

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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  
17 policies to remove those barriers. The Department may hire  
18 staff to perform outreach in promoting diversity in active  
19 apprenticeship programs approved by the United States  
20 Department of Labor. The Bureau shall annually compile racial  
21 and gender workforce diversity information from contractors  
22 receiving State or other public funds and by labor unions with  
23 members working on projects receiving State or other public

1 funds.

2 (b) There is created the Advisory Board for Diversity in  
3 Active Apprenticeship Programs Approved by the United States  
4 Department of Labor. This Advisory Board shall be composed of  
5 12 legislators; 3 members appointed by the President of the  
6 Senate, 3 members appointed by the Speaker of the House of  
7 Representatives, 3 members appointed by the Minority Leader of  
8 the Senate, and 3 members appointed by the Minority Leader of  
9 the House of Representatives. The President of the Senate and  
10 the Speaker of the House of Representatives shall each appoint  
11 a co-chairperson. Members of the Advisory Board shall receive  
12 no compensation for serving as members of the Advisory Board.  
13 The Advisory Board shall meet quarterly. The Advisory Board may  
14 request necessary additional information from the Department,  
15 other State agencies, or public institutions of higher  
16 education for the purposes of performing its duties under this  
17 Section. The Advisory Board may advise the Department of  
18 programs to increase diversity in active apprenticeship  
19 programs. The Department shall provide administrative support  
20 and staffing for the Advisory Board.

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

24 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

1 (Section scheduled to be repealed on June 30, 2020)

2 Sec. 4. Award of State contracts.

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

16 The above percentage relates to the total dollar amount of  
17 State contracts during each State fiscal year, calculated by  
18 examining independently each type of contract for each agency  
19 or public institutions of higher education which lets such  
20 contracts. Only that percentage of arrangements which  
21 represents the participation of businesses owned by  
22 minorities, women, and persons with disabilities on such  
23 contracts shall be included.

24 (b) ~~Not~~ ~~In the case of State construction contracts, the~~  
25 ~~provisions of subsection (a) requiring a portion of State~~  
26 ~~contracts to be awarded to businesses owned and controlled by~~

1 ~~persons with disabilities do not apply. The following~~  
2 ~~aspirational goals are established for State construction~~  
3 ~~contracts: not less than 20% of the total dollar amount of~~  
4 ~~State construction contracts is established as an aspirational~~  
5 ~~a goal to be awarded to businesses owned by minorities, women,~~  
6 ~~and persons with disabilities; provided that, contracts~~  
7 ~~representing at least 11% of the total dollar amount of State~~  
8 ~~construction contracts shall be awarded to businesses owned by~~  
9 ~~minorities; contracts representing at least 7% of the total~~  
10 ~~dollar amount of State construction contracts shall be awarded~~  
11 ~~to women-owned businesses; and contracts representing at least~~  
12 ~~2% of the total dollar amount of State construction contracts~~  
13 ~~shall be awarded to businesses owned by persons with~~  
14 ~~disabilities ~~minority owned and women-owned businesses.~~~~

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

26 (d) Within one year after April 28, 2009 (the effective

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

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

20 (e) Except as permitted under this Act or as otherwise  
21 mandated by federal law or regulation, those who submit bids or  
22 proposals for State contracts subject to the provisions of this  
23 Act, whose bids or proposals are successful and include a  
24 utilization plan but that fail to meet the goals set forth in  
25 subsection (b) of this Section, shall be notified of that  
26 deficiency and shall be afforded a period not to exceed 10

1 calendar days from the date of notification to cure that  
2 deficiency in the bid or proposal. The deficiency in the bid or  
3 proposal may only be cured by contracting with additional  
4 subcontractors who are owned by minorities or women. Any  
5 increase in cost to a contract for the addition of a  
6 subcontractor to cure a bid's deficiency shall not be used in  
7 the request for an exemption in this Act, and, ~~but~~ in no case  
8 shall an identified subcontractor with a certification made  
9 pursuant to this Act be terminated from the contract without  
10 the written consent of the State agency or public institution  
11 of higher education entering into the contract.

12 (f) Non-construction solicitations that include Business  
13 Enterprise Program participation goals shall require bidders  
14 and offerors to include utilization plans. Utilization plans  
15 are due at the time of bid or offer submission. Failure to  
16 complete and include a utilization plan, including  
17 documentation demonstrating good faith effort when requesting  
18 a waiver, shall render the bid or offer non-responsive.

19 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;  
20 100-391, eff. 8-25-17.)

21 (30 ILCS 575/4f)

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

23 Sec. 4f. Award of State contracts.

24 (1) It is hereby declared to be the public policy of the  
25 State of Illinois to promote and encourage each State agency

1 and public institution of higher education to use businesses  
2 owned by minorities, women, and persons with disabilities in  
3 the area of goods and services, including, but not limited to,  
4 insurance services, investment management services,  
5 information technology services, accounting services,  
6 architectural and engineering services, and legal services.  
7 Furthermore, each State agency and public institution of higher  
8 education shall utilize such firms to the greatest extent  
9 feasible within the bounds of financial and fiduciary prudence,  
10 and take affirmative steps to remove any barriers to the full  
11 participation of such firms in the procurement and contracting  
12 opportunities afforded.

13 (a) When a State agency or public institution of higher  
14 education, other than a community college, awards a  
15 contract for insurance services, for each State agency or  
16 public institution of higher education, it shall be the  
17 aspirational goal to use insurance brokers owned by  
18 minorities, women, and persons with disabilities as  
19 defined by this Act, for not less than 20% of the total  
20 annual premiums or fees; provided that, contracts  
21 representing at least 11% of the total annual premiums or  
22 fees shall be awarded to businesses owned by minorities;  
23 contracts representing at least 7% of the total annual  
24 premiums or fees shall be awarded to women-owned  
25 businesses; and contracts representing at least 2% of the  
26 total annual premiums or fees shall be awarded to

1 businesses owned by persons with disabilities.

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

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



1 women, and persons with disabilities as defined by this Act  
2 and lawyers who are minorities, women, and persons with  
3 disabilities as defined by this Act, for not less than 20%  
4 of the total dollar amount of State contracts; provided  
5 that, contracts representing at least 11% of the total  
6 dollar amount of State contracts shall be awarded to  
7 businesses owned by minorities or minority lawyers;  
8 contracts representing at least 7% of the total dollar  
9 amount of State contracts shall be awarded to women-owned  
10 businesses or women who are lawyers; and contracts  
11 representing at least 2% of the total dollar amount of  
12 State contracts shall be awarded to businesses owned by  
13 persons with disabilities or persons with disabilities who  
14 are lawyers.

15 (d) When a community college awards a contract for  
16 insurance services, investment services, information  
17 technology services, accounting services, architectural  
18 and engineering services, and legal services, it shall be  
19 the aspirational goal of each community college to use  
20 businesses owned by minorities, women, and persons with  
21 disabilities as defined in this Act for not less than 20%  
22 of the total amount spent on contracts for these services  
23 collectively; provided that, contracts representing at  
24 least 11% of the total amount spent on contracts for these  
25 services shall be awarded to businesses owned by  
26 minorities; contracts representing at least 7% of the total

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

11 (2) As used in this Section:

12 "Accounting services" means the measurement,  
13 processing and communication of financial information  
14 about economic entities including, but is not limited to,  
15 financial accounting, management accounting, auditing,  
16 cost containment and auditing services, taxation and  
17 accounting information systems.

18 "Architectural and engineering services" means  
19 professional services of an architectural or engineering  
20 nature, or incidental services, that members of the  
21 architectural and engineering professions, and individuals  
22 in their employ, may logically or justifiably perform,  
23 including studies, investigations, surveying and mapping,  
24 tests, evaluations, consultations, comprehensive planning,  
25 program management, conceptual designs, plans and  
26 specifications, value engineering, construction phase

1 services, soils engineering, drawing reviews, preparation  
2 of operating and maintenance manuals, and other related  
3 services.

4 "Emerging investment manager" means an investment  
5 manager or claims consultant having assets under  
6 management below \$10 billion or otherwise adjudicating  
7 claims.

8 "Information technology services" means, but is not  
9 limited to, specialized technology-oriented solutions by  
10 combining the processes and functions of software,  
11 hardware, networks, telecommunications, web designers,  
12 cloud developing resellers, and electronics.

13 "Insurance broker" means an insurance brokerage firm,  
14 claims administrator, or both, that procures, places all  
15 lines of insurance, or administers claims with annual  
16 premiums or fees of at least \$5,000,000 but not more than  
17 \$10,000,000.

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

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

26 (4) Except as provided in subsection (5), the Council shall

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

18 (A) For insurance services: the names of the insurance  
19 brokers or claims consultants used, the total of risk  
20 managed by each State agency and public institution of  
21 higher education by insurance brokers, the total  
22 commissions, fees paid, or both, the lines or insurance  
23 policies placed, and the amount of premiums placed; and the  
24 percentage of the risk managed by insurance brokers, the  
25 percentage of total commission, fees paid, or both, the  
26 lines or insurance policies placed, and the amount of

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

4 (B) For investment management services: the names of  
5 the investment managers used, the total funds under  
6 management of investment managers; the total commissions,  
7 fees paid, or both; the total and percentage of funds under  
8 management of emerging investment managers owned by  
9 minorities, women, and persons with disabilities,  
10 including the total and percentage of total commissions,  
11 fees paid, or both by each State agency and public  
12 institution of higher education.

13 (C) The names of service firms, the percentage and  
14 total dollar amount paid for professional services by  
15 category by each State agency and public institution of  
16 higher education.

17 (D) The names of service firms, the percentage and  
18 total dollar amount paid for services by category to firms  
19 owned by minorities, women, and persons with disabilities  
20 by each State agency and public institution of higher  
21 education.

22 (E) The total number of contracts awarded for services  
23 by category and the total number of contracts awarded to  
24 firms owned by minorities, women, and persons with  
25 disabilities by each State agency and public institution of  
26 higher education.

1           (5) For community college districts, the Business  
2 Enterprise Council shall only report the following information  
3 for each community college district: (i) the name of the  
4 community colleges in the district, (ii) the name and contact  
5 information of a person at each community college appointed to  
6 be the single point of contact for vendors owned by minorities,  
7 women, or persons with disabilities, (iii) the policy of the  
8 community college district concerning certified vendors, (iv)  
9 the certifications recognized by the community college  
10 district for determining whether a business is owned or  
11 controlled by a minority, woman, or person with a disability,  
12 (v) outreach efforts conducted by the community college  
13 district to increase the use of certified vendors, (vi) the  
14 total expenditures by the community college district in the  
15 prior fiscal year in the divisions of work specified in  
16 paragraphs (a), (b), and (c) of subsection (1) of this Section  
17 and the amount paid to certified vendors in those divisions of  
18 work, and (vii) the total number of contracts entered into for  
19 the divisions of work specified in paragraphs (a), (b), and (c)  
20 of subsection (1) of this Section and the total number of  
21 contracts awarded to certified vendors providing these  
22 services to the community college district. The Business  
23 Enterprise Council shall not make any utilization reports under  
24 this Act for community college districts for Fiscal Year 2015  
25 and Fiscal Year 2016, but shall make the report required by  
26 this subsection for Fiscal Year 2017 and for each fiscal year

1 thereafter. The Business Enterprise Council shall report the  
2 information in items (i), (ii), (iii), and (iv) of this  
3 subsection beginning in September of 2016. The Business  
4 Enterprise Council may collect the data needed to make its  
5 report from the Illinois Community College Board.

6 (6) The status of the utilization of services shall be  
7 discussed at each of the regularly scheduled Business  
8 Enterprise Council meetings. Time shall be allotted for the  
9 Council to receive, review, and discuss the progress of the use  
10 of service firms owned by minorities, women, and persons with  
11 disabilities by each State agency and public institution of  
12 higher education; and any evidence regarding past or present  
13 racial, ethnic, or gender-based discrimination which directly  
14 impacts a State agency or public institution of higher  
15 education contracting with such firms. If after reviewing such  
16 evidence the Council finds that there is or has been such  
17 discrimination against a specific group, race or sex, the  
18 Council shall establish sheltered markets or adjust existing  
19 sheltered markets tailored to address the Council's specific  
20 findings for the divisions of work specified in paragraphs (a),  
21 (b), and (c) of subsection (1) of this Section.

22 (Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;  
23 100-391, eff. 8-25-17.)

24 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

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

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

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

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

26           (i) a list of qualified businesses owned by



1 minorities, women, and persons with disabilities that  
2 would qualify for the purpose of the contract;

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

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

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

14 (b) Determination. The Council's determination  
15 concerning an individual contract exemption must include  
16 the following:

17 (i) the justification for each business's  
18 disqualification;

19 (ii) the number of waivers of the affected agency,  
20 public institution of higher education, or recipient  
21 of a grant or loan of State funds of \$250,000 or more  
22 complying with Section 45 of the State Finance Act that  
23 have been granted by the Council for that fiscal year;  
24 and

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

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

4 (2) Class exemptions.

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

19 (a-1) Written request for class exemption. A written  
20 request for a class exception must include, but is not  
21 limited to, the following:

22 (i) a list of qualified businesses owned by  
23 minorities, women, and persons with disabilities that  
24 pertain to the class of contracts in the requested  
25 waiver;

26 (ii) each business's deficiency that would impair

1           adequate competition or qualification;

2           (iii) the difference in cost between the contract  
3           proposals being offered by businesses owned by  
4           minorities, women, and persons with disabilities and  
5           the agency or the public institution of higher  
6           education's expectations of reasonable prices on bids  
7           or proposals within that class; and

8           (iv) the number of class exemptions the affected  
9           agency or public institution of higher education has  
10           requested for that fiscal year.

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

13           (i) the justification for each business's  
14           disqualification;

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

18           (iii) the agency or public institution of higher  
19           education's most current percentages in contracts  
20           awarded to businesses owned by minorities, women, and  
21           persons with disabilities for that fiscal year.

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

24           (3) Waivers. Where a particular contract requires a  
25           contractor to meet a goal established pursuant to this Act, the  
26           contractor shall have the right to request a waiver from such

1 requirements. The Council shall grant the waiver where the  
2 contractor demonstrates that there has been made a good faith  
3 effort to comply with the goals for participation by businesses  
4 owned by minorities, women, and persons with disabilities. Any  
5 such waiver shall also be transmitted in writing to the Bureau  
6 on Apprenticeship Programs.

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

10 (i) a list of qualified businesses owned by  
11 minorities, women, and persons with disabilities that  
12 pertain to the class of contracts in the requested  
13 waiver;

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

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

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

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

26 (ii) the number of waivers the contractor has been

1 granted by the Council for that fiscal year;

2 (iii) the affected agency or public institution of  
3 higher education's most current percentages in  
4 contracts awarded to businesses owned by minorities,  
5 women, and persons with disabilities for that fiscal  
6 year; and

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

10 (3.5) Fees. The Council may charge a fee for a written  
11 request on individual contract exemptions. The Council shall  
12 not charge for a first request. For a second request, the  
13 Council shall charge no more than \$1,000. For a fifth request  
14 or higher from a contractor, the Council shall charge no more  
15 than \$5,000 per request. The Department shall collect the fees  
16 under this Section. Any fee collected under this Section shall  
17 be used by the Bureau on Apprenticeship Programs to increase  
18 minority participation in apprenticeship programs in the  
19 State.

20 (4) Conflict with other laws. In the event that any State  
21 contract, which otherwise would be subject to the provisions of  
22 this Act, is or becomes subject to federal laws or regulations  
23 which conflict with the provisions of this Act or actions of  
24 the State taken pursuant hereto, the provisions of the federal  
25 laws or regulations shall apply and the contract shall be  
26 interpreted and enforced accordingly.

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

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

18           Each public notice required by law of the award of a State  
19 contract shall include for each bid or offer submitted for that  
20 contract the following: (i) the bidder's or offeror's name,  
21 (ii) the bid amount, (iii) the name or names of the certified  
22 firms identified in the bidder's or offeror's submitted  
23 utilization plan, and (iv) the bid's amount and percentage of  
24 the contract awarded to businesses owned by minorities, women,  
25 and persons with disabilities identified in the utilization  
26 plan.

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

2 (30 ILCS 575/9) (from Ch. 127, par. 132.609)

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

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

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

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

9 (30 ILCS 577/35-15)

10 Sec. 35-15. Compilation of building trade data. By March 31  
11 of each year, the Illinois Department of Labor shall publish  
12 and make available on its official website a report compiling  
13 and summarizing demographic trends in the State's building  
14 trades apprenticeship programs, with particular attention to  
15 race, gender, ethnicity, and national origin of apprentices in  
16 labor organizations and other entities in Illinois based on the  
17 information submitted to the Department under Section 35-10.  
18 The report shall include, but not be limited to, apprentices by  
19 gender, apprentices by race and ethnicity, apprentices by  
20 national origin, apprentices by gender, race, ethnicity, and  
21 national origin in union and non-union programs,  
22 apprenticeship programs offered by union and non-union,  
23 apprentices by union or non-union, apprenticeship programs by

1 trade, apprentices by trade, apprenticeship programs by length  
2 of time.

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

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

6 (720 ILCS 5/17-10.3)

7 Sec. 17-10.3. Deception relating to certification of  
8 disadvantaged business enterprises.

9 (a) Fraudulently obtaining or retaining certification. A  
10 person who, in the course of business, fraudulently obtains or  
11 retains certification as a minority-owned business,  
12 women-owned business, service-disabled veteran-owned small  
13 business, or veteran-owned small business commits a Class 1 ~~2~~  
14 felony.

15 (b) Willfully making a false statement. A person who, in  
16 the course of business, willfully makes a false statement  
17 whether by affidavit, report or other representation, to an  
18 official or employee of a State agency or the Business  
19 Enterprise Council for Minorities, Women, and Persons with  
20 Disabilities for the purpose of influencing the certification  
21 or denial of certification of any business entity as a  
22 minority-owned business, women-owned business,  
23 service-disabled veteran-owned small business, or  
24 veteran-owned small business commits a Class 1 ~~2~~ felony.



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

11 (d) Fraudulently obtaining public moneys reserved for  
12 disadvantaged business enterprises. Any person who, in the  
13 course of business, fraudulently obtains public moneys  
14 reserved for, or allocated or available to, minority-owned  
15 businesses, women-owned businesses, service-disabled  
16 veteran-owned small businesses, or veteran-owned small  
17 businesses commits a Class 1 ~~2~~ felony.

18 (e) Definitions. As used in this Article, "minority-owned  
19 business", "women-owned business", "State agency" with respect  
20 to minority-owned businesses and women-owned businesses, and  
21 "certification" with respect to minority-owned businesses and  
22 women-owned businesses shall have the meanings ascribed to them  
23 in Section 2 of the Business Enterprise for Minorities, Women,  
24 and Persons with Disabilities Act. As used in this Article,  
25 "service-disabled veteran-owned small business",  
26 "veteran-owned small business", "State agency" with respect to

1 service-disabled veteran-owned small businesses and  
2 veteran-owned small businesses, and "certification" with  
3 respect to service-disabled veteran-owned small businesses and  
4 veteran-owned small businesses have the same meanings as in  
5 Section 45-57 of the Illinois Procurement Code.

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

7 Section 99. Effective date. This Act takes effect January  
8 1, 2020.