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1 AMENDMENT TO SENATE BILL 534

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 534 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Labor Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 1505-215 as follows:

7 (20 ILCS 1505/1505-215 new)

8 Sec. 1505-215. Bureau on Apprenticeship Programs; Advisory  
9 Board.

10 (a) There is created within the Department of Labor a  
11 Bureau on Apprenticeship Programs. This Bureau shall work to  
12 increase minority participation in active apprentice programs  
13 in Illinois that are approved by the United States Department  
14 of Labor. The Bureau shall identify barriers to minorities  
15 gaining access to construction careers and make  
16 recommendations to the Governor and the General Assembly for

1 policies to remove those barriers. The Department may hire  
2 staff to perform outreach in promoting diversity in active  
3 apprenticeship programs approved by the United States  
4 Department of Labor. The Bureau shall annually compile racial  
5 and gender workforce diversity information from contractors  
6 receiving State or other public funds and by labor unions with  
7 members working on projects receiving State or other public  
8 funds.

9 (b) There is created the Advisory Board for Diversity in  
10 Active Apprenticeship Programs Approved by the United States  
11 Department of Labor. This Advisory Board shall be composed of  
12 12 legislators; 3 members appointed by the President of the  
13 Senate, 3 members appointed by the Speaker of the House of  
14 Representatives, 3 members appointed by the Minority Leader of  
15 the Senate, and 3 members appointed by the Minority Leader of  
16 the House of Representatives. The President of the Senate and  
17 the Speaker of the House of Representatives shall each appoint  
18 a co-chairperson. Members of the Advisory Board shall receive  
19 no compensation for serving as members of the Advisory Board.  
20 The Advisory Board shall meet quarterly. The Advisory Board may  
21 request necessary additional information from the Department,  
22 other State agencies, or public institutions of higher  
23 education for the purposes of performing its duties under this  
24 Section. The Advisory Board may advise the Department of  
25 programs to increase diversity in active apprenticeship  
26 programs. The Department shall provide administrative support

1 and staffing for the Advisory Board.

2 Section 10. The Business Enterprise for Minorities, Women,  
3 and Persons with Disabilities Act is amended by changing  
4 Sections 4, 4f, 7, and 9 as follows:

5 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

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

7 Sec. 4. Award of State contracts.

8 (a) Except as provided in subsections (b) and (c), not less  
9 than 20% of the total dollar amount of State contracts, as  
10 defined by the Secretary of the Council and approved by the  
11 Council, shall be established as an aspirational goal to be  
12 awarded to businesses owned by minorities, women, and persons  
13 with disabilities; provided, however, that of the total amount  
14 of all State contracts awarded to businesses owned by  
15 minorities, women, and persons with disabilities pursuant to  
16 this Section, contracts representing at least 11% shall be  
17 awarded to businesses owned by minorities, contracts  
18 representing at least 7% shall be awarded to women-owned  
19 businesses, and contracts representing at least 2% shall be  
20 awarded to businesses owned by persons with disabilities.

21 The above percentage relates to the total dollar amount of  
22 State contracts during each State fiscal year, calculated by  
23 examining independently each type of contract for each agency  
24 or public institutions of higher education which lets such

1 contracts. Only that percentage of arrangements which  
2 represents the participation of businesses owned by  
3 minorities, women, and persons with disabilities on such  
4 contracts shall be included.

5 (b) ~~Not~~ In the case of State construction contracts, the  
6 provisions of subsection (a) requiring a portion of State  
7 contracts to be awarded to businesses owned and controlled by  
8 persons with disabilities do not apply. The following  
9 aspirational goals are established for State construction  
10 contracts: not less than 20% of the total dollar amount of  
11 State construction contracts is established as an aspirational  
12 goal to be awarded to businesses owned by minorities, women,  
13 and persons with disabilities; provided that, contracts  
14 representing at least 11% of the total dollar amount of State  
15 construction contracts shall be awarded to businesses owned by  
16 minorities; contracts representing at least 7% of the total  
17 dollar amount of State construction contracts shall be awarded  
18 to women-owned businesses; and contracts representing at least  
19 2% of the total dollar amount of State construction contracts  
20 shall be awarded to businesses owned by persons with  
21 disabilities ~~minority-owned and women-owned businesses.~~

22 (c) (Blank). ~~In the case of all work undertaken by the~~  
23 ~~University of Illinois related to the planning, organization,~~  
24 ~~and staging of the games, the University of Illinois shall~~  
25 ~~establish a goal of awarding not less than 25% of the annual~~  
26 ~~dollar value of all contracts, purchase orders, and other~~

1 ~~agreements (collectively referred to as "the contracts") to~~  
2 ~~minority-owned businesses or businesses owned by a person with~~  
3 ~~a disability and 5% of the annual dollar value the contracts to~~  
4 ~~women-owned businesses. For purposes of this subsection, the~~  
5 ~~term "games" has the meaning set forth in the Olympic Games and~~  
6 ~~Paralympic Games (2016) Law.~~

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

18 By December 1, 2020, the Department of Central Management  
19 Services shall conduct a new social scientific study that  
20 measures the impact of discrimination on minority and women  
21 business development in Illinois. By June 1, 2022, the  
22 Department shall issue a report of its findings and any  
23 recommendations on whether to adjust the goals for minority and  
24 women participation established in this Act. Copies of this  
25 report and the social scientific study shall be filed with the  
26 Governor, the Advisory Board, and the General Assembly.

1 (e) Except as permitted under this Act or as otherwise  
2 mandated by federal law or regulation, those who submit bids or  
3 proposals for State contracts subject to the provisions of this  
4 Act, whose bids or proposals are successful and include a  
5 utilization plan but that fail to meet the goals set forth in  
6 subsection (b) of this Section, shall be notified of that  
7 deficiency and shall be afforded a period not to exceed 10  
8 calendar days from the date of notification to cure that  
9 deficiency in the bid or proposal. The deficiency in the bid or  
10 proposal may only be cured by contracting with additional  
11 subcontractors who are owned by minorities or women. Any  
12 increase in cost to a contract for the addition of a  
13 subcontractor to cure a bid's deficiency shall not be used in  
14 the request for an exemption in this Act, and, ~~but~~ in no case  
15 shall an identified subcontractor with a certification made  
16 pursuant to this Act be terminated from the contract without  
17 the written consent of the State agency or public institution  
18 of higher education entering into the contract.

19 (f) Non-construction solicitations that include Business  
20 Enterprise Program participation goals shall require bidders  
21 and offerors to include utilization plans. Utilization plans  
22 are due at the time of bid or offer submission. Failure to  
23 complete and include a utilization plan, including  
24 documentation demonstrating good faith effort when requesting  
25 a waiver, shall render the bid or offer non-responsive.

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

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

2 (30 ILCS 575/4f)

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

4 Sec. 4f. Award of State contracts.

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

19 (a) When a State agency or public institution of higher  
20 education, other than a community college, awards a  
21 contract for insurance services, for each State agency or  
22 public institution of higher education, it shall be the  
23 aspirational goal to use insurance brokers owned by  
24 minorities, women, and persons with disabilities as  
25 defined by this Act, for not less than 20% of the total

1       annual premiums or fees; provided that, contracts  
2       representing at least 11% of the total annual premiums or  
3       fees shall be awarded to businesses owned by minorities;  
4       contracts representing at least 7% of the total annual  
5       premiums or fees shall be awarded to women-owned  
6       businesses; and contracts representing at least 2% of the  
7       total annual premiums or fees shall be awarded to  
8       businesses owned by persons with disabilities.

9               (b) When a State agency or public institution of higher  
10       education, other than a community college, awards a  
11       contract for investment services, for each State agency or  
12       public institution of higher education, it shall be the  
13       aspirational goal to use emerging investment managers  
14       owned by minorities, women, and persons with disabilities  
15       as defined by this Act, for not less than 20% of the total  
16       funds under management; provided that, contracts  
17       representing at least 11% of the total funds under  
18       management shall be awarded to businesses owned by  
19       minorities; contracts representing at least 7% of the total  
20       funds under management shall be awarded to women-owned  
21       businesses; and contracts representing at least 2% of the  
22       total funds under management shall be awarded to businesses  
23       owned by persons with disabilities. Furthermore, it is the  
24       aspirational goal that not less than 20% of the direct  
25       asset managers of the State funds be minorities, women, and  
26       persons with disabilities.



1 (c) When a State agency or public institution of higher  
2 education, other than a community college, awards  
3 contracts for information technology services, accounting  
4 services, architectural and engineering services, and  
5 legal services, for each State agency and public  
6 institution of higher education, it shall be the  
7 aspirational goal to use such firms owned by minorities,  
8 women, and persons with disabilities as defined by this Act  
9 and lawyers who are minorities, women, and persons with  
10 disabilities as defined by this Act, for not less than 20%  
11 of the total dollar amount of State contracts; provided  
12 that, contracts representing at least 11% of the total  
13 dollar amount of State contracts shall be awarded to  
14 businesses owned by minorities or minority lawyers;  
15 contracts representing at least 7% of the total dollar  
16 amount of State contracts shall be awarded to women-owned  
17 businesses or women who are lawyers; and contracts  
18 representing at least 2% of the total dollar amount of  
19 State contracts shall be awarded to businesses owned by  
20 persons with disabilities or persons with disabilities who  
21 are lawyers.

22 (d) When a community college awards a contract for  
23 insurance services, investment services, information  
24 technology services, accounting services, architectural  
25 and engineering services, and legal services, it shall be  
26 the aspirational goal of each community college to use

1 businesses owned by minorities, women, and persons with  
2 disabilities as defined in this Act for not less than 20%  
3 of the total amount spent on contracts for these services  
4 collectively; provided that, contracts representing at  
5 least 11% of the total amount spent on contracts for these  
6 services shall be awarded to businesses owned by  
7 minorities; contracts representing at least 7% of the total  
8 amount spent on contracts for these services shall be  
9 awarded to women-owned businesses; and contracts  
10 representing at least 2% of the total amount spent on  
11 contracts for these services shall be awarded to businesses  
12 owned by persons with disabilities. When a community  
13 college awards contracts for investment services,  
14 contracts awarded to investment managers who are not  
15 emerging investment managers as defined in this Act shall  
16 not be considered businesses owned by minorities, women, or  
17 persons with disabilities for the purposes of this Section.

18 (2) As used in this Section:

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

25 "Architectural and engineering services" means  
26 professional services of an architectural or engineering

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

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

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

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

25 "Legal services" means work performed by a lawyer  
26 including, but not limited to, contracts in anticipation of

1 litigation, enforcement actions, or investigations.

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

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

25 (A) For insurance services: the names of the insurance  
26 brokers or claims consultants used, the total of risk

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

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

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

24 (D) The names of service firms, the percentage and  
25 total dollar amount paid for services by category to firms  
26 owned by minorities, women, and persons with disabilities

1 by each State agency and public institution of higher  
2 education.

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

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

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

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

1 findings for the divisions of work specified in paragraphs (a),  
2 (b), and (c) of subsection (1) of this Section.

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

5 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

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

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

8 (1) Individual contract exemptions. The Council, ~~on its own~~  
9 ~~initiative or~~ at the written request of the affected agency,  
10 public institution of higher education, or recipient of a grant  
11 or loan of State funds of \$250,000 or more complying with  
12 Section 45 of the State Finance Act, may permit an individual  
13 contract or contract package, (related contracts being bid or  
14 awarded simultaneously for the same project or improvements) be  
15 made wholly or partially exempt from State contracting goals  
16 for businesses owned by minorities, women, and persons with  
17 disabilities prior to the advertisement for bids or  
18 solicitation of proposals whenever there has been a  
19 determination, reduced to writing and based on the best  
20 information available at the time of the determination, that  
21 there is an insufficient number of businesses owned by  
22 minorities, women, and persons with disabilities to ensure  
23 adequate competition and an expectation of reasonable prices on  
24 bids or proposals solicited for the individual contract or  
25 contract package in question. The Council may charge a



1 reasonable fee for written request of individual contract  
2 exemptions. Any such exemptions shall be given by the Council  
3 to the Bureau on Apprenticeship Programs.

4 (a) Written request for contract exemption. A written  
5 request for an individual contract exception must include,  
6 but is not limited to, the following:

7 (i) a list of qualified businesses owned by  
8 minorities, women, and persons with disabilities that  
9 would qualify for the purpose of the contract;

10 (ii) each business's deficiency that would impair  
11 adequate competition or qualification;

12 (iii) the difference in cost between the contract  
13 proposals being offered by businesses owned by  
14 minorities, women, and persons with disabilities and  
15 the agency or the public institution of higher  
16 education's expectations of reasonable prices on bids  
17 or proposals within that class; and

18 (iv) a list of qualified businesses owned by  
19 minorities, women, and persons with disabilities that  
20 the contractor has used in the most recent fiscal year.

21 (b) Determination. The Council's determination  
22 concerning an individual contract exemption must include  
23 the following:

24 (i) the justification for each business's  
25 disqualification;

26 (ii) the number of waivers of the affected agency,

1           public institution of higher education, or recipient  
2           of a grant or loan of State funds of \$250,000 or more  
3           complying with Section 45 of the State Finance Act that  
4           have been granted by the Council for that fiscal year;  
5           and

6           (iii) the affected agency or public institution of  
7           higher education's most current percentages in  
8           contracts awarded to businesses owned by minorities,  
9           women, and persons with disabilities for that fiscal  
10          year.

11          (2) Class exemptions.

12           (a) Creation. The Council, ~~on its own initiative or~~ at  
13          the written request of the affected agency or public  
14          institution of higher education, may permit an entire class  
15          of contracts be made exempt from State contracting goals  
16          for businesses owned by minorities, women, and persons with  
17          disabilities whenever there has been a determination,  
18          reduced to writing and based on the best information  
19          available at the time of the determination, that there is  
20          an insufficient number of qualified businesses owned by  
21          minorities, women, and persons with disabilities to ensure  
22          adequate competition and an expectation of reasonable  
23          prices on bids or proposals within that class. Any such  
24          exemption shall be given by the Council to the Bureau on  
25          Apprenticeship Programs.

26           (a-1) Written request for class exemption. A written

1 request for a class exception must include, but is not  
2 limited to, the following:

3 (i) a list of qualified businesses owned by  
4 minorities, women, and persons with disabilities that  
5 pertain to the class of contracts in the requested  
6 waiver;

7 (ii) each business's deficiency that would impair  
8 adequate competition or qualification;

9 (iii) the difference in cost between the contract  
10 proposals being offered by businesses owned by  
11 minorities, women, and persons with disabilities and  
12 the agency or the public institution of higher  
13 education's expectations of reasonable prices on bids  
14 or proposals within that class; and

15 (iv) the number of class exemptions the affected  
16 agency or public institution of higher education has  
17 requested for that fiscal year.

18 (a-2) Determination. The Council's determination  
19 concerning class exemptions must include the following:

20 (i) the justification for each business's  
21 disqualification;

22 (ii) the number of waivers of the requesting agency  
23 or public institution of higher education that have  
24 been granted by the Council for that fiscal year; and

25 (iii) the agency or public institution of higher  
26 education's most current percentages in contracts

1           awarded to businesses owned by minorities, women, and  
2           persons with disabilities for that fiscal year.

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

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

14           (a) Request for waiver. A contractor's request for a  
15           waiver under this subsection (3) must include, but is not  
16           limited to, the following:

17           (i) a list of qualified businesses owned by  
18           minorities, women, and persons with disabilities that  
19           pertain to the class of contracts in the requested  
20           waiver;

21           (ii) each business's deficiency that would impair  
22           adequate competition or qualification;

23           (iii) the difference in cost between the contract  
24           proposals being offered by businesses owned by  
25           minorities, women, and persons with disabilities and  
26           the agency or the public institution of higher

1           education's expectations of reasonable prices on bids  
2           or proposals within that class.

3           (b) Determination. The Council's determination  
4           concerning waivers must include following:

5                   (i) the justification for each business's  
6                   disqualification;

7                   (ii) the number of waivers the contractor has been  
8                   granted by the Council for that fiscal year;

9                   (iii) the affected agency or public institution of  
10                  higher education's most current percentages in  
11                  contracts awarded to businesses owned by minorities,  
12                  women, and persons with disabilities for that fiscal  
13                  year; and

14                  (iv) a list of qualified businesses owned by  
15                  minorities, women, and persons with disabilities that  
16                  the contractor has used in the most recent fiscal year.

17           (3.5) Fees. The Council may charge a fee for a written  
18           request on individual contract exemptions. The Council shall  
19           not charge for a first request. For a second request the  
20           Council shall charge no more than \$1,000. For a fifth request  
21           or higher from a contractor, the Council shall charge no more  
22           than \$5,000 per request. The Department shall collect the fees  
23           under this Section. Any fee collected under this Section shall  
24           be used by the Bureau on Apprenticeship Programs to increase  
25           minority participation in apprenticeship programs in the  
26           State.

1           (4) Conflict with other laws. In the event that any State  
2 contract, which otherwise would be subject to the provisions of  
3 this Act, is or becomes subject to federal laws or regulations  
4 which conflict with the provisions of this Act or actions of  
5 the State taken pursuant hereto, the provisions of the federal  
6 laws or regulations shall apply and the contract shall be  
7 interpreted and enforced accordingly.

8           (5) Each chief procurement officer, as defined in the  
9 Illinois Procurement Code, shall maintain on his or her  
10 official Internet website a database of the following: (i)  
11 waivers granted under this Section with respect to contracts  
12 under his or her jurisdiction; (ii) a State agency or public  
13 institution of higher education's written request for an  
14 exemption of an individual contract or an entire class of  
15 contracts; and (iii) the Council's written determination  
16 granting or denying a request for an exemption of an individual  
17 contract or an entire class of contracts. The database, which  
18 shall be updated periodically as necessary, shall be searchable  
19 by contractor name and by contracting State agency.

20           (6) Each chief procurement officer, as defined by the  
21 Illinois Procurement Code, shall maintain on its website a list  
22 of all firms that have been prohibited from bidding, offering,  
23 or entering into a contract with the State of Illinois as a  
24 result of violations of this Act.

25           Each public notice required by law of the award of a State  
26 contract shall include for each bid or offer submitted for that

1 contract the following: (i) the bidder's or offeror's name,  
2 (ii) the bid amount, (iii) the name or names of the certified  
3 firms identified in the bidder's or offeror's submitted  
4 utilization plan, and (iv) the bid's amount and percentage of  
5 the contract awarded to businesses owned by minorities, women,  
6 and persons with disabilities identified in the utilization  
7 plan.

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

9 (30 ILCS 575/9) (from Ch. 127, par. 132.609)

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

11 Sec. 9. This Act is repealed June 30, 2024 ~~June 30, 2020~~.

12 (Source: P.A. 99-514, eff. 6-30-16.)

13 Section 15. The State Construction Minority and Female  
14 Building Trades Act is amended by changing Section 35-15 as  
15 follows:

16 (30 ILCS 577/35-15)

17 Sec. 35-15. Compilation of building trade data. By March 31  
18 of each year, the Illinois Department of Labor shall publish  
19 and make available on its official website a report compiling  
20 and summarizing demographic trends in the State's building  
21 trades apprenticeship programs, with particular attention to  
22 race, gender, ethnicity, and national origin of apprentices in  
23 labor organizations and other entities in Illinois based on the

1 information submitted to the Department under Section 35-10.  
2 The report shall include, but not be limited to, apprentices by  
3 gender, apprentices by race and ethnicity, apprentices by  
4 national origin, apprentices by gender, race, ethnicity, and  
5 national origin in union and non-union programs,  
6 apprenticeship programs offered by union and non-union,  
7 apprentices by union or non-union, apprenticeship programs by  
8 trade, apprentices by trade, apprenticeship programs by length  
9 of time.

10 (Source: P.A. 100-797, eff. 8-10-18.)

11 Section 20. The Criminal Code of 2012 is amended by  
12 changing Section 17-10.3 as follows:

13 (720 ILCS 5/17-10.3)

14 Sec. 17-10.3. Deception relating to certification of  
15 disadvantaged business enterprises.

16 (a) Fraudulently obtaining or retaining certification. A  
17 person who, in the course of business, fraudulently obtains or  
18 retains certification as a minority-owned business,  
19 women-owned business, service-disabled veteran-owned small  
20 business, or veteran-owned small business commits a Class 1 ~~2~~  
21 felony.

22 (b) Willfully making a false statement. A person who, in  
23 the course of business, willfully makes a false statement  
24 whether by affidavit, report or other representation, to an



1 official or employee of a State agency or the Business  
2 Enterprise Council for Minorities, Women, and Persons with  
3 Disabilities for the purpose of influencing the certification  
4 or denial of certification of any business entity as a  
5 minority-owned business, women-owned business,  
6 service-disabled veteran-owned small business, or  
7 veteran-owned small business commits a Class 1 ~~2~~ felony.

8 (c) Willfully obstructing or impeding an official or  
9 employee of any agency in his or her investigation. Any person  
10 who, in the course of business, willfully obstructs or impedes  
11 an official or employee of any State agency or the Business  
12 Enterprise Council for Minorities, Women, and Persons with  
13 Disabilities who is investigating the qualifications of a  
14 business entity which has requested certification as a  
15 minority-owned business, women-owned business,  
16 service-disabled veteran-owned small business, or  
17 veteran-owned small business commits a Class 1 ~~2~~ felony.

18 (d) Fraudulently obtaining public moneys reserved for  
19 disadvantaged business enterprises. Any person who, in the  
20 course of business, fraudulently obtains public moneys  
21 reserved for, or allocated or available to, minority-owned  
22 businesses, women-owned businesses, service-disabled  
23 veteran-owned small businesses, or veteran-owned small  
24 businesses commits a Class 1 ~~2~~ felony.

25 (e) Definitions. As used in this Article, "minority-owned  
26 business", "women-owned business", "State agency" with respect

1 to minority-owned businesses and women-owned businesses, and  
2 "certification" with respect to minority-owned businesses and  
3 women-owned businesses shall have the meanings ascribed to them  
4 in Section 2 of the Business Enterprise for Minorities, Women,  
5 and Persons with Disabilities Act. As used in this Article,  
6 "service-disabled veteran-owned small business",  
7 "veteran-owned small business", "State agency" with respect to  
8 service-disabled veteran-owned small businesses and  
9 veteran-owned small businesses, and "certification" with  
10 respect to service-disabled veteran-owned small businesses and  
11 veteran-owned small businesses have the same meanings as in  
12 Section 45-57 of the Illinois Procurement Code.

13 (Source: P.A. 100-391, eff. 8-25-17.)

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