

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 Business Enterprise for Minorities, Women,  
5 and Persons with Disabilities Act is amended by changing  
6 Sections 4f, 6, and 8f as follows:

7 (30 ILCS 575/4f)

8 (Section scheduled to be repealed on June 30, 2020)

9 Sec. 4f. Award of State contracts to professional service  
10 firms.

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

1 opportunities afforded.

2 (a) When a State agency or public institution of higher  
3 education, other than a community college, awards a  
4 contract for insurance services, for each State agency or  
5 public institution of higher education, it shall be the  
6 aspirational goal to use insurance brokers owned by  
7 minorities, women, and persons with disabilities as  
8 defined by this Act, for not less than 20% of the total  
9 annual premiums or fees.

10 (b) When a State agency or public institution of higher  
11 education, other than a community college, awards a  
12 contract for investment services, for each State agency or  
13 public institution of higher education, it shall be the  
14 aspirational goal to use emerging investment managers  
15 owned by minorities, women, and persons with disabilities  
16 as defined by this Act, for not less than 20% of the total  
17 funds under management. Furthermore, it is the  
18 aspirational goal that not less than 20% of the direct  
19 asset managers of the State funds be minorities, women, and  
20 persons with disabilities.

21 (c) When a State agency or public institution of higher  
22 education, other than a community college, awards  
23 contracts for information technology services, accounting  
24 services, architectural and engineering services, and  
25 legal services, for each State agency and public  
26 institution of higher education, it shall be the

1 aspirational goal to use such firms owned by minorities,  
2 women, and persons with disabilities as defined by this Act  
3 and lawyers who are minorities, women, and persons with  
4 disabilities as defined by this Act, for not less than 20%  
5 of the total dollar amount of State contracts.

6 (d) When a community college awards a contract for  
7 insurance services, investment services, information  
8 technology services, accounting services, architectural  
9 and engineering services, and legal services, it shall be  
10 the aspirational goal of each community college to use  
11 businesses owned by minorities, women, and persons with  
12 disabilities as defined in this Act for not less than 20%  
13 of the total amount spent on contracts for these services  
14 collectively. When a community college awards contracts  
15 for investment services, contracts awarded to investment  
16 managers who are not emerging investment managers as  
17 defined in this Act shall not be considered businesses  
18 owned by minorities, women, or persons with disabilities  
19 for the purposes of this Section.

20 (2) As used in this Section:

21 "Accounting services" means the measurement,  
22 processing and communication of financial information  
23 about economic entities including, but is not limited to,  
24 financial accounting, management accounting, auditing,  
25 cost containment and auditing services, taxation and  
26 accounting information systems.

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

13 "Emerging investment manager" means an investment  
14 manager or claims consultant having assets under  
15 management below \$10 billion or otherwise adjudicating  
16 claims.

17 "Information technology services" means, but is not  
18 limited to, specialized technology-oriented solutions by  
19 combining the processes and functions of software,  
20 hardware, networks, telecommunications, web designers,  
21 cloud developing resellers, and electronics.

22 "Insurance broker" means an insurance brokerage firm,  
23 claims administrator, or both, that procures, places all  
24 lines of insurance, or administers claims with annual  
25 premiums or fees of at least \$5,000,000 but not more than  
26 \$10,000,000.

1           "Legal services" means work performed by a lawyer  
2           including, but not limited to, contracts in anticipation of  
3           litigation, enforcement actions, or investigations.

4           (3) Each State agency and public institution of higher  
5           education shall adopt policies that identify its plan and  
6           implementation procedures for increasing the use of service  
7           firms owned by minorities, women, and persons with  
8           disabilities.

9           (4) ~~The Except as provided in subsection (5),~~ the Council  
10          shall file no later than March 1 of each year an annual report  
11          to the Governor and the General Assembly. The report filed with  
12          the General Assembly shall be filed as required in Section 3.1  
13          of the General Assembly Organization Act. This report shall:  
14          (i) identify the service firms used by each State agency and  
15          public institution of higher education, (ii) identify the  
16          actions it has undertaken to increase the use of service firms  
17          owned by minorities, women, and persons with disabilities,  
18          including encouraging non-minority-owned firms to use other  
19          service firms owned by minorities, women, and persons with  
20          disabilities as subcontractors when the opportunities arise,  
21          (iii) state any recommendations made by the Council to each  
22          State agency and public institution of higher education to  
23          increase participation by the use of service firms owned by  
24          minorities, women, and persons with disabilities, and (iv)  
25          include the following:

26                 (A) For insurance services: the names of the insurance

1           brokers or claims consultants used, the total of risk  
2           managed by each State agency and public institution of  
3           higher education by insurance brokers, the total  
4           commissions, fees paid, or both, the lines or insurance  
5           policies placed, and the amount of premiums placed; and the  
6           percentage of the risk managed by insurance brokers, the  
7           percentage of total commission, fees paid, or both, the  
8           lines or insurance policies placed, and the amount of  
9           premiums placed with each by the insurance brokers owned by  
10          minorities, women, and persons with disabilities by each  
11          State agency and public institution of higher education.

12           (B) For investment management services: the names of  
13          the investment managers used, the total funds under  
14          management of investment managers; the total commissions,  
15          fees paid, or both; the total and percentage of funds under  
16          management of emerging investment managers owned by  
17          minorities, women, and persons with disabilities,  
18          including the total and percentage of total commissions,  
19          fees paid, or both by each State agency and public  
20          institution of higher education.

21           (C) The names of service firms, the percentage and  
22          total dollar amount paid for professional services by  
23          category by each State agency and public institution of  
24          higher education.

25           (D) The names of service firms, the percentage and  
26          total dollar amount paid for services by category to firms

1 owned by minorities, women, and persons with disabilities  
2 by each State agency and public institution of higher  
3 education.

4 (E) The total number of contracts awarded for services  
5 by category and the total number of contracts awarded to  
6 firms owned by minorities, women, and persons with  
7 disabilities by each State agency and public institution of  
8 higher education.

9 (5) (Blank). ~~For community college districts, the Business~~  
10 ~~Enterprise Council shall only report the following information~~  
11 ~~for each community college district: (i) the name of the~~  
12 ~~community colleges in the district, (ii) the name and contact~~  
13 ~~information of a person at each community college appointed to~~  
14 ~~be the single point of contact for vendors owned by minorities,~~  
15 ~~women, or persons with disabilities, (iii) the policy of the~~  
16 ~~community college district concerning certified vendors, (iv)~~  
17 ~~the certifications recognized by the community college~~  
18 ~~district for determining whether a business is owned or~~  
19 ~~controlled by a minority, woman, or person with a disability,~~  
20 ~~(v) outreach efforts conducted by the community college~~  
21 ~~district to increase the use of certified vendors, (vi) the~~  
22 ~~total expenditures by the community college district in the~~  
23 ~~prior fiscal year in the divisions of work specified in~~  
24 ~~paragraphs (a), (b), and (c) of subsection (1) of this Section~~  
25 ~~and the amount paid to certified vendors in those divisions of~~  
26 ~~work, and (vii) the total number of contracts entered into for~~

1 ~~the divisions of work specified in paragraphs (a), (b), and (c)~~  
2 ~~of subsection (1) of this Section and the total number of~~  
3 ~~contracts awarded to certified vendors providing these~~  
4 ~~services to the community college district. The Business~~  
5 ~~Enterprise Council shall not make any utilization reports under~~  
6 ~~this Act for community college districts for Fiscal Year 2015~~  
7 ~~and Fiscal Year 2016, but shall make the report required by~~  
8 ~~this subsection for Fiscal Year 2017 and for each fiscal year~~  
9 ~~thereafter. The Business Enterprise Council shall report the~~  
10 ~~information in items (i), (ii), (iii), and (iv) of this~~  
11 ~~subsection beginning in September of 2016. The Business~~  
12 ~~Enterprise Council may collect the data needed to make its~~  
13 ~~report from the Illinois Community College Board.~~

14 (6) The status of the utilization of services shall be  
15 discussed at each of the regularly scheduled Business  
16 Enterprise Council meetings. Time shall be allotted for the  
17 Council to receive, review, and discuss the progress of the use  
18 of service firms owned by minorities, women, and persons with  
19 disabilities by each State agency and public institution of  
20 higher education; and any evidence regarding past or present  
21 racial, ethnic, or gender-based discrimination which directly  
22 impacts a State agency or public institution of higher  
23 education contracting with such firms. If after reviewing such  
24 evidence the Council finds that there is or has been such  
25 discrimination against a specific group, race or sex, the  
26 Council shall establish sheltered markets or adjust existing

1 sheltered markets tailored to address the Council's specific  
2 findings for the divisions of work specified in paragraphs (a),  
3 (b), and (c) of subsection (1) of this Section.

4 (Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;  
5 100-391, eff. 8-25-17.)

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

7 (Section scheduled to be repealed on June 30, 2020)

8 Sec. 6. Agency compliance plans. Each State agency and  
9 public institutions of higher education under the jurisdiction  
10 of this Act shall file with the Council an annual compliance  
11 plan which shall outline the goals of the State agency or  
12 public institutions of higher education for contracting with  
13 businesses owned by minorities, women, and persons with  
14 disabilities for the then current fiscal year, the manner in  
15 which the agency intends to reach these goals and a timetable  
16 for reaching these goals. The Council shall review and approve  
17 the plan of each State agency and public institutions of higher  
18 education and may reject any plan that does not comply with  
19 this Act or any rules or regulations promulgated pursuant to  
20 this Act.

21 (a) The compliance plan shall also include, but not be  
22 limited to, (1) a policy statement, signed by the State agency  
23 or public institution of higher education head, expressing a  
24 commitment to encourage the use of businesses owned by  
25 minorities, women, and persons with disabilities, (2) the

1 designation of the liaison officer provided for in Section 5 of  
2 this Act, (3) procedures to distribute to potential contractors  
3 and vendors the list of all businesses legitimately classified  
4 as businesses owned by minorities, women, and persons with  
5 disabilities and so certified under this Act, (4) procedures to  
6 set separate contract goals on specific prime contracts and  
7 purchase orders with subcontracting possibilities based upon  
8 the type of work or services and subcontractor availability,  
9 (5) procedures to assure that contractors and vendors make good  
10 faith efforts to meet contract goals, (6) procedures for  
11 contract goal exemption, modification and waiver, and (7) the  
12 delineation of separate contract goals for businesses owned by  
13 minorities, women, and persons with disabilities.

14 (b) Approval of the compliance plans shall include such  
15 delegation of responsibilities to the requesting State agency  
16 or public institution of higher education as the Council deems  
17 necessary and appropriate to fulfill the purpose of this Act.  
18 Such responsibilities may include, but need not be limited to  
19 those outlined in subsections (1), (2) and (3) of Section 7,  
20 paragraph (a) of Section 8, and Section 8a of this Act.

21 (c) Each State agency and public institution of higher  
22 education under the jurisdiction of this Act shall file with  
23 the Council an annual report of its utilization of businesses  
24 owned by minorities, women, and persons with disabilities  
25 during the preceding fiscal year including lapse period  
26 spending and a mid-fiscal year report of its utilization to

1 date for the then current fiscal year. The reports shall  
2 include a self-evaluation of the efforts of the State agency or  
3 public institution of higher education to meet its goals under  
4 the Act.

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

26 (e) Each community college district shall file the annual

1 compliance plan, mid-fiscal year report, and annual report as  
2 specified in paragraphs (a) and (c) of this Section with the  
3 Illinois Community College Board. The Illinois Community  
4 College Board shall compile and submit the reports required  
5 under this Section to the Secretary of the Council.

6 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

7 (30 ILCS 575/8f)

8 (Section scheduled to be repealed on June 30, 2020)

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

14 (1) a summary detailing expenditures subject to the  
15 goals, the actual goals specified, and the goals attained  
16 by each State agency and public institution of higher  
17 education;

18 (2) a summary of the number of contracts awarded and  
19 the average contract amount by each State agency and public  
20 institution of higher education;

21 (3) an analysis of the level of overall goal  
22 achievement concerning purchases from minority-owned  
23 businesses, women-owned businesses, and businesses owned  
24 by persons with disabilities;

25 (4) an analysis of the number of businesses owned by

1 minorities, women, and persons with disabilities that are  
2 certified under the program as well as the number of those  
3 businesses that received State procurement contracts; ~~and~~

4 (5) a summary of the number of contracts awarded to  
5 businesses with annual gross sales of less than \$1,000,000;  
6 of \$1,000,000 or more, but less than \$5,000,000; of  
7 \$5,000,000 or more, but less than \$10,000,000; and of  
8 \$10,000,000 or more; and.

9 (6) for community college districts, the Council shall  
10 only report the following information for each community  
11 college district: (i) the name of the community colleges in  
12 the district; (ii) the name and contact information of a  
13 person at each community college appointed to be the single  
14 point of contact for vendors owned by minorities, women, or  
15 persons with disabilities; (iii) the policy of the  
16 community college district concerning certified vendors;  
17 (iv) the certifications recognized by the community  
18 college district for determining whether a business is  
19 owned or controlled by a minority, woman, or person with a  
20 disability; (v) outreach efforts conducted by the  
21 community college district to increase the use of certified  
22 vendors; (vi) the total expenditures by the community  
23 college district in the prior fiscal year in the divisions  
24 of work specified in paragraph (d) of subsection (1) of  
25 Section 4f and the amount paid to certified vendors in  
26 those divisions of work; (vii) the total number of

1 contracts entered into for the divisions of work specified  
2 in paragraph (d) of subsection (1) of Section 4f and the  
3 total number of contracts awarded to certified vendors  
4 providing these services to the community college  
5 district; (viii) the total expenditures and the total  
6 number of State contracts entered into by the community  
7 college district in the prior fiscal year as specified in  
8 paragraph (a) of Section 4, and the amount paid to  
9 certified vendors and the total number of contract awarded  
10 to vendors; and (ix) the total expenditures and the total  
11 number of contracts entered into by the community college  
12 district in the prior fiscal year as specified under  
13 paragraph (b) of Section 4, and the amount paid to  
14 certified vendors and the total number of contracts awarded  
15 to certified vendors.

16 Each community college shall file the information required  
17 under paragraph (6) with the Illinois Community College Board.  
18 The Illinois Community College Board shall compile and submit  
19 the reports required under paragraph (6) to the Secretary of  
20 the Council.

21 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)