



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3292

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

30 ILCS 575/4

from Ch. 127, par. 132.604

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that solicitations (currently, only Non-construction solicitations) that include Business Enterprise Program participation goals shall require bidders and offerors to include utilization plans. Provides that failure to complete and include a completed utilization plan shall render a bid or offer non-responsive. Provides that those who submit bids or proposals for State contracts, whose bids or proposals are successful and include a completed utilization plan but that fail to meet the goals set forth in the solicitation, shall be notified of that deficiency and shall be afforded a period not to exceed 10 calendar days from the date of notification to cure that deficiency in the bid or proposal. Provides that the deficiency in the bid or proposal may only be cured by contracting with additional subcontractors owned by minorities or women subcontractors, or by increasing the work to be performed by previously identified vendors owned by minorities or women subcontractors. Provides that in no case shall an identified subcontractor with a certification be terminated from the contract without the written consent of the State agency or public institution of higher education entering into the contract. Makes conforming and other changes.

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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 Section 4 as follows:

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

8 (Section scheduled to be repealed on June 30, 2020)

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, women, and persons
15 with disabilities; provided, however, that of the total amount
16 of all State contracts awarded to businesses owned by
17 minorities, women, and persons with disabilities pursuant to
18 this Section, contracts representing at least 11% shall be
19 awarded to businesses owned by minorities, contracts
20 representing at least 7% shall be awarded to women-owned
21 businesses, and contracts representing at least 2% shall be
22 awarded to businesses owned by persons with disabilities.

23 The above percentage relates to the total dollar amount of

1 State contracts during each State fiscal year, calculated by
2 examining independently each type of contract for each agency
3 or public institutions of higher education which awards ~~lets~~
4 such contracts. Only that percentage of arrangements which
5 represents the participation of businesses owned by
6 minorities, women, and persons with disabilities on such
7 contracts shall be included.

8 (b) In the case of State construction contracts, the
9 provisions of subsection (a) requiring a portion of State
10 contracts to be awarded to businesses owned and controlled by
11 persons with disabilities do not apply. The following
12 aspirational goals are established for State construction
13 contracts: not less than 20% of the total dollar amount of
14 State construction contracts is established as a goal to be
15 awarded to minority-owned and women-owned businesses.

16 (c) In the case of all work undertaken by the University of
17 Illinois related to the planning, organization, and staging of
18 the games, the University of Illinois shall establish a goal of
19 awarding not less than 25% of the annual dollar value of all
20 contracts, purchase orders, and other agreements (collectively
21 referred to as "the contracts") to minority-owned businesses or
22 businesses owned by a person with a disability and 5% of the
23 annual dollar value the contracts to women-owned businesses.
24 For purposes of this subsection, the term "games" has the
25 meaning set forth in the Olympic Games and Paralympic Games
26 (2016) Law.

1 (d) Within one year after April 28, 2009 (the effective
2 date of Public Act 96-8), the Department of Central Management
3 Services shall conduct a social scientific study that measures
4 the impact of discrimination on minority and women business
5 development in Illinois. Within 18 months after April 28, 2009
6 (the effective date of Public Act 96-8), the Department shall
7 issue a report of its findings and any recommendations on
8 whether to adjust the goals for minority and women
9 participation established in this Act. Copies of this report
10 and the social scientific study shall be filed with the
11 Governor and the General Assembly.

12 (e) (Blank). ~~Except as permitted under this Act or as~~
13 ~~otherwise mandated by federal law or regulation, those who~~
14 ~~submit bids or proposals for State contracts subject to the~~
15 ~~provisions of this Act, whose bids or proposals are successful~~
16 ~~and include a utilization plan but that fail to meet the goals~~
17 ~~set forth in subsection (b) of this Section, shall be notified~~
18 ~~of that deficiency and shall be afforded a period not to exceed~~
19 ~~10 calendar days from the date of notification to cure that~~
20 ~~deficiency in the bid or proposal. The deficiency in the bid or~~
21 ~~proposal may only be cured by contracting with additional~~
22 ~~subcontractors who are owned by minorities or women, but in no~~
23 ~~case shall an identified subcontractor with a certification~~
24 ~~made pursuant to this Act be terminated from the contract~~
25 ~~without the written consent of the State agency or public~~
26 ~~institution of higher education entering into the contract.~~

1 (f) Solicitations ~~Non-construction solicitations~~ that
2 include Business Enterprise Program participation goals shall
3 require bidders and offerors to include utilization plans.

4 Utilization plans are due at the time of bid or offer
5 submission. Failure to complete and include a completed
6 utilization plan, including documentation demonstrating good
7 faith effort if ~~when~~ requesting a waiver, shall render the bid
8 or offer non-responsive.

9 Except as permitted under this Act or as otherwise mandated
10 by federal law or regulation, those who submit bids or
11 proposals for State contracts, whose bids or proposals are
12 successful and include a completed utilization plan but that
13 fail to meet the goals set forth in the solicitation, shall be
14 notified of that deficiency and shall be afforded a period not
15 to exceed 10 calendar days from the date of notification to
16 cure that deficiency in the bid or proposal.

17 The deficiency in the bid or proposal may only be cured by
18 contracting with additional subcontractors owned by minorities
19 or women subcontractors, or by increasing the work to be
20 performed by previously identified vendors owned by minorities
21 or women subcontractors. In no case shall an identified
22 subcontractor with a certification made pursuant to this Act be
23 terminated from the contract without the written consent of the
24 State agency or public institution of higher education entering
25 into the contract.

26 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;

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1 100-391, eff. 8-25-17.)