so
22 certified under this Act, (4) procedures to set separate
23 contract goals on specific prime contracts and purchase orders
24 with subcontracting possibilities based upon the type of work
25 or services and subcontractor availability, (5) procedures to
26 assure that contractors and vendors make good faith efforts to

1 meet contract goals, (6) procedures for contract goal
2 exemption, modification and waiver, and (7) the delineation of
3 separate contract goals for businesses owned by minorities,
4 females, and persons with disabilities.

5 (b) Approval of the compliance plans shall include such
6 delegation of responsibilities to the requesting State agency
7 or public institution of higher education ~~State university~~ as
8 the Council deems necessary and appropriate to fulfill the
9 purpose of this Act. Such responsibilities may include, but
10 need not be limited to those outlined in subsections (1), (2)
11 and (3) of Section 7 and paragraph (a) of Section 8.

12 (c) Each State agency and public institution of higher
13 education ~~State university~~ under the jurisdiction of this Act
14 shall file with the Council an annual report of its utilization
15 of businesses owned by minorities, females, and persons with
16 disabilities during the preceding fiscal year including lapse
17 period spending and a mid-fiscal year report of its utilization
18 to date for the then current fiscal year. The reports shall
19 include a self-evaluation of the efforts of the State agency or
20 public institution of higher education ~~State university~~ to meet
21 its goals under the Act.

22 (d) Notwithstanding any provisions to the contrary in this
23 Act, any State agency or public institution of higher education
24 ~~State university~~ which administers a construction program, for
25 which federal law or regulations establish standards and
26 procedures for the utilization of minority, disadvantaged, and

1 female-owned business, shall implement a disadvantaged
2 business enterprise program to include minority, disadvantaged
3 and female-owned businesses, using the federal standards and
4 procedures for the establishment of goals and utilization
5 procedures for the State-funded, as well as the federally
6 assisted, portions of the program. In such cases, these goals
7 shall not exceed those established pursuant to the relevant
8 federal statutes or regulations. Notwithstanding the
9 provisions of Section 8b, the Illinois Department of
10 Transportation is authorized to establish sheltered markets
11 for the State-funded portions of the program consistent with
12 federal law and regulations. Additionally, a compliance plan
13 which is filed by such State agency or public institution of
14 higher education ~~State university~~ pursuant to this Act, which
15 incorporates equivalent terms and conditions of its
16 federally-approved compliance plan, shall be deemed approved
17 under this Act.

18 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

19 (30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

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

21 Sec. 6a. Notice of contracts to Council. Except in case of
22 emergency as defined in the Illinois Procurement Code
23 ~~Purchasing Act~~, or as authorized by rule promulgated by the
24 Department of Central Management Services, each agency and
25 public institution of higher education ~~State university~~ under

1 the jurisdiction of this Act shall notify the Secretary of the
2 Council of proposed contracts for professional and artistic
3 services and provide the information in the form and detail as
4 required by rule promulgated by the Department of Central
5 Management Services. Notification may be made through direct
6 written communication to the Secretary to be received at least
7 14 days before execution of the contract (or the solicitation
8 response date, if applicable) or by advertising in the official
9 State newspaper for at least 3 days, the last of which must be
10 at least 10 days after the first publication. The agency or
11 public institution of higher education ~~university~~ must
12 consider any vendor referred by the Secretary before execution
13 of the contract. The provisions of this Section shall not apply
14 to any State agency or public institution of higher education
15 ~~State university~~ that has awarded contracts for professional
16 and artistic services to businesses owned by minorities,
17 females, and persons with disabilities totalling in the
18 aggregate \$40,000,000 ~~\$5,000,000~~ or more during the preceding
19 fiscal year.

20 (Source: P.A. 87-628; 88-377; 88-597, eff. 8-28-94.)

21 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

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

23 Sec. 7. Exemptions and waivers; publication of data.

24 (1) Individual contract exemptions. The Council, on its own
25 initiative or at the request of the affected agency, public

1 institution of higher education ~~university~~, or recipient of a
2 grant or loan of State funds of \$250,000 or more complying with
3 Section 45 of the State Finance Act, may permit an individual
4 contract or contract package, (related contracts being bid or
5 awarded simultaneously for the same project or improvements) be
6 made wholly or partially exempt from State contracting goals
7 for businesses owned by minorities, females, and persons with
8 disabilities prior to the advertisement for bids or
9 solicitation of proposals whenever there has been a
10 determination, reduced to writing and based on the best
11 information available at the time of the determination, that
12 there is an insufficient number of businesses owned by
13 minorities, females, and persons with disabilities to ensure
14 adequate competition and an expectation of reasonable prices on
15 bids or proposals solicited for the individual contract or
16 contract package in question.

17 (2) Class exemptions.

18 (a) Creation. The Council, on its own initiative or at
19 the request of the affected agency or public institution of
20 higher education ~~university~~, may permit an entire class of
21 contracts be made exempt from State contracting goals for
22 businesses owned by minorities, females, and persons with
23 disabilities whenever there has been a determination,
24 reduced to writing and based on the best information
25 available at the time of the determination, that there is
26 an insufficient number of qualified businesses owned by

1 minorities, females, and persons with disabilities to
2 ensure adequate competition and an expectation of
3 reasonable prices on bids or proposals within that class.

4 (b) Limitation. Any such class exemption shall not be
5 permitted for a period of more than one year at a time.

6 (3) Waivers. Where a particular contract requires a
7 contractor to meet a goal established pursuant to this Act, the
8 contractor shall have the right to request a waiver from such
9 requirements. The Council shall grant the waiver where the
10 contractor demonstrates that there has been made a good faith
11 effort to comply with the goals for participation by businesses
12 owned by minorities, females, and persons with disabilities.

13 (4) Conflict with other laws. In the event that any State
14 contract, which otherwise would be subject to the provisions of
15 this Act, is or becomes subject to federal laws or regulations
16 which conflict with the provisions of this Act or actions of
17 the State taken pursuant hereto, the provisions of the federal
18 laws or regulations shall apply and the contract shall be
19 interpreted and enforced accordingly.

20 (5) Each chief procurement officer, as defined in the
21 Illinois Procurement Code, shall maintain on his or her
22 official Internet website a database of waivers granted under
23 this Section with respect to contracts under his or her
24 jurisdiction. The database, which shall be updated
25 periodically as necessary, shall be searchable by contractor
26 name and by contracting State agency.

1 Each public notice required by law of the award of a State
2 contract shall include for each bid submitted for that contract
3 the following: (i) the bidder's name, (ii) the bid amount,
4 (iii) the bid's percentage of disadvantaged business
5 utilization plan, and (iv) the bid's percentage of business
6 enterprise program utilization plan.

7 (Source: P.A. 96-1064, eff. 7-16-10.)

8 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

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

10 Sec. 8. Enforcement. The Council shall make such findings,
11 recommendations and proposals to the Governor as are necessary
12 and appropriate to enforce this Act. If, as a result of its
13 monitoring activities, the Council determines that its goals
14 and policies are not being met by any State agency or public
15 institution of higher education ~~State university~~, the Council
16 may recommend any or all of the following actions:

17 (a) Establish enforcement procedures whereby the Council
18 may recommend to the appropriate State agency, public
19 institutions of higher education ~~State university~~, or law
20 enforcement officer that legal or administrative remedies be
21 initiated for violations of contract provisions or rules issued
22 hereunder or by a contracting State agency or public
23 institutions of higher education ~~State university~~. State
24 agencies and public institutions of higher education ~~State~~
25 ~~universities~~ shall be authorized to adopt remedies for such

1 violations which shall include (1) termination of the contract
2 involved, (2) prohibition of participation of the respondents
3 in public contracts for a period not to exceed one year, (3)
4 imposition of a penalty not to exceed any profit acquired as a
5 result of violation, or (4) any combination thereof.

6 (b) If the Council concludes that a compliance plan
7 submitted under Section 6 is unlikely to produce the
8 participation goals for businesses owned by minorities,
9 females, and persons with disabilities within the then current
10 fiscal year, the Council may recommend that the State agency or
11 public institution of higher education ~~State university~~ revise
12 its plan to provide additional opportunities for participation
13 by businesses owned by minorities, females, and persons with
14 disabilities. Such recommended revisions may include, but
15 shall not be limited to, the following:

16 (i) assurances of stronger and better focused
17 solicitation efforts to obtain more businesses owned by
18 minorities, females, and persons with disabilities as
19 potential sources of supply;

20 (ii) division of job or project requirements, when
21 economically feasible, into tasks or quantities to permit
22 participation of businesses owned by minorities, females,
23 and persons with disabilities;

24 (iii) elimination of extended experience or
25 capitalization requirements, when programmatically
26 feasible, to permit participation of businesses owned by

1 minorities, females, and persons with disabilities;

2 (iv) identification of specific proposed contracts as
3 particularly attractive or appropriate for participation
4 by businesses owned by minorities, females, and persons
5 with disabilities, such identification to result from and
6 be coupled with the efforts of subparagraphs (i) through
7 (iii);

8 (v) implementation of those regulations established
9 for the use of the sheltered market process.

10 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

11 (30 ILCS 575/8f)

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

13 Sec. 8f. Annual report. The Council shall file no later
14 than March 1 of each year, an annual report that shall detail
15 the level of achievement toward the goals specified in this Act
16 over the 3 most recent fiscal years. The annual report shall
17 include, but need not be limited to the following:

18 (1) a summary detailing expenditures ~~State~~
19 ~~appropriations~~ subject to the goals, the actual goals
20 specified, and the goals attained by each State agency and
21 public institution of higher education ~~State university~~;

22 (2) a summary of the number of contracts awarded and
23 the average contract amount by each State agency and public
24 institution of higher education ~~State university~~;

25 (3) an analysis of the level of overall goal

1 achievement concerning purchases from minority businesses,
2 female-owned businesses, and businesses owned by persons
3 with disabilities;

4 (4) an analysis of the number of businesses owned by
5 minorities, females, and persons with disabilities that
6 are certified under the program as well as the number of
7 those businesses that received State procurement
8 contracts; and

9 (5) a summary of the number of contracts awarded to
10 businesses with annual gross sales of less than \$1,000,000;
11 of \$1,000,000 or more, but less than \$5,000,000; of
12 \$5,000,000 or more, but less than \$10,000,000; and of
13 \$10,000,000 or more.

14 (Source: P.A. 88-597, eff. 8-28-94.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."