

1 AN ACT concerning State government.

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

4 Article 1.

5 Section 1-5. The Business Enterprise for Minorities,
6 Women, and Persons with Disabilities Act is amended by changing
7 Section 4 as follows:

8 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

9 (Section scheduled to be repealed on June 30, 2024)

10 Sec. 4. Award of State contracts.

11 (a) Except as provided in subsection (b), not less than 30%
12 ~~20%~~ of the total dollar amount of State contracts, as defined
13 by the Secretary of the Council and approved by the Council,
14 shall be established as an aspirational goal to be awarded to
15 businesses owned by minorities, women, and persons with
16 disabilities; provided, however, that of the total amount of
17 all State contracts awarded to businesses owned by minorities,
18 women, and persons with disabilities pursuant to this Section,
19 contracts representing at least 16% ~~11%~~ shall be awarded to
20 businesses owned by minorities, contracts representing at
21 least 10% ~~7%~~ shall be awarded to women-owned businesses, and
22 contracts representing at least 4% ~~2%~~ shall be awarded to

1 businesses owned by persons with disabilities.

2 (a-5) In addition to the aspirational goals in awarding
3 State contracts set under subsection (a), the Department of
4 Central Management Services shall by rule further establish
5 committed diversity aspirational goals for State contracts
6 awarded to businesses owned by minorities, women, and persons
7 with disabilities. Such efforts shall include, but not be
8 limited to, further concerted outreach efforts to businesses
9 owned by minorities, women, and persons with disabilities.

10 The above percentage relates to the total dollar amount of
11 State contracts during each State fiscal year, calculated by
12 examining independently each type of contract for each agency
13 or public institutions of higher education which lets such
14 contracts. Only that percentage of arrangements which
15 represents the participation of businesses owned by
16 minorities, women, and persons with disabilities on such
17 contracts shall be included. State contracts subject to the
18 requirements of this Act shall include the requirement that
19 only expenditures to businesses owned by minorities, women, and
20 persons with disabilities that perform a commercially useful
21 function may be counted toward the goals set forth by this Act.
22 Contracts shall include a definition of "commercially useful
23 function" that is consistent with 49 CFR 26.55(c).

24 (b) Not less than 20% of the total dollar amount of State
25 construction contracts is established as an aspirational goal
26 to be awarded to businesses owned by minorities, women, and

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

10 (c) (Blank).

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

22 By December 1, 2020, the Department of Central Management
23 Services shall conduct a new social scientific study that
24 measures the impact of discrimination on minority and women
25 business development in Illinois. By June 1, 2022, the
26 Department shall issue a report of its findings and any

1 recommendations on whether to adjust the goals for minority and
2 women participation established in this Act. Copies of this
3 report and the social scientific study shall be filed with the
4 Governor, ~~the Advisory Board~~, and the General Assembly. By
5 December 1, 2022, the Department of Central Management Services
6 Business Enterprise Program shall develop a model for social
7 scientific disparity study sourcing for local governmental
8 units to adapt and implement to address regional disparities in
9 public procurement.

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

1 public institution of higher education entering into the
2 contract.

3 (f) Non-construction solicitations that include Business
4 Enterprise Program participation goals shall require bidders
5 and offerors to include utilization plans. Utilization plans
6 are due at the time of bid or offer submission. Failure to
7 complete and include a utilization plan, including
8 documentation demonstrating good faith effort when requesting
9 a waiver, shall render the bid or offer non-responsive.

10 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
11 101-601, eff. 1-1-20; revised 10-26-20.)

12 Article 5.

13 Section 5-5. The Illinois Procurement Code is amended by
14 changing Sections 20-15, 20-60, and 35-30 and by adding Section
15 50-85 as follows:

16 (30 ILCS 500/20-15)

17 Sec. 20-15. Competitive sealed proposals.

18 (a) Conditions for use. When provided under this Code or
19 under rules, or when the purchasing agency determines in
20 writing that the use of competitive sealed bidding is either
21 not practicable or not advantageous to the State, a contract
22 may be entered into by competitive sealed proposals.

23 (b) Request for proposals. Proposals shall be solicited

1 through a request for proposals.

2 (c) Public notice. Public notice of the request for
3 proposals shall be published in the Illinois Procurement
4 Bulletin at least 14 calendar days before the date set in the
5 invitation for the opening of proposals.

6 (d) Receipt of proposals. Proposals shall be opened
7 publicly or via an electronic procurement system in the
8 presence of one or more witnesses at the time and place
9 designated in the request for proposals, but proposals shall be
10 opened in a manner to avoid disclosure of contents to competing
11 offerors during the process of negotiation. A record of
12 proposals shall be prepared and shall be open for public
13 inspection after contract award.

14 (e) Evaluation factors. The requests for proposals shall
15 state the relative importance of price and other evaluation
16 factors. Proposals shall be submitted in 3 ~~2~~ parts: the first,
17 ~~covering items except price;~~ and the second, commitment to
18 diversity; and the third, all other items. Each part of all
19 proposals shall be evaluated and ranked independently of the
20 other parts of all proposals. The results of the evaluation of
21 all 3 parts shall be used in ranking of proposals ~~covering~~
22 ~~price. The first part of all proposals shall be evaluated and~~
23 ~~ranked independently of the second part of all proposals.~~

24 (e-5) Method of scoring.

25 (1) The point scoring methodology for competitive
26 sealed proposals shall provide points for commitment to

1 diversity. Those points shall be equivalent to 20% of the
2 points assigned to the third part of the proposal, all
3 other items.

4 (2) Factors to be considered in the award of these
5 points shall be set by rule by the applicable chief
6 procurement officer and may include, but are not limited
7 to:

8 (A) whether or how well the respondent, on the
9 solicitation being evaluated, met the goal of
10 contracting or subcontracting with businesses owned by
11 women, minorities, or persons with disabilities;

12 (B) whether the respondent, on the solicitation
13 being evaluated, assisted businesses owned by women,
14 minorities, or persons with disabilities in obtaining
15 lines of credit, insurance, necessary equipment,
16 supplies, materials, or related assistance or
17 services;

18 (C) the percentage of prior year revenues of the
19 respondent that involve businesses owned by women,
20 minorities, or persons with disabilities;

21 (D) whether the respondent has a written supplier
22 diversity program, including, but not limited to, use
23 of diversity vendors in the supply chain and a training
24 or mentoring program with businesses owned by women,
25 minorities, or persons with disabilities; and

26 (E) the percentage of members of the respondent's

1 governing board, senior executives, and managers who
2 are women, minorities, or persons with disabilities.

3 (3) If any State agency or public institution of higher
4 education contract is eligible to be paid for or
5 reimbursed, in whole or in part, with federal-aid funds,
6 grants, or loans, and the provisions of this subsection
7 (e-5) would result in the loss of those federal-aid funds,
8 grants, or loans, then the contract is exempt from the
9 provisions of this Section in order to remain eligible for
10 those federal-aid funds, grants, or loans. For the purposes
11 of this subsection (e-5):

12 "Manager" means a person who controls or administers
13 all or part of a company or similar organization.

14 "Minorities" has the same meaning as "minority person"
15 under Section 2 of the Business Enterprise for Minorities,
16 Women, and Persons with Disabilities Act.

17 "Persons with disabilities" has the same meaning as
18 "person with a disability" under Section 2 of the Business
19 Enterprise for Minorities, Women, and Persons with
20 Disabilities Act.

21 "Senior executive" means the chief executive officer,
22 chief operating officer, chief financial officer, or
23 anyone else in charge of a principal business unit or
24 function.

25 "Women" has the same meaning as "woman" under Section 2
26 of the Business Enterprise for Minorities, Women, and

1 Persons with Disabilities Act.

2 (f) Discussion with responsible offerors and revisions of
3 offers or proposals. As provided in the request for proposals
4 and under rules, discussions may be conducted with responsible
5 offerors who submit offers or proposals determined to be
6 reasonably susceptible of being selected for award for the
7 purpose of clarifying and assuring full understanding of and
8 responsiveness to the solicitation requirements. Those
9 offerors shall be accorded fair and equal treatment with
10 respect to any opportunity for discussion and revision of
11 proposals. Revisions may be permitted after submission and
12 before award for the purpose of obtaining best and final
13 offers. In conducting discussions there shall be no disclosure
14 of any information derived from proposals submitted by
15 competing offerors. If information is disclosed to any offeror,
16 it shall be provided to all competing offerors.

17 (g) Award. Awards shall be made to the responsible offeror
18 whose proposal is determined in writing to be the most
19 advantageous to the State, taking into consideration price and
20 the evaluation factors set forth in the request for proposals.
21 The contract file shall contain the basis on which the award is
22 made.

23 (Source: P.A. 100-43, eff. 8-9-17.)

24 (30 ILCS 500/20-60)

25 Sec. 20-60. Duration of contracts.

1 (a) Maximum duration. A contract may be entered into for
2 any period of time deemed to be in the best interests of the
3 State but not exceeding 10 years inclusive, beginning January
4 1, 2010, of proposed contract renewals. Third parties may lease
5 State-owned dark fiber networks for any period of time deemed
6 to be in the best interest of the State, but not exceeding 20
7 years. The length of a lease for real property or capital
8 improvements shall be in accordance with the provisions of
9 Section 40-25. The length of energy conservation program
10 contracts or energy savings contracts or leases shall be in
11 accordance with the provisions of Section 25-45. A contract for
12 bond or mortgage insurance awarded by the Illinois Housing
13 Development Authority, however, may be entered into for any
14 period of time less than or equal to the maximum period of time
15 that the subject bond or mortgage may remain outstanding.

16 (b) Subject to appropriation. All contracts made or entered
17 into shall recite that they are subject to termination and
18 cancellation in any year for which the General Assembly fails
19 to make an appropriation to make payments under the terms of
20 the contract.

21 (c) The chief procurement officer shall file a proposed
22 extension or renewal of a contract with the Procurement Policy
23 Board prior to entering into any extension or renewal if the
24 cost associated with the extension or renewal exceeds \$249,999.
25 The Procurement Policy Board may object to the proposed
26 extension or renewal within 30 calendar days and require a

1 hearing before the Board prior to entering into the extension
2 or renewal. If the Procurement Policy Board does not object
3 within 30 calendar days or takes affirmative action to
4 recommend the extension or renewal, the chief procurement
5 officer may enter into the extension or renewal of a contract.
6 This subsection does not apply to any emergency procurement,
7 any procurement under Article 40, or any procurement exempted
8 by Section 1-10(b) of this Code. If any State agency contract
9 is paid for in whole or in part with federal-aid funds, grants,
10 or loans and the provisions of this subsection would result in
11 the loss of those federal-aid funds, grants, or loans, then the
12 contract is exempt from the provisions of this subsection in
13 order to remain eligible for those federal-aid funds, grants,
14 or loans, and the State agency shall file notice of this
15 exemption with the Procurement Policy Board prior to entering
16 into the proposed extension or renewal. Nothing in this
17 subsection permits a chief procurement officer to enter into an
18 extension or renewal in violation of subsection (a). By August
19 1 each year, the Procurement Policy Board shall file a report
20 with the General Assembly identifying for the previous fiscal
21 year (i) the proposed extensions or renewals that were filed
22 with the Board and whether the Board objected and (ii) the
23 contracts exempt from this subsection.

24 (d) Notwithstanding the provisions of subsection (a) of
25 this Section, the Department of Innovation and Technology may
26 enter into leases for dark fiber networks for any period of

1 time deemed to be in the best interests of the State but not
2 exceeding 20 years inclusive. The Department of Innovation and
3 Technology may lease dark fiber networks from third parties
4 only for the primary purpose of providing services (i) to the
5 offices of Governor, Lieutenant Governor, Attorney General,
6 Secretary of State, Comptroller, or Treasurer and State
7 agencies, as defined under Section 5-15 of the Civil
8 Administrative Code of Illinois or (ii) for anchor
9 institutions, as defined in Section 7 of the Illinois Century
10 Network Act. Dark fiber network lease contracts shall be
11 subject to all other provisions of this Code and any applicable
12 rules or requirements, including, but not limited to,
13 publication of lease solicitations, use of standard State
14 contracting terms and conditions, and approval of vendor
15 certifications and financial disclosures.

16 (e) As used in this Section, "dark fiber network" means a
17 network of fiber optic cables laid but currently unused by a
18 third party that the third party is leasing for use as network
19 infrastructure.

20 (f) No vendor shall be eligible for renewal of a contract
21 when that vendor has failed to meet the goals agreed to in the
22 vendor's utilization plan unless the State agency has
23 determined that the vendor made good faith efforts toward
24 meeting the contract goals and has issued a waiver or that
25 vendor is not otherwise excused from compliance by the chief
26 procurement officer in consultation with the purchasing State

1 agency. The form and content of the waiver shall be prescribed
2 by each chief procurement officer who shall maintain on his or
3 her official website a database of waivers granted under this
4 Section with respect to contracts under his or her
5 jurisdiction. The database shall be updated periodically and
6 shall be searchable by contractor name and by contracting State
7 agency or public institution of higher education.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
9 101-81, eff. 7-12-19.)

10 (30 ILCS 500/35-30)

11 Sec. 35-30. Awards.

12 (a) All State contracts for professional and artistic
13 services, except as provided in this Section, shall be awarded
14 using the competitive request for proposal process outlined in
15 this Section. The scoring for requests for proposals shall
16 include the commitment to diversity factors and methodology
17 described in subsection (e-5) of Section 20-15.

18 (b) For each contract offered, the chief procurement
19 officer, State purchasing officer, or his or her designee shall
20 use the appropriate standard solicitation forms available from
21 the chief procurement officer for matters other than
22 construction or the higher education chief procurement
23 officer.

24 (c) Prepared forms shall be submitted to the chief
25 procurement officer for matters other than construction or the

1 higher education chief procurement officer, whichever is
2 appropriate, for publication in its Illinois Procurement
3 Bulletin and circulation to the chief procurement officer for
4 matters other than construction or the higher education chief
5 procurement officer's list of prequalified vendors. Notice of
6 the offer or request for proposal shall appear at least 14
7 calendar days before the response to the offer is due.

8 (d) All interested respondents shall return their
9 responses to the chief procurement officer for matters other
10 than construction or the higher education chief procurement
11 officer, whichever is appropriate, which shall open and record
12 them. The chief procurement officer for matters other than
13 construction or higher education chief procurement officer
14 then shall forward the responses, together with any information
15 it has available about the qualifications and other State work
16 of the respondents.

17 (e) After evaluation, ranking, and selection, the
18 responsible chief procurement officer, State purchasing
19 officer, or his or her designee shall notify the chief
20 procurement officer for matters other than construction or the
21 higher education chief procurement officer, whichever is
22 appropriate, of the successful respondent and shall forward a
23 copy of the signed contract for the chief procurement officer
24 for matters other than construction or higher education chief
25 procurement officer's file. The chief procurement officer for
26 matters other than construction or higher education chief

1 procurement officer shall publish the names of the responsible
2 procurement decision-maker, the agency letting the contract,
3 the successful respondent, a contract reference, and value of
4 the let contract in the next appropriate volume of the Illinois
5 Procurement Bulletin.

6 (f) For all professional and artistic contracts with
7 annualized value that exceeds \$100,000, evaluation and ranking
8 by price are required. Any chief procurement officer or State
9 purchasing officer, but not their designees, may select a
10 respondent other than the lowest respondent by price. In any
11 case, when the contract exceeds the \$100,000 threshold and the
12 lowest respondent is not selected, the chief procurement
13 officer or the State purchasing officer shall forward together
14 with the contract notice of who the low respondent by price was
15 and a written decision as to why another was selected to the
16 chief procurement officer for matters other than construction
17 or the higher education chief procurement officer, whichever is
18 appropriate. The chief procurement officer for matters other
19 than construction or higher education chief procurement
20 officer shall publish as provided in subsection (e) of Section
21 35-30, but shall include notice of the chief procurement
22 officer's or State purchasing officer's written decision.

23 (g) The chief procurement officer for matters other than
24 construction and higher education chief procurement officer
25 may each refine, but not contradict, this Section by
26 promulgating rules for submission to the Procurement Policy

1 Board and then to the Joint Committee on Administrative Rules.
2 Any refinement shall be based on the principles and procedures
3 of the federal Architect-Engineer Selection Law, Public Law
4 92-582 Brooks Act, and the Architectural, Engineering, and Land
5 Surveying Qualifications Based Selection Act; except that
6 pricing shall be an integral part of the selection process.

7 (Source: P.A. 100-43, eff. 8-9-17.)

8 (30 ILCS 500/50-85 new)

9 Sec. 50-85. Diversity training. (a) Each chief procurement
10 officer, State purchasing officer, procurement compliance
11 monitor, applicable support staff of each chief procurement
12 officer, State agency purchasing and contracting staff, those
13 identified under subsection (c) of Section 5-45 of the State
14 Officials and Employees Ethics Act who have the authority to
15 participate personally and substantially in the award of State
16 contracts, and any other State agency staff with substantial
17 procurement and contracting responsibilities as determined by
18 the chief procurement officer, in consultation with the State
19 agency, shall complete annual training for diversity and
20 inclusion. Each chief procurement officer shall prescribe the
21 program of diversity and inclusion training appropriate for
22 each chief procurement officer's jurisdiction.

23 Section 5-10. The Business Enterprise for Minorities,
24 Women, and Persons with Disabilities Act is amended by changing

1 Sections 4f and 6 as follows:

2 (30 ILCS 575/4f)

3 (Section scheduled to be repealed on June 30, 2024)

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 (e) When a State agency or public institution of higher
19 education issues competitive solicitations and the award
20 history for a service or supply category shows awards to a
21 class of business owners that are underrepresented, the
22 Council shall determine the reason for the disparity and
23 shall identify potential and appropriate methods to
24 minimize or eliminate the cause for the disparity.

25 If any State agency or public institution of higher
26 education contract is eligible to be paid for or

1 reimbursed, in whole or in part, with federal-aid funds,
2 grants, or loans, and the provisions of this paragraph (e)
3 would result in the loss of those federal-aid funds,
4 grants, or loans, then the contract is exempt from the
5 provisions of this paragraph (e) in order to remain
6 eligible for those federal-aid funds, grants, or loans.

7 (2) As used in this Section:

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

14 "Architectural and engineering services" means
15 professional services of an architectural or engineering
16 nature, or incidental services, that members of the
17 architectural and engineering professions, and individuals
18 in their employ, may logically or justifiably perform,
19 including studies, investigations, surveying and mapping,
20 tests, evaluations, consultations, comprehensive planning,
21 program management, conceptual designs, plans and
22 specifications, value engineering, construction phase
23 services, soils engineering, drawing reviews, preparation
24 of operating and maintenance manuals, and other related
25 services.

26 "Emerging investment manager" means an investment

1 manager or claims consultant having assets under
2 management below \$10 billion or otherwise adjudicating
3 claims.

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

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

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

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

22 (4) Except as provided in subsection (5), the Council shall
23 file no later than March 1 of each year an annual report to the
24 Governor, the Bureau on Apprenticeship Programs, and the
25 General Assembly. The report filed with the General Assembly
26 shall be filed as required in Section 3.1 of the General

1 Assembly Organization Act. This report shall: (i) identify the
2 service firms used by each State agency and public institution
3 of higher education, (ii) identify the actions it has
4 undertaken to increase the use of service firms owned by
5 minorities, women, and persons with disabilities, including
6 encouraging non-minority-owned firms to use other service
7 firms owned by minorities, women, and persons with disabilities
8 as subcontractors when the opportunities arise, (iii) state any
9 recommendations made by the Council to each State agency and
10 public institution of higher education to increase
11 participation by the use of service firms owned by minorities,
12 women, and persons with disabilities, and (iv) include the
13 following:

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

26 (B) For investment management services: the names of

1 the investment managers used, the total funds under
2 management of investment managers; the total commissions,
3 fees paid, or both; the total and percentage of funds under
4 management of emerging investment managers owned by
5 minorities, women, and persons with disabilities,
6 including the total and percentage of total commissions,
7 fees paid, or both by each State agency and public
8 institution of higher education.

9 (C) The names of service firms, the percentage and
10 total dollar amount paid for professional services by
11 category by each State agency and public institution of
12 higher education.

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

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

23 (5) For community college districts, the Business
24 Enterprise Council shall only report the following information
25 for each community college district: (i) the name of the
26 community colleges in the district, (ii) the name and contact

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

1 report from the Illinois Community College Board.

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

18 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

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

20 (Section scheduled to be repealed on June 30, 2024)

21 Sec. 6. Agency compliance plans. Each State agency and
22 public institutions of higher education under the jurisdiction
23 of this Act shall file with the Council an annual compliance
24 plan which shall outline the goals of the State agency or
25 public institutions of higher education for contracting with

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

9 (a) The compliance plan shall also include, but not be
10 limited to, (1) a policy statement, signed by the State agency
11 or public institution of higher education head, expressing a
12 commitment to encourage the use of businesses owned by
13 minorities, women, and persons with disabilities, (2) the
14 designation of the liaison officer provided for in Section 5 of
15 this Act, (3) procedures to distribute to potential contractors
16 and vendors the list of all businesses legitimately classified
17 as businesses owned by minorities, women, and persons with
18 disabilities and so certified under this Act, (4) procedures to
19 set separate contract goals on specific prime contracts and
20 purchase orders with subcontracting possibilities based upon
21 the type of work or services and subcontractor availability,
22 (5) procedures to assure that contractors and vendors make good
23 faith efforts to meet contract goals, (6) procedures for
24 contract goal exemption, modification and waiver, and (7) the
25 delineation of separate contract goals for businesses owned by
26 minorities, women, and persons with disabilities.

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

8 (c) Each State agency and public institution of higher
9 education under the jurisdiction of this Act shall file with
10 the Council an annual report of its utilization of businesses
11 owned by minorities, women, and persons with disabilities
12 during the preceding fiscal year including lapse period
13 spending and a mid-fiscal year report of its utilization to
14 date for the then current fiscal year. The reports shall
15 include a self-evaluation of the efforts of the State agency or
16 public institution of higher education to meet its goals under
17 the Act, as well as a plan to increase the diversity of the
18 vendors engaged in contracts with the State agency or public
19 institution of higher education, with a particular focus on the
20 most underrepresented in contract awards.

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

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

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

17 Article 10.

18 Section 10-5. The Department of Commerce and Economic
19 Opportunity Law of the Civil Administrative Code of Illinois is
20 amended by adding Section 605-1055 as follows:

21 (20 ILCS 605/605-1055 new)

22 Sec. 605-1055. Illinois SBIR/STTR Matching Funds Program.

23 (a) There is established the Illinois Small Business

1 Innovation Research (SBIR) and Small Business Technology
2 Transfer (STTR) Matching Funds Program to be administered by
3 the Department. In order to foster job creation and economic
4 development in the State, the Department may make grants to
5 eligible businesses to match funds received by the business as
6 an SBIR or STTR Phase I award and to encourage businesses to
7 apply for Phase II awards.

8 (b) In order to be eligible for a grant under this Section,
9 a business must satisfy all of the following conditions:

10 (1) The business must be a for-profit, Illinois-based
11 business. For the purposes of this Section, an
12 Illinois-based business is one that has its principal place
13 of business in this State;

14 (2) The business must have received an SBIR/STTR Phase
15 I award from a participating federal agency in response to
16 a specific federal solicitation. To receive the full match,
17 the business must also have submitted a final Phase I
18 report, demonstrated that the sponsoring agency has
19 interest in the Phase II proposal, and submitted a Phase II
20 proposal to the agency.

21 (3) The business must satisfy all federal SBIR/STTR
22 requirements.

23 (4) The business shall not receive concurrent funding
24 support from other sources that duplicates the purpose of
25 this Section.

26 (5) The business must certify that at least 51% of the

1 research described in the federal SBIR/STTR Phase II
2 proposal will be conducted in this State and that the
3 business will remain an Illinois-based business for the
4 duration of the SBIR/STTR Phase II project.

5 (6) The business must demonstrate its ability to
6 conduct research in its SBIR/STTR Phase II proposal.

7 (c) The Department may award grants to match the funds
8 received by a business through an SBIR/STTR Phase I proposal up
9 to a maximum of \$50,000. Seventy-five percent of the total
10 grant shall be remitted to the business upon receipt of the
11 SBIR/STTR Phase I award and application for funds under this
12 Section. Twenty-five percent of the total grant shall be
13 remitted to the business upon submission by the business of the
14 Phase II application to the funding agency and acceptance of
15 the Phase I report by the funding agency. A business may
16 receive only one grant under this Section per year. A business
17 may receive only one grant under this Section with respect to
18 each federal proposal submission. Over its lifetime, a business
19 may receive a maximum of 5 awards under this Section.

20 (d) A business shall apply, under oath, to the Department
21 for a grant under this Section on a form prescribed by the
22 Department that includes at least all of the following:

23 (1) the name of the business, the form of business
24 organization under which it is operated, and the names and
25 addresses of the principals or management of the business;

26 (2) an acknowledgment of receipt of the Phase I report

1 and Phase II proposal by the relevant federal agency; and
2 (3) any other information necessary for the Department
3 to evaluate the application.

4 Article 15.

5 Section 15-5. The Department of Central Management
6 Services Law of the Civil Administrative Code of Illinois is
7 amended by adding Section 405-535 as follows:

8 (20 ILCS 405/405-535 new)

9 Sec. 405-535. African Descent-Citizens Reparations
10 Commission.

11 (a) The African Descent-Citizens Reparations Commission is
12 hereby established within the Department of Central Management
13 Services.

14 (b) The Commission shall include the following members:

15 (1) the Governor or his or her designee;

16 (2) one member of the House of Representatives
17 appointed by the Speaker of the House of Representatives;

18 (3) one member of the Senate appointed by the President
19 of the Senate;

20 (4) one member of the House of Representatives
21 appointed by the Minority Leader of the House of
22 Representatives;

23 (5) one member of the Senate appointed by the Minority

1 Leader of the Senate;

2 (6) three representatives of a national coalition that
3 supports reparations for African Americans appointed by
4 the Governor; and

5 (7) ten members of the public appointed by the
6 Governor, at least 8 of whom are African American
7 descendants of slavery.

8 (c) Appointment of members to the Commission shall be made
9 within 60 days after the effective date of this amendatory Act
10 of the 101st General Assembly, with the first meeting of the
11 Commission to be held at a reasonable period of time
12 thereafter. The Chairperson of the Commission shall be elected
13 from among the members during the first meeting. Members of the
14 Commission shall serve without compensation, but may be
15 reimbursed for travel expenses. The 10 members of the public
16 appointed by the Governor shall be from diverse backgrounds,
17 including businesspersons and persons without high school
18 diplomas.

19 (d) Administrative support and staffing for the Commission
20 shall be provided by the Department of Central Management
21 Services. Any State agency under the jurisdiction of the
22 Governor shall provide testimony and documents as directed by
23 the Department.

24 (e) The Commission shall perform the following duties:

25 (1) develop and implement measures to ensure equity,
26 equality, and parity for African American descendants of

1 slavery;

2 (2) hold hearings to discuss the implementation of
3 measures to ensure equity, equality, and parity for African
4 American descendants of slavery;

5 (3) educate the public on reparations for African
6 American descendants of slavery;

7 (4) report to the General Assembly information and
8 findings regarding the work of the Commission under this
9 Section and the feasibility of reparations for Illinois
10 African American descendants of slavery, including any
11 recommendations on the subject; and

12 (5) discuss and perform actions regarding the
13 following issues:

14 (i) Preservation of African American neighborhoods
15 and communities through investment in business
16 development, home ownership, and affordable housing at
17 the median income of each neighborhood, with a full
18 range of housing services and strengthening of
19 institutions, which shall include, without limitation,
20 schools, parks, and community centers.

21 (ii) Building and development of a Vocational
22 Training Center for People of African
23 Descent-Citizens, with satellite centers throughout
24 the State, to address the racial disparity in the
25 building trades and the de-skilling of African
26 American labor through the historic discrimination in

1 the building trade unions. The Center shall also have
2 departments for legitimate activities in the informal
3 economy and apprenticeship.

4 (iii) Ensuring proportional economic
5 representation in all State contracts, including
6 reviews and updates of the State procurement and
7 contracting requirements and procedures with the
8 express goal of increasing the number of African
9 American vendors and contracts for services to an
10 equitable level reflecting their population in the
11 State.

12 (iv) Creation and enforcement of an Illinois
13 Slavery Era Disclosure Bill mandating that in addition
14 to disclosure, an affidavit must be submitted entitled
15 "Statement of Financial Reparations" that has been
16 negotiated between the Commission established under
17 this Section and a corporation or institution that
18 disclosed ties to the enslavement or injury of people
19 of African descent in the United States of America.

20 (f) Beginning January 1, 2022, and for each year
21 thereafter, the Commission shall submit a report regarding its
22 actions and any information as required under this Section to
23 the Governor and the General Assembly. The report of the
24 Commission shall also be made available to the public on the
25 Internet website of the Department of Central Management
26 Services.

1 Article 20.

2 Section 20-5. The Deposit of State Moneys Act is amended by
3 changing Section 22.5 as follows:

4 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

5 (For force and effect of certain provisions, see Section 90
6 of P.A. 94-79)

7 Sec. 22.5. Permitted investments. The State Treasurer may,
8 with the approval of the Governor, invest and reinvest any
9 State money in the treasury which is not needed for current
10 expenditures due or about to become due, in obligations of the
11 United States government or its agencies or of National
12 Mortgage Associations established by or under the National
13 Housing Act, 12 U.S.C. 1701 et seq., or in mortgage
14 participation certificates representing undivided interests in
15 specified, first-lien conventional residential Illinois
16 mortgages that are underwritten, insured, guaranteed, or
17 purchased by the Federal Home Loan Mortgage Corporation or in
18 Affordable Housing Program Trust Fund Bonds or Notes as defined
19 in and issued pursuant to the Illinois Housing Development Act.
20 All such obligations shall be considered as cash and may be
21 delivered over as cash by a State Treasurer to his successor.

22 The State Treasurer may, with the approval of the Governor,
23 purchase any state bonds with any money in the State Treasury

1 that has been set aside and held for the payment of the
2 principal of and interest on the bonds. The bonds shall be
3 considered as cash and may be delivered over as cash by the
4 State Treasurer to his successor.

5 The State Treasurer may, with the approval of the Governor,
6 invest or reinvest any State money in the treasury that is not
7 needed for current expenditure due or about to become due, or
8 any money in the State Treasury that has been set aside and
9 held for the payment of the principal of and the interest on
10 any State bonds, in shares, withdrawable accounts, and
11 investment certificates of savings and building and loan
12 associations, incorporated under the laws of this State or any
13 other state or under the laws of the United States; provided,
14 however, that investments may be made only in those savings and
15 loan or building and loan associations the shares and
16 withdrawable accounts or other forms of investment securities
17 of which are insured by the Federal Deposit Insurance
18 Corporation.

19 The State Treasurer may not invest State money in any
20 savings and loan or building and loan association unless a
21 commitment by the savings and loan (or building and loan)
22 association, executed by the president or chief executive
23 officer of that association, is submitted in the following
24 form:

25 The Savings and Loan (or Building
26 and Loan) Association pledges not to reject arbitrarily

1 mortgage loans for residential properties within any
2 specific part of the community served by the savings and
3 loan (or building and loan) association because of the
4 location of the property. The savings and loan (or building
5 and loan) association also pledges to make loans available
6 on low and moderate income residential property throughout
7 the community within the limits of its legal restrictions
8 and prudent financial practices.

9 The State Treasurer may, with the approval of the Governor,
10 invest or reinvest any State money in the treasury that is not
11 needed for current expenditures due or about to become due, or
12 any money in the State Treasury that has been set aside and
13 held for the payment of the principal of and interest on any
14 State bonds, in bonds issued by counties or municipal
15 corporations of the State of Illinois.

16 The State Treasurer may invest or reinvest up to 5% of the
17 College Savings Pool Administrative Trust Fund, the Illinois
18 Public Treasurer Investment Pool (IPTIP) Administrative Trust
19 Fund, and the State Treasurer's Administrative Fund that is not
20 needed for current expenditures due or about to become due, in
21 common or preferred stocks of publicly traded corporations,
22 partnerships, or limited liability companies, organized in the
23 United States, with assets exceeding \$500,000,000 if: (i) the
24 purchases do not exceed 1% of the corporation's or the limited
25 liability company's outstanding common and preferred stock;
26 (ii) no more than 10% of the total funds are invested in any

1 one publicly traded corporation, partnership, or limited
2 liability company; and (iii) the corporation or the limited
3 liability company has not been placed on the list of restricted
4 companies by the Illinois Investment Policy Board under Section
5 1-110.16 of the Illinois Pension Code.

6 The State Treasurer may, with the approval of the Governor,
7 invest or reinvest any State money in the Treasury which is not
8 needed for current expenditure, due or about to become due, or
9 any money in the State Treasury which has been set aside and
10 held for the payment of the principal of and the interest on
11 any State bonds, in participations in loans, the principal of
12 which participation is fully guaranteed by an agency or
13 instrumentality of the United States government; provided,
14 however, that such loan participations are represented by
15 certificates issued only by banks which are incorporated under
16 the laws of this State or any other state or under the laws of
17 the United States, and such banks, but not the loan
18 participation certificates, are insured by the Federal Deposit
19 Insurance Corporation.

20 Whenever the total amount of vouchers presented to the
21 Comptroller under Section 9 of the State Comptroller Act
22 exceeds the funds available in the General Revenue Fund by
23 \$1,000,000,000 or more, then the State Treasurer may invest any
24 State money in the Treasury, other than money in the General
25 Revenue Fund, Health Insurance Reserve Fund, Attorney General
26 Court Ordered and Voluntary Compliance Payment Projects Fund,

1 Attorney General Whistleblower Reward and Protection Fund, and
2 Attorney General's State Projects and Court Ordered
3 Distribution Fund, which is not needed for current
4 expenditures, due or about to become due, or any money in the
5 State Treasury which has been set aside and held for the
6 payment of the principal of and the interest on any State bonds
7 with the Office of the Comptroller in order to enable the
8 Comptroller to pay outstanding vouchers. At any time, and from
9 time to time outstanding, such investment shall not be greater
10 than \$2,000,000,000. Such investment shall be deposited into
11 the General Revenue Fund or Health Insurance Reserve Fund as
12 determined by the Comptroller. Such investment shall be repaid
13 by the Comptroller with an interest rate tied to the London
14 Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an
15 equivalent market established variable rate, but in no case
16 shall such interest rate exceed the lesser of the penalty rate
17 established under the State Prompt Payment Act or the timely
18 pay interest rate under Section 368a of the Illinois Insurance
19 Code. The State Treasurer and the Comptroller shall enter into
20 an intergovernmental agreement to establish procedures for
21 such investments, which market established variable rate to
22 which the interest rate for the investments should be tied, and
23 other terms which the State Treasurer and Comptroller
24 reasonably believe to be mutually beneficial concerning these
25 investments by the State Treasurer. The State Treasurer and
26 Comptroller shall also enter into a written agreement for each

1 such investment that specifies the period of the investment,
2 the payment interval, the interest rate to be paid, the funds
3 in the Treasury from which the Treasurer will draw the
4 investment, and other terms upon which the State Treasurer and
5 Comptroller mutually agree. Such investment agreements shall
6 be public records and the State Treasurer shall post the terms
7 of all such investment agreements on the State Treasurer's
8 official website. In compliance with the intergovernmental
9 agreement, the Comptroller shall order and the State Treasurer
10 shall transfer amounts sufficient for the payment of principal
11 and interest invested by the State Treasurer with the Office of
12 the Comptroller under this paragraph from the General Revenue
13 Fund or the Health Insurance Reserve Fund to the respective
14 funds in the Treasury from which the State Treasurer drew the
15 investment. Public Act 100-1107 shall constitute an
16 irrevocable and continuing authority for all amounts necessary
17 for the payment of principal and interest on the investments
18 made with the Office of the Comptroller by the State Treasurer
19 under this paragraph, and the irrevocable and continuing
20 authority for and direction to the Comptroller and Treasurer to
21 make the necessary transfers.

22 The State Treasurer may, with the approval of the Governor,
23 invest or reinvest any State money in the Treasury that is not
24 needed for current expenditure, due or about to become due, or
25 any money in the State Treasury that has been set aside and
26 held for the payment of the principal of and the interest on

1 any State bonds, in any of the following:

2 (1) Bonds, notes, certificates of indebtedness,
3 Treasury bills, or other securities now or hereafter issued
4 that are guaranteed by the full faith and credit of the
5 United States of America as to principal and interest.

6 (2) Bonds, notes, debentures, or other similar
7 obligations of the United States of America, its agencies,
8 and instrumentalities.

9 (2.5) Bonds, notes, debentures, or other similar
10 obligations of a foreign government, other than the
11 Republic of the Sudan, that are guaranteed by the full
12 faith and credit of that government as to principal and
13 interest, but only if the foreign government has not
14 defaulted and has met its payment obligations in a timely
15 manner on all similar obligations for a period of at least
16 25 years immediately before the time of acquiring those
17 obligations.

18 (3) Interest-bearing savings accounts,
19 interest-bearing certificates of deposit, interest-bearing
20 time deposits, or any other investments constituting
21 direct obligations of any bank as defined by the Illinois
22 Banking Act.

23 (4) Interest-bearing accounts, certificates of
24 deposit, or any other investments constituting direct
25 obligations of any savings and loan associations
26 incorporated under the laws of this State or any other

1 state or under the laws of the United States.

2 (5) Dividend-bearing share accounts, share certificate
3 accounts, or class of share accounts of a credit union
4 chartered under the laws of this State or the laws of the
5 United States; provided, however, the principal office of
6 the credit union must be located within the State of
7 Illinois.

8 (6) Bankers' acceptances of banks whose senior
9 obligations are rated in the top 2 rating categories by 2
10 national rating agencies and maintain that rating during
11 the term of the investment.

12 (7) Short-term obligations of either corporations or
13 limited liability companies organized in the United States
14 with assets exceeding \$500,000,000 if (i) the obligations
15 are rated at the time of purchase at one of the 3 highest
16 classifications established by at least 2 standard rating
17 services and mature not later than 270 days from the date
18 of purchase, (ii) the purchases do not exceed 10% of the
19 corporation's or the limited liability company's
20 outstanding obligations, (iii) no more than one-third of
21 the public agency's funds are invested in short-term
22 obligations of either corporations or limited liability
23 companies, and (iv) the corporation or the limited
24 liability company has not been placed on the list of
25 restricted companies by the Illinois Investment Policy
26 Board under Section 1-110.16 of the Illinois Pension Code.

1 (7.5) Obligations of either corporations or limited
2 liability companies organized in the United States, that
3 have a significant presence in this State, with assets
4 exceeding \$500,000,000 if: (i) the obligations are rated at
5 the time of purchase at one of the 3 highest
6 classifications established by at least 2 standard rating
7 services and mature more than 270 days, but less than 10
8 years, from the date of purchase; (ii) the purchases do not
9 exceed 10% of the corporation's or the limited liability
10 company's outstanding obligations; (iii) no more than
11 one-third of the public agency's funds are invested in such
12 obligations of corporations or limited liability
13 companies; and (iv) the corporation or the limited
14 liability company has not been placed on the list of
15 restricted companies by the Illinois Investment Policy
16 Board under Section 1-110.16 of the Illinois Pension Code.

17 (8) Money market mutual funds registered under the
18 Investment Company Act of 1940.

19 (9) The Public Treasurers' Investment Pool created
20 under Section 17 of the State Treasurer Act or in a fund
21 managed, operated, and administered by a bank.

22 (10) Repurchase agreements of government securities
23 having the meaning set out in the Government Securities Act
24 of 1986, as now or hereafter amended or succeeded, subject
25 to the provisions of that Act and the regulations issued
26 thereunder.

1 (11) Investments made in accordance with the
2 Technology Development Act.

3 (12) Investments made in accordance with the Student
4 Investment Account Act.

5 (13) Investments constituting direct obligations of a
6 community development financial institution, which is
7 certified by the United States Treasury Community
8 Development Financial Institutions Fund and is operating
9 in the State of Illinois.

10 (14) Investments constituting direct obligations of a
11 minority depository institution, as designated by the
12 Federal Deposit Insurance Corporation, that is operating
13 in the State of Illinois.

14 For purposes of this Section, "agencies" of the United
15 States Government includes:

16 (i) the federal land banks, federal intermediate
17 credit banks, banks for cooperatives, federal farm credit
18 banks, or any other entity authorized to issue debt
19 obligations under the Farm Credit Act of 1971 (12 U.S.C.
20 2001 et seq.) and Acts amendatory thereto;

21 (ii) the federal home loan banks and the federal home
22 loan mortgage corporation;

23 (iii) the Commodity Credit Corporation; and

24 (iv) any other agency created by Act of Congress.

25 The Treasurer may, with the approval of the Governor, lend
26 any securities acquired under this Act. However, securities may

1 be lent under this Section only in accordance with Federal
2 Financial Institution Examination Council guidelines and only
3 if the securities are collateralized at a level sufficient to
4 assure the safety of the securities, taking into account market
5 value fluctuation. The securities may be collateralized by cash
6 or collateral acceptable under Sections 11 and 11.1.

7 (Source: P.A. 100-1107, eff. 8-27-18; 101-81, eff. 7-12-19;
8 101-206, eff. 8-2-19; 101-586, eff. 8-26-19; revised 9-25-19.)

9 Article 25.

10 Section 25-5. The Department of Central Management
11 Services Law of the Civil Administrative Code of Illinois is
12 amended by adding Section 405-535 as follows:

13 (20 ILCS 405/405-535 new)

14 Sec. 405-535. Race and gender wage reports.

15 (a) Each State agency and public institution of higher
16 education shall annually submit to the Department a report,
17 categorized by both race and gender, specifying the respective
18 wage earnings of employees of that State agency or public
19 institution of higher education.

20 (b) The Department shall compile the information submitted
21 under this Section and make that information available to the
22 public on the Internet website of the Department.

23 (c) The Department shall annually submit a report of the

1 information compiled under this Section to the Governor, the
2 General Assembly, and the Business Enterprise Council for
3 Minorities, Women, and Persons with Disabilities.

4 (d) As used in this Section:

5 "Public institution of higher education" has the meaning
6 provided in Section 1 of the Board of Higher Education Act.

7 "State agency" has the meaning provided in subsection (b)
8 of Section 405-5.

9 Section 25-10. The Business Enterprise for Minorities,
10 Women, and Persons with Disabilities Act is amended by adding
11 Section 8k as follows:

12 (30 ILCS 575/8k new)

13 Sec. 8k. Race and gender wage report. The Department of
14 Central Management Services shall annually submit a report to
15 the Council, categorized by both race and gender, specifying
16 the respective wage earnings of State employees as compiled
17 under Section 405-535 of the Department of Central Management
18 Services Law of the Civil Administrative Code of Illinois.

19 Article 30.

20 Section 30-1. Short title. This Act may be cited as the
21 Community Development Loan Guarantee Act. References in this
22 Article to "this Act" mean this Article.

1 Section 30-5. Policy. The General Assembly finds that it is
2 vital for the State to invest in community economic
3 development, particularly in communities which have been
4 historically excluded from investment opportunities due to
5 redlining, discriminatory banking practices, and racism. The
6 purpose of this Act is to establish a Program for guaranteeing
7 small business loans and consumer loans to borrowers who would
8 otherwise not qualify in communities of color and low-income
9 communities.

10 Section 30-10. Definitions. As used in this Act:

11 "Financial institution" means a bank, a savings and loan
12 association, a savings bank, a credit union, a minority
13 depository institution as designated by the Federal Deposit
14 Insurance Corporation, or a community development financial
15 institution certified by the United States Treasury Community
16 Development Financial Institutions Fund, which is operating in
17 the State of Illinois.

18 "Loan Guarantee Account" means an account at a financial
19 institution outside the State Treasury of which the State
20 Treasurer is custodian with the purpose of guaranteeing loans
21 made by a financial institution in accordance with this Act.

22 Section 30-15. Establishment of the Loan Guarantee
23 Program. The State Treasurer may establish at any eligible

1 financial institution a Loan Guarantee Account as a special
2 account outside the State treasury and with the State Treasurer
3 as custodian. This Account may be used to cover the losses on
4 guaranteed loans at the participating financial institution.

5 Section 30-20. Eligible institutions. The State Treasurer
6 shall determine the eligibility of financial institutions to
7 participate in the Program. In addition to any other
8 requirements of this Act and in accordance with any applicable
9 federal law or program, the State Treasurer in determining
10 eligibility of financial institutions shall consider (i) the
11 financial institution's commitment to low-income communities
12 as defined in Section 45D(e) of the Internal Revenue Code of
13 1986 codified at 26 U.S.C. Section 45D(e), and (ii) the
14 financial institution's commitment to communities considered
15 disproportionately impacted areas, depressed areas, or
16 enterprise zones as determined, designated, or certified by the
17 Department of Commerce and Economic Opportunity in accordance
18 with any applicable federal law or program.

19 Section 30-25. Fees. The State Treasurer may establish, as
20 a component of the Program, fees of no more than 5% of the
21 total guaranteed loan amount. The fees shall be deposited into
22 the Loan Guarantee Account.

23 Section 30-30. Use of the Loan Guarantee Account.

1 (a) Moneys in the Account may be used by the participating
2 financial institution to cover losses on guaranteed loans up to
3 the full amount in the Account or the amount of loss, whichever
4 is lesser. The State of Illinois and the State Treasurer shall
5 not be responsible for any losses in excess of the full amount
6 in the Loan Guarantee Account at the financial institution.

7 (b) The State Treasurer may set a cap on the total funds
8 held in any Loan Guarantee Account at any participating
9 financial institution. Funds in excess of the cap may be
10 withdrawn by the Treasurer.

11 (c) The State Treasurer shall withdraw the full amount in
12 the Account in the event the Loan Guarantee Program is
13 discontinued, or the financial institution leaves the Program.

14 Section 30-35. Limitations on Funding. The State Treasurer
15 may use up to \$10,000,000 of investment earnings each year for
16 the Loan Guarantee Program, provided that no more than
17 \$50,000,000 may be used for guaranteeing loans at any given
18 time.

19 Section 30-40. Rules. The State Treasurer shall adopt rules
20 that are necessary and proper to implement and administer this
21 Act including, but not limited to, fees and eligibility.

22

Article 35.

1 Section 35-1. Short title. This Act may be cited as the
2 Illinois Community Reinvestment Act. References in this
3 Article to "this Act" mean this Article.

4 Section 35-5. Definitions. As used in this Act:

5 "Covered financial institution" means a bank chartered
6 under the Illinois Banking Act, a savings bank chartered under
7 the Illinois Savings Bank Act, a credit union incorporated
8 under the Illinois Credit Union Act, an entity licensed under
9 the Illinois Residential Mortgage License Act of 1987 which
10 lent or originated 50 or more residential mortgage loans in the
11 previous calendar year, and any other financial institution
12 under the jurisdiction of the Department as designated by rule
13 by the Secretary.

14 "Department" means the Department of Financial and
15 Professional Regulation.

16 "Division of Banking" means the Division of Banking within
17 the Department.

18 "Division of Financial Institutions" means the Division of
19 Financial Institutions within the Department.

20 "Secretary" means the Secretary of Financial and
21 Professional Regulation, or his or her designee, including the
22 Director of the Division of Banking or the Director of the
23 Division of Financial Institutions.

24 Section 35-10. Financial services needs of local

1 communities; assessment factors.

2 (a) Each covered financial institution shall have a
3 continuing and affirmative obligation to meet the financial
4 services needs of the communities in which its offices,
5 branches, and other facilities are maintained, consistent with
6 the safe and sound operation of the financial institution, and
7 for credit unions, consistent with its common bond. In
8 addition, each covered financial institution that provides all
9 or a majority of its products and services via mobile and other
10 digital channels shall have a continuing and affirmative
11 obligation to help meet the financial services needs of
12 deposit-based assessment areas, including areas contiguous
13 thereto, low-income and moderate-income neighborhoods, and
14 areas where there is a lack of access to safe and affordable
15 banking and lending services, consistent with the safe and
16 sound operation of such financial institutions, and for credit
17 unions, consistent with its common bond.

18 (b) The Secretary shall assess the record of each covered
19 financial institution in satisfying its obligation under
20 subsection (a). To assist in carrying out this Act, the
21 Secretary shall adopt rules incorporating the regulations
22 applicable to covered financial institutions under federal
23 law, and the Secretary may make such adjustments and exceptions
24 thereto as are deemed necessary.

25 (c) In addition, the Secretary shall adopt rules providing
26 for an assessment of the following factors pertaining to

1 whether covered financial institutions are meeting the
2 financial services needs of local communities:

3 (1) activities to ascertain the financial services
4 needs of the community, including communication with
5 community members regarding the financial services
6 provided;

7 (2) extent of marketing to make members of the
8 community aware of the financial services offered;

9 (3) origination of mortgage loans, including, but not
10 limited to, home improvement and rehabilitation loans, and
11 other efforts to assist existing low-income and
12 moderate-income residents to be able to remain in
13 affordable housing in their neighborhoods;

14 (4) for small business lenders, the origination of
15 loans to businesses with gross annual revenues of
16 \$1,000,000 or less, particularly those in low-income and
17 moderate-income neighborhoods;

18 (5) participation, including investments, in community
19 development and redevelopment programs, small business
20 technical assistance programs, minority-owned depository
21 institutions, community development financial
22 institutions, and mutually-owned financial institutions;

23 (6) efforts working with delinquent customers to
24 facilitate a resolution of the delinquency;

25 (7) origination of loans that show an undue
26 concentration and a systematic pattern of lending

1 resulting in the loss of affordable housing units;
2 (8) evidence of discriminatory and prohibited
3 practices; and
4 (9) such other factors or requirements as in the
5 judgment of the Secretary reasonably bear upon the extent
6 to which a covered financial institution is meeting the
7 financial services needs of its entire community,
8 including responsiveness to community needs as reflected
9 by public comments.

10 Section 35-15. Examinations.

11 (a) The Secretary shall have the authority to examine each
12 covered financial institution for compliance with this Act, in
13 consultation with State and federal regulators with an
14 appropriate regulatory interest, for and in compliance with
15 applicable State and federal fair lending laws, including, but
16 not limited to, the Illinois Human Rights Act, the federal
17 Equal Credit Opportunity Act, and the federal Home Mortgage
18 Disclosure Act, as often as the Secretary deems necessary and
19 proper. The Secretary may adopt rules with respect to the
20 frequency and manner of examination including the imposition of
21 examination fees. The Secretary shall appoint a suitable person
22 to perform such examination. The Secretary and his or her
23 appointees may examine the entire books, records, documents,
24 and operations of each covered financial institution, its
25 parent company, and its subsidiaries, affiliates, or agents,

1 and may examine any of the covered financial institution's, its
2 parent company's or its subsidiaries', affiliates', or agents'
3 officers, directors, employees, and agents under oath. Any
4 document or record prepared or obtained in connection with or
5 relating to any such examination, and any record prepared or
6 obtained by the Secretary to the extent that the record
7 summarizes or contains information derived from any document or
8 record described in this subsection (a), shall not be disclosed
9 to the public unless otherwise provided by this Act.

10 (b) Upon the completion of the examination of a covered
11 financial institution under this Section, the Secretary shall
12 prepare a written evaluation of the covered financial
13 institution's record of performance relative to this Act. Each
14 written evaluation required under this subsection (b) shall
15 have a public section, which shall include no less information
16 than would be disclosed in a written evaluation under the
17 federal Community Reinvestment Act, and a confidential
18 section. The Secretary shall give the covered financial
19 institution an opportunity to comment on the evaluation, and
20 then shall make the public section of the written evaluation
21 open to public inspection upon request. The written evaluation
22 shall include, but is not limited to:

23 (1) the assessment factors utilized to determine the
24 covered financial institution's descriptive rating;

25 (2) the Secretary's conclusions with respect to each
26 such assessment factor;

1 (3) a discussion of the facts supporting such
2 conclusions;

3 (4) the covered financial institution's descriptive
4 rating and the basis therefor; and

5 (5) a summary of public comments.

6 (c) Based upon the examination, the covered financial
7 institution shall be assigned one of the following ratings:

8 (1) outstanding record of performance in meeting its
9 community financial services needs;

10 (2) satisfactory record of performance in meeting its
11 community financial services needs;

12 (3) needs to improve record of performance in meeting
13 its community services needs; or

14 (4) substantial noncompliance in meeting its community
15 financial services needs.

16 (d) Notwithstanding the foregoing provisions of this
17 Section, the Secretary may establish an alternative
18 examination procedure for any covered financial institution,
19 which, as of the most recent examination, has been assigned a
20 rating of outstanding or satisfactory for its record of
21 performance in meeting its community financial services needs.

22 Section 35-20. Public notice. Each covered financial
23 institution shall provide, in the public lobby of each of its
24 offices, if any, and on its website, a public notice that is
25 substantially similar to the following:

1 "STATE OF ILLINOIS

2 COMMUNITY REINVESTMENT NOTICE

3 The Department of Financial and Professional Regulation
4 (Department) evaluates our performance in meeting the
5 financial services needs of this community, including the needs
6 of low-income to moderate-income households. The Department
7 takes this evaluation into account when deciding on certain
8 applications submitted by us for approval by the Department.
9 Your involvement is encouraged. You may obtain a copy of our
10 evaluation. You may also submit signed, written comments about
11 our performance in meeting community financial services needs
12 to the Department."

13 Section 35-25. Cooperative agreements.

14 (a) For the purposes of this Act, the Secretary may conduct
15 any examinations under this Act with State, other state, and
16 federal regulators, and may enter into cooperative agreements
17 relative to the coordination of or joint participation in any
18 such examinations, the amount and assessment of fees therefor
19 or enforcement actions relevant thereto, and may accept reports
20 of examinations by such regulators under such arrangements or
21 agreements.

22 (b) Nothing in this Section shall be construed as limiting
23 in any way the authority of the Secretary to independently
24 conduct examinations of and enforcement actions against any

1 covered financial institution.

2 (c) Any coordination or joint participation established
3 under this Section may seek to promote efficient regulation and
4 effect cost reductions for the Department and covered financial
5 institutions. Any information or material shared for purposes
6 of such coordination or joint participation shall continue to
7 be subject to the requirements under any federal law or State
8 law regarding the privacy or confidentiality of the information
9 or material, and any privilege arising under federal or State
10 law, including the rules of any federal or State court, with
11 respect to the information or material, shall continue to apply
12 to the information or material, but any such coordination or
13 joint participation shall not limit public participation as
14 permitted under certain federal regulations.

15 Section 35-30. Corporate activities and renewal
16 applications. In considering an application for the
17 establishment of a branch, office, or other facility, the
18 relocation of a main office, branch, office, or other facility,
19 a license renewal, change in control of a covered financial
20 institution, or a merger or consolidation with or the
21 acquisition of assets or assumption of liabilities of any
22 covered financial institution, out-of-state bank, credit
23 union, or residential mortgage licensee, national bank or
24 credit union, or foreign financial institution, the Secretary
25 shall consider, but not be limited to, the record of

1 performance of the covered financial institution and its parent
2 company, including all subsidiaries thereof, relative to this
3 Act. The record of performance of the covered financial
4 institution may be the basis for the denial of any such
5 application.

6 Section 35-35. Rules. In addition to such powers as may be
7 prescribed by this Act, the Secretary is hereby authorized and
8 empowered to adopt rules consistent with the purposes of this
9 Act, including, but not limited to: (i) rules in connection
10 with the lending, service, and investment activities of covered
11 financial institutions as may be necessary and appropriate for
12 promoting access to appropriate financial services for all
13 communities in this State; (ii) rules as may be necessary and
14 appropriate to define fair lending practices in connection with
15 the activities of covered financial institutions in this State;
16 (iii) rules that define the terms used in this Act and as may
17 be necessary and appropriate to interpret and implement the
18 provisions of this Act; (iv) rules that create a public
19 comments process; and (v) rules as may be necessary for the
20 enforcement of this Act.

21 Section 35-40. Superiority of Act. To the extent this Act
22 conflicts with any other State law, this Act is superior and
23 supersedes those laws; provided that, nothing herein shall
24 apply to any lender that is a bank, savings bank, savings and

1 loan association, or credit union chartered under the laws of
2 the United States.

3 Section 35-45. Severability. The provisions of this Act are
4 severable under Section 1.31 of the Statute on Statutes.

5 Section 35-100. The Deposit of State Moneys Act is amended
6 by changing Section 16.3 as follows:

7 (15 ILCS 520/16.3)

8 Sec. 16.3. Consideration of financial institution's
9 commitment to its community.

10 (a) In addition to any other requirements of this Act, the
11 State Treasurer shall ~~is authorized to~~ consider the financial
12 institution's record and current level of financial commitment
13 to its local community when deciding whether to deposit State
14 funds in that financial institution. The State Treasurer may
15 consider factors including, but not necessarily limited to:

16 (1) for financial institutions subject to the federal
17 Community Reinvestment Act of 1977, the current and
18 historical ratings that the financial institution has
19 received, to the extent that those ratings are publicly
20 available, under the federal Community Reinvestment Act of
21 1977;

22 (2) any changes in ownership, management, policies, or
23 practices of the financial institution that may affect the

1 level of the financial institution's commitment to its
2 community;

3 (3) the financial impact that the withdrawal or denial
4 of deposits of State funds might have on the financial
5 institution; and

6 (4) the financial impact to the State as a result of
7 withdrawing State funds or refusing to deposit additional
8 State funds in the financial institution.

9 (a-5) Effective January 1, 2022, no State funds may be
10 deposited in a financial institution subject to the federal
11 Community Reinvestment Act of 1977 unless the institution has a
12 current rating of satisfactory or outstanding under the
13 Community Reinvestment Act of 1977.

14 (a-10) When investing or depositing State funds, the State
15 Treasurer may give preference to financial institutions that
16 have a current rating of outstanding under the federal
17 Community Reinvestment Act of 1977.

18 (b) Nothing in this Section shall be construed as
19 authorizing the State Treasurer to conduct an examination or
20 investigation of a financial institution or to receive
21 information that is not publicly available and the disclosure
22 of which is otherwise prohibited by law.

23 (Source: P.A. 93-251, eff. 7-1-04.)

24 Section 35-105. The Public Funds Investment Act is amended
25 by changing Section 8 as follows:

1 (30 ILCS 235/8)

2 Sec. 8. Consideration of financial institution's
3 commitment to its community.

4 (a) In addition to any other requirements of this Act, a
5 public agency shall ~~is authorized to~~ consider the financial
6 institution's record and current level of financial commitment
7 to its local community when deciding whether to deposit public
8 funds in that financial institution. The public agency may
9 consider factors including, but not necessarily limited to:

10 (1) for financial institutions subject to the federal
11 Community Reinvestment Act of 1977, the current and
12 historical ratings that the financial institution has
13 received, to the extent that those ratings are publicly
14 available, under the federal Community Reinvestment Act of
15 1977;

16 (2) any changes in ownership, management, policies, or
17 practices of the financial institution that may affect the
18 level of the financial institution's commitment to its
19 community;

20 (3) the financial impact that the withdrawal or denial
21 of deposits of public funds might have on the financial
22 institution;

23 (4) the financial impact to the public agency as a
24 result of withdrawing public funds or refusing to deposit
25 additional public funds in the financial institution; and

1 Section 40-5. Commission on Equity and Inclusion.

2 (a) There is hereby created the Commission on Equity and
3 Inclusion, which shall consist of 7 members appointed by the
4 Governor with the advice and consent of the Senate. No more
5 than 4 members shall be of the same political party. The
6 Governor shall designate one member as chairperson, who shall
7 be the chief administrative and executive officer of the
8 Commission, and shall have general supervisory authority over
9 all personnel of the Commission.

10 (b) Of the members first appointed, 4 shall be appointed
11 for a term to expire on the third Monday of January, 2023, and
12 3 (including the Chairperson) shall be appointed for a term to
13 expire on the third Monday of January, 2025.

14 Thereafter, each member shall serve for a term of 4 years
15 and until his or her successor is appointed and qualified;
16 except that any member chosen to fill a vacancy occurring
17 otherwise than by expiration of a term shall be appointed only
18 for the unexpired term of the member whom he or she shall
19 succeed and until his or her successor is appointed and
20 qualified.

21 (c) In case of a vacancy on the Commission during the
22 recess of the Senate, the Governor shall make a temporary
23 appointment until the next meeting of the Senate, when he or
24 she shall appoint a person to fill the vacancy. Any person so
25 nominated who is confirmed by the Senate shall hold office
26 during the remainder of the term and until his or her successor

1 is appointed and qualified. Vacancies in the Commission shall
2 not impair the right of the remaining members to exercise all
3 the powers of the Commission.

4 (d) The Chairperson of the Commission shall be compensated
5 at the rate of \$128,000 per year, or as otherwise set by this
6 Section, during his or her service as Chairperson, and each
7 other member shall be compensated at the rate of \$121,856 per
8 year, or as otherwise set by this Section. In addition, all
9 members of the Commission shall be reimbursed for expenses
10 actually and necessarily incurred by them in the performance of
11 their duties. Members of the Commission are eligible to receive
12 pension under the State Employees' Retirement System of
13 Illinois as provided under Article 14 of the Illinois Pension
14 Code.

15 (e) The budget established for the Commission for any given
16 fiscal year shall be no less than that established for the
17 Human Rights Commission for that same fiscal year.

18 Section 40-10. Powers and duties. In addition to the other
19 powers and duties which may be prescribed in this Act or
20 elsewhere, the Commission shall have the following powers and
21 duties:

22 (1) The Commission shall have a role in all State and
23 university procurement by facilitating and streamlining
24 communications between the Business Enterprise Council for
25 Minorities, Women, and Persons with Disabilities, the

1 purchasing entities, the Chief Procurement Officers, and
2 others.

3 (2) The Commission may create a scoring evaluation for
4 State agency directors, public university presidents and
5 chancellors, and public community college presidents. The
6 scoring shall be based on the following 3 principles: (i)
7 increasing capacity; (ii) growing revenue; and (iii)
8 enhancing credentials. These principles should be the
9 foundation of the agency compliance plan required under
10 Section 6 of the Business Enterprise for Minorities, Women,
11 and Persons with Disabilities Act.

12 (4) The Commission shall exercise the oversight powers
13 and duties provided to it under Section 5-7 of the Illinois
14 Procurement Code.

15 (5) The Commission, working with State agencies, shall
16 provide support for diversity in State hiring.

17 (6) The Commission shall oversee the implementation of
18 diversity training of the State workforce.

19 (7) Each January, and as otherwise frequently as may be
20 deemed necessary and appropriate by the Commission, the
21 Commission shall propose and submit to the Governor and the
22 General Assembly legislative changes to increase inclusion
23 and diversity in State government.

24 (8) The Commission shall have oversight over the
25 following entities:

26 (A) the Illinois African-American Family

1 Commission;

2 (B) the Illinois Latino Family Commission;

3 (C) the Asian American Family Commission;

4 (D) the Illinois Muslim American Advisory Council;

5 (E) the Illinois African-American Fair Contracting

6 Commission created under Executive Order 2018-07; and

7 (F) the Business Enterprise Council for

8 Minorities, Women, and Persons with Disabilities.

9 (9) The Commission shall adopt any rules necessary for
10 the implementation and administration of the requirements
11 of this Act.

12 Section 40-100. The Department of Transportation Law of the
13 Civil Administrative Code of Illinois is amended by adding
14 Section 2705-597 as follows:

15 (20 ILCS 2705/2705-597 new)

16 Sec. 2705-597. Equal Employment Opportunity Contract
17 Compliance Officers. Notwithstanding any Department policy or
18 rule to the contrary, the Secretary shall have jurisdiction
19 over all Equal Employment Opportunity Contract Compliance
20 Officers within the Department, or within districts controlled
21 by the Department, and shall be responsible for the evaluation
22 of such officers.

23 Section 40-105. The Illinois African-American Family

1 Commission Act is amended by changing Section 30 and by adding
2 Section 35 as follows:

3 (20 ILCS 3903/30)

4 Sec. 30. Reporting. The Illinois African-American Family
5 Commission shall annually report to the Governor, ~~and~~ the
6 General Assembly, and the Commission on Equity and Inclusion on
7 the Commission's progress toward its goals and objectives.

8 (Source: P.A. 93-867, eff. 8-5-04.)

9 (20 ILCS 3903/35 new)

10 Sec. 35. Oversight. Notwithstanding any provision of law
11 to the contrary, the Commission on Equity and Inclusion
12 established under the Commission on Equity and Inclusion Act
13 shall have general oversight of the operations of the Illinois
14 African-American Family Commission.

15 Section 40-110. The Asian American Family Commission Act is
16 amended by changing Section 20 and by adding Section 25 as
17 follows:

18 (20 ILCS 3916/20)

19 Sec. 20. Report. The Asian American Family Commission shall
20 annually report to the Governor, ~~and~~ the General Assembly, and
21 the Commission on Equity and Inclusion on the Commission's
22 progress toward its goals and objectives.

1 (Source: P.A. 101-392, eff. 1-1-20.)

2 (20 ILCS 3916/25 new)

3 Sec. 25. Oversight. Notwithstanding any provision of law to
4 the contrary, the Commission on Equity and Inclusion
5 established under the Commission on Equity and Inclusion Act
6 shall have general oversight of the operations of the Asian
7 American Family Commission.

8 Section 40-115. The Illinois Latino Family Commission Act
9 is amended by changing Section 30 and by adding Section 35 as
10 follows:

11 (20 ILCS 3983/30)

12 Sec. 30. Reporting. The Illinois Latino Family Commission
13 shall annually report to the Governor, ~~and~~ the General
14 Assembly, and the Commission on Equity and Inclusion on the
15 Commission's progress towards its goals and objectives.

16 (Source: P.A. 95-619, eff. 9-14-07.)

17 (20 ILCS 3983/35 new)

18 Sec. 35. Oversight. Notwithstanding any provision of law to
19 the contrary, the Commission on Equity and Inclusion
20 established under the Commission on Equity and Inclusion Act
21 shall have general oversight of the operations of the Illinois
22 Latino Family Commission.

1 Section 40-120. The Illinois Muslim American Advisory
2 Council Act is amended by changing Section 30 and by adding
3 Section 35 as follows:

4 (20 ILCS 5110/30)

5 Sec. 30. Reports. The Council shall issue semi-annual
6 reports on its policy recommendations by June 30th and December
7 31st of each year to the Governor, ~~and~~ the General Assembly, ~~and~~
8 and the Commission on Equity and Inclusion.

9 (Source: P.A. 100-459, eff. 8-25-17.)

10 (20 ILCS 5110/35 new)

11 Sec. 35. Oversight. Notwithstanding any provision of law to
12 the contrary, the Commission on Equity and Inclusion
13 established under the Commission on Equity and Inclusion Act
14 shall have general oversight of the operations of the Council.

15 Section 40-125. The Illinois Procurement Code is amended by
16 changing Sections 5-30, 10-20, 20-10, 20-25, 20-30, 20-60,
17 35-15, 35-30, 40-20, 50-20, and 50-35 and by adding Section 5-7
18 as follows:

19 (30 ILCS 500/5-7 new)

20 Sec. 5-7. Commission on Equity and Inclusion; powers and
21 duties.

1 (a) The Commission on Equity and Inclusion, as created
2 under the Commission on Equity and Inclusion Act, shall have
3 the powers and duties provided under this Section with respect
4 to this Code. Nothing in this Section shall be construed as
5 overriding the authority and duties of the Procurement Policy
6 Board as provided under Section 5-5. The powers and duties of
7 the Commission as provided under this Section shall be
8 exercised alongside, but independent of, that of the
9 Procurement Policy Board.

10 (b) The Commission on Equity and Inclusion shall have the
11 authority and responsibility to review, comment upon, and
12 recommend, consistent with this Code, rules and practices
13 governing the procurement, management, control, and disposal
14 of supplies, services, professional or artistic services,
15 construction, and real property and capital improvement leases
16 procured by the State. The Commission on Equity and Inclusion
17 shall also have the authority to recommend a program for
18 professional development and provide opportunities for
19 training in procurement practices and policies to chief
20 procurement officers and their staffs in order to ensure that
21 all procurement is conducted in an efficient, professional, and
22 appropriately transparent manner.

23 (c) Upon a majority vote of its members, the Commission on
24 Equity and Inclusion may review a contract. Upon a three-fifths
25 vote of its members, the Commission may propose procurement
26 rules for consideration by chief procurement officers. These

1 proposals shall be published in each volume of the Procurement
2 Bulletin. Except as otherwise provided by law, the Commission
3 on Equity and Inclusion shall act upon the vote of a majority
4 of its members who have been appointed and are serving.

5 (d) The Commission on Equity and Inclusion may review,
6 study, and hold public hearings concerning the implementation
7 and administration of this Code. Each chief procurement
8 officer, State purchasing officer, procurement compliance
9 monitor, and State agency shall cooperate with the Commission,
10 provide information to the Commission on Equity and Inclusion,
11 and be responsive to the Commission in the Commission's conduct
12 of its reviews, studies, and hearings.

13 (e) Upon a three-fifths vote of its members, the Commission
14 on Equity and Inclusion shall review a proposal, bid, or
15 contract and issue a recommendation to void a contract or
16 reject a proposal or bid based on any conflict of interest or
17 violation of this Code. A recommendation of the Commission
18 shall be delivered to the appropriate chief procurement officer
19 and Executive Ethics Commission within 7 calendar days and must
20 be published in the next volume of the Procurement Bulletin.
21 The bidder, offeror, potential contractor, contractor, or
22 subcontractor shall have 15 calendar days to provide a written
23 response to the notice, and a hearing before the Commission on
24 the alleged conflict of interest or violation shall be held
25 upon request by the bidder, offeror, potential contractor,
26 contractor, or subcontractor. The requested hearing date and

1 time shall be determined by the Commission on Equity and
2 Inclusion, but in no event shall the hearing occur later than
3 15 calendar days after the date of the request.

4 (30 ILCS 500/5-30)

5 Sec. 5-30. Proposed contracts; Procurement Policy Board;
6 Commission on Equity and Inclusion.

7 (a) Except as provided in subsection (c), within 14
8 calendar days after notice of the awarding or letting of a
9 contract has appeared in the Procurement Bulletin in accordance
10 with subsection (b) of Section 15-25, the Board or the
11 Commission on Equity and Inclusion may request in writing from
12 the contracting agency and the contracting agency shall
13 promptly, but in no event later than 7 calendar days after
14 receipt of the request, provide to the requesting entity Board,
15 by electronic or other means satisfactory to the requesting
16 entity Board, documentation in the possession of the
17 contracting agency concerning the proposed contract. Nothing
18 in this subsection is intended to waive or abrogate any
19 privilege or right of confidentiality authorized by law.

20 (b) No contract subject to this Section may be entered into
21 until the 14-day period described in subsection (a) has
22 expired, unless the contracting agency requests in writing that
23 the Board and the Commission on Equity and Inclusion waive the
24 period and the Board and the Commission on Equity and Inclusion
25 grant grants the waiver in writing.

1 (c) This Section does not apply to (i) contracts entered
2 into under this Code for small and emergency procurements as
3 those procurements are defined in Article 20 and (ii) contracts
4 for professional and artistic services that are nonrenewable,
5 one year or less in duration, and have a value of less than
6 \$20,000. If requested in writing by the Board or the Commission
7 on Equity and Inclusion, however, the contracting agency must
8 promptly, but in no event later than 10 calendar days after
9 receipt of the request, transmit to the Board or the Commission
10 on Equity and Inclusion a copy of the contract for an emergency
11 procurement and documentation in the possession of the
12 contracting agency concerning the contract.

13 (Source: P.A. 100-43, eff. 8-9-17.)

14 (30 ILCS 500/20-10)

15 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
16 98-1076, 99-906, 100-43, and 101-31)

17 Sec. 20-10. Competitive sealed bidding; reverse auction.

18 (a) Conditions for use. All contracts shall be awarded by
19 competitive sealed bidding except as otherwise provided in
20 Section 20-5.

21 (b) Invitation for bids. An invitation for bids shall be
22 issued and shall include a purchase description and the
23 material contractual terms and conditions applicable to the
24 procurement.

25 (c) Public notice. Public notice of the invitation for bids

1 shall be published in the Illinois Procurement Bulletin at
2 least 14 calendar days before the date set in the invitation
3 for the opening of bids.

4 (d) Bid opening. Bids shall be opened publicly or through
5 an electronic procurement system in the presence of one or more
6 witnesses at the time and place designated in the invitation
7 for bids. The name of each bidder, including earned and applied
8 bid credit from the Illinois Works Jobs Program Act, the amount
9 of each bid, and other relevant information as may be specified
10 by rule shall be recorded. After the award of the contract, the
11 winning bid and the record of each unsuccessful bid shall be
12 open to public inspection.

13 (e) Bid acceptance and bid evaluation. Bids shall be
14 unconditionally accepted without alteration or correction,
15 except as authorized in this Code. Bids shall be evaluated
16 based on the requirements set forth in the invitation for bids,
17 which may include criteria to determine acceptability such as
18 inspection, testing, quality, workmanship, delivery, and
19 suitability for a particular purpose. Those criteria that will
20 affect the bid price and be considered in evaluation for award,
21 such as discounts, transportation costs, and total or life
22 cycle costs, shall be objectively measurable. The invitation
23 for bids shall set forth the evaluation criteria to be used.

24 (f) Correction or withdrawal of bids. Correction or
25 withdrawal of inadvertently erroneous bids before or after
26 award, or cancellation of awards of contracts based on bid

1 mistakes, shall be permitted in accordance with rules. After
2 bid opening, no changes in bid prices or other provisions of
3 bids prejudicial to the interest of the State or fair
4 competition shall be permitted. All decisions to permit the
5 correction or withdrawal of bids based on bid mistakes shall be
6 supported by written determination made by a State purchasing
7 officer.

8 (g) Award. The contract shall be awarded with reasonable
9 promptness by written notice to the lowest responsible and
10 responsive bidder whose bid meets the requirements and criteria
11 set forth in the invitation for bids, except when a State
12 purchasing officer determines it is not in the best interest of
13 the State and by written explanation determines another bidder
14 shall receive the award. The explanation shall appear in the
15 appropriate volume of the Illinois Procurement Bulletin. The
16 written explanation must include:

17 (1) a description of the agency's needs;

18 (2) a determination that the anticipated cost will be
19 fair and reasonable;

20 (3) a listing of all responsible and responsive
21 bidders; and

22 (4) the name of the bidder selected, the total contract
23 price, and the reasons for selecting that bidder.

24 Each chief procurement officer may adopt guidelines to
25 implement the requirements of this subsection (g).

26 The written explanation shall be filed with the Legislative

1 Audit Commission, and the Commission on Equity and Inclusion,
2 and the Procurement Policy Board, and be made available for
3 inspection by the public, within 30 calendar days after the
4 agency's decision to award the contract.

5 (h) Multi-step sealed bidding. When it is considered
6 impracticable to initially prepare a purchase description to
7 support an award based on price, an invitation for bids may be
8 issued requesting the submission of unpriced offers to be
9 followed by an invitation for bids limited to those bidders
10 whose offers have been qualified under the criteria set forth
11 in the first solicitation.

12 (i) Alternative procedures. Notwithstanding any other
13 provision of this Act to the contrary, the Director of the
14 Illinois Power Agency may create alternative bidding
15 procedures to be used in procuring professional services under
16 Section 1-56, subsections (a) and (c) of Section 1-75 and
17 subsection (d) of Section 1-78 of the Illinois Power Agency Act
18 and Section 16-111.5(c) of the Public Utilities Act and to
19 procure renewable energy resources under Section 1-56 of the
20 Illinois Power Agency Act. These alternative procedures shall
21 be set forth together with the other criteria contained in the
22 invitation for bids, and shall appear in the appropriate volume
23 of the Illinois Procurement Bulletin.

24 (j) Reverse auction. Notwithstanding any other provision
25 of this Section and in accordance with rules adopted by the
26 chief procurement officer, that chief procurement officer may

1 procure supplies or services through a competitive electronic
2 auction bidding process after the chief procurement officer
3 determines that the use of such a process will be in the best
4 interest of the State. The chief procurement officer shall
5 publish that determination in his or her next volume of the
6 Illinois Procurement Bulletin.

7 An invitation for bids shall be issued and shall include
8 (i) a procurement description, (ii) all contractual terms,
9 whenever practical, and (iii) conditions applicable to the
10 procurement, including a notice that bids will be received in
11 an electronic auction manner.

12 Public notice of the invitation for bids shall be given in
13 the same manner as provided in subsection (c).

14 Bids shall be accepted electronically at the time and in
15 the manner designated in the invitation for bids. During the
16 auction, a bidder's price shall be disclosed to other bidders.
17 Bidders shall have the opportunity to reduce their bid prices
18 during the auction. At the conclusion of the auction, the
19 record of the bid prices received and the name of each bidder
20 shall be open to public inspection.

21 After the auction period has terminated, withdrawal of bids
22 shall be permitted as provided in subsection (f).

23 The contract shall be awarded within 60 calendar days after
24 the auction by written notice to the lowest responsible bidder,
25 or all bids shall be rejected except as otherwise provided in
26 this Code. Extensions of the date for the award may be made by

1 mutual written consent of the State purchasing officer and the
2 lowest responsible bidder.

3 This subsection does not apply to (i) procurements of
4 professional and artistic services, (ii) telecommunications
5 services, communication services, and information services,
6 and (iii) contracts for construction projects, including
7 design professional services.

8 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

9 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
10 98-1076, 99-906, 100-43, and 101-31)

11 Sec. 20-10. Competitive sealed bidding; reverse auction.

12 (a) Conditions for use. All contracts shall be awarded by
13 competitive sealed bidding except as otherwise provided in
14 Section 20-5.

15 (b) Invitation for bids. An invitation for bids shall be
16 issued and shall include a purchase description and the
17 material contractual terms and conditions applicable to the
18 procurement.

19 (c) Public notice. Public notice of the invitation for bids
20 shall be published in the Illinois Procurement Bulletin at
21 least 14 calendar days before the date set in the invitation
22 for the opening of bids.

23 (d) Bid opening. Bids shall be opened publicly or through
24 an electronic procurement system in the presence of one or more
25 witnesses at the time and place designated in the invitation

1 for bids. The name of each bidder, including earned and applied
2 bid credit from the Illinois Works Jobs Program Act, the amount
3 of each bid, and other relevant information as may be specified
4 by rule shall be recorded. After the award of the contract, the
5 winning bid and the record of each unsuccessful bid shall be
6 open to public inspection.

7 (e) Bid acceptance and bid evaluation. Bids shall be
8 unconditionally accepted without alteration or correction,
9 except as authorized in this Code. Bids shall be evaluated
10 based on the requirements set forth in the invitation for bids,
11 which may include criteria to determine acceptability such as
12 inspection, testing, quality, workmanship, delivery, and
13 suitability for a particular purpose. Those criteria that will
14 affect the bid price and be considered in evaluation for award,
15 such as discounts, transportation costs, and total or life
16 cycle costs, shall be objectively measurable. The invitation
17 for bids shall set forth the evaluation criteria to be used.

18 (f) Correction or withdrawal of bids. Correction or
19 withdrawal of inadvertently erroneous bids before or after
20 award, or cancellation of awards of contracts based on bid
21 mistakes, shall be permitted in accordance with rules. After
22 bid opening, no changes in bid prices or other provisions of
23 bids prejudicial to the interest of the State or fair
24 competition shall be permitted. All decisions to permit the
25 correction or withdrawal of bids based on bid mistakes shall be
26 supported by written determination made by a State purchasing

1 officer.

2 (g) Award. The contract shall be awarded with reasonable
3 promptness by written notice to the lowest responsible and
4 responsive bidder whose bid meets the requirements and criteria
5 set forth in the invitation for bids, except when a State
6 purchasing officer determines it is not in the best interest of
7 the State and by written explanation determines another bidder
8 shall receive the award. The explanation shall appear in the
9 appropriate volume of the Illinois Procurement Bulletin. The
10 written explanation must include:

- 11 (1) a description of the agency's needs;
- 12 (2) a determination that the anticipated cost will be
13 fair and reasonable;
- 14 (3) a listing of all responsible and responsive
15 bidders; and
- 16 (4) the name of the bidder selected, the total contract
17 price, and the reasons for selecting that bidder.

18 Each chief procurement officer may adopt guidelines to
19 implement the requirements of this subsection (g).

20 The written explanation shall be filed with the Legislative
21 Audit Commission, and the Commission on Equity and Inclusion,
22 and the Procurement Policy Board, and be made available for
23 inspection by the public, within 30 days after the agency's
24 decision to award the contract.

25 (h) Multi-step sealed bidding. When it is considered
26 impracticable to initially prepare a purchase description to

1 support an award based on price, an invitation for bids may be
2 issued requesting the submission of unpriced offers to be
3 followed by an invitation for bids limited to those bidders
4 whose offers have been qualified under the criteria set forth
5 in the first solicitation.

6 (i) Alternative procedures. Notwithstanding any other
7 provision of this Act to the contrary, the Director of the
8 Illinois Power Agency may create alternative bidding
9 procedures to be used in procuring professional services under
10 subsections (a) and (c) of Section 1-75 and subsection (d) of
11 Section 1-78 of the Illinois Power Agency Act and Section
12 16-111.5(c) of the Public Utilities Act and to procure
13 renewable energy resources under Section 1-56 of the Illinois
14 Power Agency Act. These alternative procedures shall be set
15 forth together with the other criteria contained in the
16 invitation for bids, and shall appear in the appropriate volume
17 of the Illinois Procurement Bulletin.

18 (j) Reverse auction. Notwithstanding any other provision
19 of this Section and in accordance with rules adopted by the
20 chief procurement officer, that chief procurement officer may
21 procure supplies or services through a competitive electronic
22 auction bidding process after the chief procurement officer
23 determines that the use of such a process will be in the best
24 interest of the State. The chief procurement officer shall
25 publish that determination in his or her next volume of the
26 Illinois Procurement Bulletin.

1 An invitation for bids shall be issued and shall include
2 (i) a procurement description, (ii) all contractual terms,
3 whenever practical, and (iii) conditions applicable to the
4 procurement, including a notice that bids will be received in
5 an electronic auction manner.

6 Public notice of the invitation for bids shall be given in
7 the same manner as provided in subsection (c).

8 Bids shall be accepted electronically at the time and in
9 the manner designated in the invitation for bids. During the
10 auction, a bidder's price shall be disclosed to other bidders.
11 Bidders shall have the opportunity to reduce their bid prices
12 during the auction. At the conclusion of the auction, the
13 record of the bid prices received and the name of each bidder
14 shall be open to public inspection.

15 After the auction period has terminated, withdrawal of bids
16 shall be permitted as provided in subsection (f).

17 The contract shall be awarded within 60 calendar days after
18 the auction by written notice to the lowest responsible bidder,
19 or all bids shall be rejected except as otherwise provided in
20 this Code. Extensions of the date for the award may be made by
21 mutual written consent of the State purchasing officer and the
22 lowest responsible bidder.

23 This subsection does not apply to (i) procurements of
24 professional and artistic services, (ii) telecommunications
25 services, communication services, and information services,
26 and (iii) contracts for construction projects, including

1 design professional services.

2 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

3 (30 ILCS 500/20-25)

4 Sec. 20-25. Sole source procurements.

5 (a) In accordance with standards set by rule, contracts may
6 be awarded without use of the specified method of source
7 selection when there is only one economically feasible source
8 for the item. A State contract may be awarded as a sole source
9 contract unless an interested party submits a written request
10 for a public hearing at which the chief procurement officer and
11 purchasing agency present written justification for the
12 procurement method. Any interested party may present
13 testimony. A sole source contract where a hearing was requested
14 by an interested party may be awarded after the hearing is
15 conducted with the approval of the chief procurement officer.

16 (b) This Section may not be used as a basis for amending a
17 contract for professional or artistic services if the amendment
18 would result in an increase in the amount paid under the
19 contract of more than 5% of the initial award, or would extend
20 the contract term beyond the time reasonably needed for a
21 competitive procurement, not to exceed 2 months.

22 (c) Notice of intent to enter into a sole source contract
23 shall be provided to the Procurement Policy Board and the
24 Commission on Equity and Inclusion and published in the online
25 electronic Bulletin at least 14 calendar days before the public

1 hearing required in subsection (a). The notice shall include
2 the sole source procurement justification form prescribed by
3 the Board, a description of the item to be procured, the
4 intended sole source contractor, and the date, time, and
5 location of the public hearing. A copy of the notice and all
6 documents provided at the hearing shall be included in the
7 subsequent Procurement Bulletin.

8 (d) By August 1 each year, each chief procurement officer
9 shall file a report with the General Assembly identifying each
10 contract the officer sought under the sole source procurement
11 method and providing the justification given for seeking sole
12 source as the procurement method for each of those contracts.

13 (Source: P.A. 100-43, eff. 8-9-17.)

14 (30 ILCS 500/20-30)

15 Sec. 20-30. Emergency purchases.

16 (a) Conditions for use. In accordance with standards set by
17 rule, a purchasing agency may make emergency procurements
18 without competitive sealed bidding or prior notice when there
19 exists a threat to public health or public safety, or when
20 immediate expenditure is necessary for repairs to State
21 property in order to protect against further loss of or damage
22 to State property, to prevent or minimize serious disruption in
23 critical State services that affect health, safety, or
24 collection of substantial State revenues, or to ensure the
25 integrity of State records; provided, however, that the term of

1 the emergency purchase shall be limited to the time reasonably
2 needed for a competitive procurement, not to exceed 90 calendar
3 days. A contract may be extended beyond 90 calendar days if the
4 chief procurement officer determines additional time is
5 necessary and that the contract scope and duration are limited
6 to the emergency. Prior to execution of the extension, the
7 chief procurement officer must hold a public hearing and
8 provide written justification for all emergency contracts.
9 Members of the public may present testimony. Emergency
10 procurements shall be made with as much competition as is
11 practicable under the circumstances, and shall include best
12 efforts to include contractors certified under the Business
13 Enterprise Program. A written description of the basis for the
14 emergency and reasons for the selection of the particular
15 contractor shall be included in the contract file.

16 (b) Notice. Notice of all emergency procurements shall be
17 provided to the Procurement Policy Board and the Commission on
18 Equity and Inclusion and published in the online electronic
19 Bulletin no later than 5 calendar days after the contract is
20 awarded. Notice of intent to extend an emergency contract shall
21 be provided to the Procurement Policy Board and the Commission
22 on Equity and Inclusion and published in the online electronic
23 Bulletin at least 14 calendar days before the public hearing.
24 Notice shall include at least a description of the need for the
25 emergency purchase, the contractor, and if applicable, the
26 date, time, and location of the public hearing. A copy of this

1 notice and all documents provided at the hearing shall be
2 included in the subsequent Procurement Bulletin. Before the
3 next appropriate volume of the Illinois Procurement Bulletin,
4 the purchasing agency shall publish in the Illinois Procurement
5 Bulletin a copy of each written description and reasons and the
6 total cost of each emergency procurement made during the
7 previous month. When only an estimate of the total cost is
8 known at the time of publication, the estimate shall be
9 identified as an estimate and published. When the actual total
10 cost is determined, it shall also be published in like manner
11 before the 10th day of the next succeeding month.

12 (c) Statements. A chief procurement officer making a
13 procurement under this Section shall file statements with the
14 Procurement Policy Board, the Commission on Equity and
15 Inclusion, and the Auditor General within 10 calendar days
16 after the procurement setting forth the amount expended, the
17 name of the contractor involved, and the conditions and
18 circumstances requiring the emergency procurement. When only
19 an estimate of the cost is available within 10 calendar days
20 after the procurement, the actual cost shall be reported
21 immediately after it is determined. At the end of each fiscal
22 quarter, the Auditor General shall file with the Legislative
23 Audit Commission and the Governor a complete listing of all
24 emergency procurements reported during that fiscal quarter.
25 The Legislative Audit Commission shall review the emergency
26 procurements so reported and, in its annual reports, advise the

1 General Assembly of procurements that appear to constitute an
2 abuse of this Section.

3 (d) Quick purchases. The chief procurement officer may
4 promulgate rules extending the circumstances by which a
5 purchasing agency may make purchases under this Section,
6 including but not limited to the procurement of items available
7 at a discount for a limited period of time. The chief
8 procurement officer shall adopt rules regarding good faith and
9 best efforts from contractors and companies certified under the
10 Business Enterprise Program.

11 (e) The changes to this Section made by this amendatory Act
12 of the 96th General Assembly apply to procurements executed on
13 or after its effective date.

14 (Source: P.A. 100-43, eff. 8-9-17.)

15 (30 ILCS 500/20-60)

16 Sec. 20-60. Duration of contracts.

17 (a) Maximum duration. A contract may be entered into for
18 any period of time deemed to be in the best interests of the
19 State but not exceeding 10 years inclusive, beginning January
20 1, 2010, of proposed contract renewals. Third parties may lease
21 State-owned dark fiber networks for any period of time deemed
22 to be in the best interest of the State, but not exceeding 20
23 years. The length of a lease for real property or capital
24 improvements shall be in accordance with the provisions of
25 Section 40-25. The length of energy conservation program

1 contracts or energy savings contracts or leases shall be in
2 accordance with the provisions of Section 25-45. A contract for
3 bond or mortgage insurance awarded by the Illinois Housing
4 Development Authority, however, may be entered into for any
5 period of time less than or equal to the maximum period of time
6 that the subject bond or mortgage may remain outstanding.

7 (b) Subject to appropriation. All contracts made or entered
8 into shall recite that they are subject to termination and
9 cancellation in any year for which the General Assembly fails
10 to make an appropriation to make payments under the terms of
11 the contract.

12 (c) The chief procurement officer shall file a proposed
13 extension or renewal of a contract with the Procurement Policy
14 Board and the Commission on Equity and Inclusion prior to
15 entering into any extension or renewal if the cost associated
16 with the extension or renewal exceeds \$249,999. The Procurement
17 Policy Board or the Commission on Equity and Inclusion may
18 object to the proposed extension or renewal within 30 calendar
19 days and require a hearing before the Board or the Commission
20 on Equity and Inclusion prior to entering into the extension or
21 renewal. If the Procurement Policy Board or the Commission on
22 Equity and Inclusion does not object within 30 calendar days or
23 takes affirmative action to recommend the extension or renewal,
24 the chief procurement officer may enter into the extension or
25 renewal of a contract. This subsection does not apply to any
26 emergency procurement, any procurement under Article 40, or any

1 procurement exempted by Section 1-10(b) of this Code. If any
2 State agency contract is paid for in whole or in part with
3 federal-aid funds, grants, or loans and the provisions of this
4 subsection would result in the loss of those federal-aid funds,
5 grants, or loans, then the contract is exempt from the
6 provisions of this subsection in order to remain eligible for
7 those federal-aid funds, grants, or loans, and the State agency
8 shall file notice of this exemption with the Procurement Policy
9 Board or the Commission on Equity and Inclusion prior to
10 entering into the proposed extension or renewal. Nothing in
11 this subsection permits a chief procurement officer to enter
12 into an extension or renewal in violation of subsection (a). By
13 August 1 each year, the Procurement Policy Board and the
14 Commission on Equity and Inclusion shall each ~~shall~~ file a
15 report with the General Assembly identifying for the previous
16 fiscal year (i) the proposed extensions or renewals that were
17 filed and whether such extensions and renewals were objected to
18 ~~with the Board and whether the Board objected~~ and (ii) the
19 contracts exempt from this subsection.

20 (d) Notwithstanding the provisions of subsection (a) of
21 this Section, the Department of Innovation and Technology may
22 enter into leases for dark fiber networks for any period of
23 time deemed to be in the best interests of the State but not
24 exceeding 20 years inclusive. The Department of Innovation and
25 Technology may lease dark fiber networks from third parties
26 only for the primary purpose of providing services (i) to the

1 offices of Governor, Lieutenant Governor, Attorney General,
2 Secretary of State, Comptroller, or Treasurer and State
3 agencies, as defined under Section 5-15 of the Civil
4 Administrative Code of Illinois or (ii) for anchor
5 institutions, as defined in Section 7 of the Illinois Century
6 Network Act. Dark fiber network lease contracts shall be
7 subject to all other provisions of this Code and any applicable
8 rules or requirements, including, but not limited to,
9 publication of lease solicitations, use of standard State
10 contracting terms and conditions, and approval of vendor
11 certifications and financial disclosures.

12 (e) As used in this Section, "dark fiber network" means a
13 network of fiber optic cables laid but currently unused by a
14 third party that the third party is leasing for use as network
15 infrastructure.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
17 101-81, eff. 7-12-19.)

18 (30 ILCS 500/35-15)

19 Sec. 35-15. Prequalification.

20 (a) The chief procurement officer for matters other than
21 construction and the higher education chief procurement
22 officer shall each develop appropriate and reasonable
23 prequalification standards and categories of professional and
24 artistic services.

25 (b) The prequalifications and categorizations shall be

1 submitted to the Procurement Policy Board and the Commission on
2 Equity and Inclusion and published for public comment prior to
3 their submission to the Joint Committee on Administrative Rules
4 for approval.

5 (c) The chief procurement officer for matters other than
6 construction and the higher education chief procurement
7 officer shall each also assemble and maintain a comprehensive
8 list of prequalified and categorized businesses and persons.

9 (d) Prequalification shall not be used to bar or prevent
10 any qualified business or person from bidding or responding to
11 invitations for bid or requests for proposal.

12 (Source: P.A. 100-43, eff. 8-9-17.)

13 (30 ILCS 500/35-30)

14 Sec. 35-30. Awards.

15 (a) All State contracts for professional and artistic
16 services, except as provided in this Section, shall be awarded
17 using the competitive request for proposal process outlined in
18 this Section.

19 (b) For each contract offered, the chief procurement
20 officer, State purchasing officer, or his or her designee shall
21 use the appropriate standard solicitation forms available from
22 the chief procurement officer for matters other than
23 construction or the higher education chief procurement
24 officer.

25 (c) Prepared forms shall be submitted to the chief

1 procurement officer for matters other than construction or the
2 higher education chief procurement officer, whichever is
3 appropriate, for publication in its Illinois Procurement
4 Bulletin and circulation to the chief procurement officer for
5 matters other than construction or the higher education chief
6 procurement officer's list of prequalified vendors. Notice of
7 the offer or request for proposal shall appear at least 14
8 calendar days before the response to the offer is due.

9 (d) All interested respondents shall return their
10 responses to the chief procurement officer for matters other
11 than construction or the higher education chief procurement
12 officer, whichever is appropriate, which shall open and record
13 them. The chief procurement officer for matters other than
14 construction or higher education chief procurement officer
15 then shall forward the responses, together with any information
16 it has available about the qualifications and other State work
17 of the respondents.

18 (e) After evaluation, ranking, and selection, the
19 responsible chief procurement officer, State purchasing
20 officer, or his or her designee shall notify the chief
21 procurement officer for matters other than construction or the
22 higher education chief procurement officer, whichever is
23 appropriate, of the successful respondent and shall forward a
24 copy of the signed contract for the chief procurement officer
25 for matters other than construction or higher education chief
26 procurement officer's file. The chief procurement officer for

1 matters other than construction or higher education chief
2 procurement officer shall publish the names of the responsible
3 procurement decision-maker, the agency letting the contract,
4 the successful respondent, a contract reference, and value of
5 the let contract in the next appropriate volume of the Illinois
6 Procurement Bulletin.

7 (f) For all professional and artistic contracts with
8 annualized value that exceeds \$100,000, evaluation and ranking
9 by price are required. Any chief procurement officer or State
10 purchasing officer, but not their designees, may select a
11 respondent other than the lowest respondent by price. In any
12 case, when the contract exceeds the \$100,000 threshold and the
13 lowest respondent is not selected, the chief procurement
14 officer or the State purchasing officer shall forward together
15 with the contract notice of who the low respondent by price was
16 and a written decision as to why another was selected to the
17 chief procurement officer for matters other than construction
18 or the higher education chief procurement officer, whichever is
19 appropriate. The chief procurement officer for matters other
20 than construction or higher education chief procurement
21 officer shall publish as provided in subsection (e) of Section
22 35-30, but shall include notice of the chief procurement
23 officer's or State purchasing officer's written decision.

24 (g) The chief procurement officer for matters other than
25 construction and higher education chief procurement officer
26 may each refine, but not contradict, this Section by

1 promulgating rules for submission to the Procurement Policy
2 Board and the Commission on Equity and Inclusion and then to
3 the Joint Committee on Administrative Rules. Any refinement
4 shall be based on the principles and procedures of the federal
5 Architect-Engineer Selection Law, Public Law 92-582 Brooks
6 Act, and the Architectural, Engineering, and Land Surveying
7 Qualifications Based Selection Act; except that pricing shall
8 be an integral part of the selection process.

9 (Source: P.A. 100-43, eff. 8-9-17.)

10 (30 ILCS 500/40-20)

11 Sec. 40-20. Request for information.

12 (a) Conditions for use. Leases shall be procured by request
13 for information except as otherwise provided in Section 40-15.

14 (b) Form. A request for information shall be issued and
15 shall include:

16 (1) the type of property to be leased;

17 (2) the proposed uses of the property;

18 (3) the duration of the lease;

19 (4) the preferred location of the property; and

20 (5) a general description of the configuration
21 desired.

22 (c) Public notice. Public notice of the request for
23 information for the availability of real property to lease
24 shall be published in the appropriate volume of the Illinois
25 Procurement Bulletin at least 14 calendar days before the date

1 set forth in the request for receipt of responses and shall
2 also be published in similar manner in a newspaper of general
3 circulation in the community or communities where the using
4 agency is seeking space.

5 (d) Response. The request for information response shall
6 consist of written information sufficient to show that the
7 respondent can meet minimum criteria set forth in the request.
8 State purchasing officers may enter into discussions with
9 respondents for the purpose of clarifying State needs and the
10 information supplied by the respondents. On the basis of the
11 information supplied and discussions, if any, a State
12 purchasing officer shall make a written determination
13 identifying the responses that meet the minimum criteria set
14 forth in the request for information. Negotiations shall be
15 entered into with all qualified respondents for the purpose of
16 securing a lease that is in the best interest of the State. A
17 written report of the negotiations shall be retained in the
18 lease files and shall include the reasons for the final
19 selection. All leases shall be reduced to writing; one copy
20 shall be filed with the Comptroller in accordance with the
21 provisions of Section 20-80, and one copy each shall be filed
22 with the Board and the Commission on Equity and Inclusion.

23 When the lowest response by price is not selected, the
24 State purchasing officer shall forward to the chief procurement
25 officer, along with the lease, notice of the identity of the
26 lowest respondent by price and written reasons for the

1 selection of a different response. The chief procurement
2 officer shall publish the written reasons in the next volume of
3 the Illinois Procurement Bulletin.

4 (e) Board and Commission on Equity and Inclusion review.
5 Upon receipt of (1) any proposed lease of real property of
6 10,000 or more square feet or (2) any proposed lease of real
7 property with annual rent payments of \$100,000 or more, the
8 Procurement Policy Board and the Commission on Equity and
9 Inclusion shall have 30 calendar days to review the proposed
10 lease. If neither the Board nor the Commission on Equity and
11 Inclusion ~~the Board does not~~ object in writing within 30
12 calendar days, then the proposed lease shall become effective
13 according to its terms as submitted. The leasing agency shall
14 make any and all materials available to the Board and the
15 Commission on Equity and Inclusion to assist in the review
16 process.

17 (Source: P.A. 98-1076, eff. 1-1-15.)

18 (30 ILCS 500/50-20)

19 Sec. 50-20. Exemptions. The appropriate chief procurement
20 officer may file a request with the Executive Ethics Commission
21 to exempt named individuals from the prohibitions of Section
22 50-13 when, in his or her judgment, the public interest in
23 having the individual in the service of the State outweighs the
24 public policy evidenced in that Section. The Executive Ethics
25 Commission may grant an exemption after a public hearing at

1 which any person may present testimony. The chief procurement
2 officer shall publish notice of the date, time, and location of
3 the hearing in the online electronic Bulletin at least 14
4 calendar days prior to the hearing and provide notice to the
5 individual subject to the waiver, ~~and~~ the Procurement Policy
6 Board, and the Commission on Equity and Inclusion. The
7 Executive Ethics Commission shall also provide public notice of
8 the date, time, and location of the hearing on its website. If
9 the Commission grants an exemption, the exemption is effective
10 only if it is filed with the Secretary of State and the
11 Comptroller prior to the execution of any contract and includes
12 a statement setting forth the name of the individual and all
13 the pertinent facts that would make that Section applicable,
14 setting forth the reason for the exemption, and declaring the
15 individual exempted from that Section. Notice of each exemption
16 shall be published in the Illinois Procurement Bulletin. A
17 contract for which a waiver has been issued but has not been
18 filed in accordance with this Section is voidable by the State.
19 The changes to this Section made by this amendatory Act of the
20 96th General Assembly shall apply to exemptions granted on or
21 after its effective date.

22 (Source: P.A. 98-1076, eff. 1-1-15.)

23 (30 ILCS 500/50-35)

24 Sec. 50-35. Financial disclosure and potential conflicts
25 of interest.

1 (a) All bids and offers from responsive bidders, offerors,
2 vendors, or contractors with an annual value of more than
3 \$50,000, and all submissions to a vendor portal, shall be
4 accompanied by disclosure of the financial interests of the
5 bidder, offeror, potential contractor, or contractor and each
6 subcontractor to be used. In addition, all subcontracts
7 identified as provided by Section 20-120 of this Code with an
8 annual value of more than \$50,000 shall be accompanied by
9 disclosure of the financial interests of each subcontractor.
10 The financial disclosure of each successful bidder, offeror,
11 potential contractor, or contractor and its subcontractors
12 shall be incorporated as a material term of the contract and
13 shall become part of the publicly available contract or
14 procurement file maintained by the appropriate chief
15 procurement officer. Each disclosure under this Section shall
16 be signed and made under penalty of perjury by an authorized
17 officer or employee on behalf of the bidder, offeror, potential
18 contractor, contractor, or subcontractor, and must be filed
19 with the Procurement Policy Board and the Commission on Equity
20 and Inclusion.

21 (b) Disclosure shall include any ownership or distributive
22 income share that is in excess of 5%, or an amount greater than
23 60% of the annual salary of the Governor, of the disclosing
24 entity or its parent entity, whichever is less, unless the
25 bidder, offeror, potential contractor, contractor, or
26 subcontractor (i) is a publicly traded entity subject to

1 Federal 10K reporting, in which case it may submit its 10K
2 disclosure in place of the prescribed disclosure, or (ii) is a
3 privately held entity that is exempt from Federal 10k reporting
4 but has more than 100 shareholders, in which case it may submit
5 the information that Federal 10k reporting companies are
6 required to report under 17 CFR 229.401 and list the names of
7 any person or entity holding any ownership share that is in
8 excess of 5% in place of the prescribed disclosure. The form of
9 disclosure shall be prescribed by the applicable chief
10 procurement officer and must include at least the names,
11 addresses, and dollar or proportionate share of ownership of
12 each person identified in this Section, their instrument of
13 ownership or beneficial relationship, and notice of any
14 potential conflict of interest resulting from the current
15 ownership or beneficial relationship of each individual
16 identified in this Section having in addition any of the
17 following relationships:

18 (1) State employment, currently or in the previous 3
19 years, including contractual employment of services.

20 (2) State employment of spouse, father, mother, son, or
21 daughter, including contractual employment for services in
22 the previous 2 years.

23 (3) Elective status; the holding of elective office of
24 the State of Illinois, the government of the United States,
25 any unit of local government authorized by the Constitution
26 of the State of Illinois or the statutes of the State of

1 Illinois currently or in the previous 3 years.

2 (4) Relationship to anyone holding elective office
3 currently or in the previous 2 years; spouse, father,
4 mother, son, or daughter.

5 (5) Appointive office; the holding of any appointive
6 government office of the State of Illinois, the United
7 States of America, or any unit of local government
8 authorized by the Constitution of the State of Illinois or
9 the statutes of the State of Illinois, which office
10 entitles the holder to compensation in excess of expenses
11 incurred in the discharge of that office currently or in
12 the previous 3 years.

13 (6) Relationship to anyone holding appointive office
14 currently or in the previous 2 years; spouse, father,
15 mother, son, or daughter.

16 (7) Employment, currently or in the previous 3 years,
17 as or by any registered lobbyist of the State government.

18 (8) Relationship to anyone who is or was a registered
19 lobbyist in the previous 2 years; spouse, father, mother,
20 son, or daughter.

21 (9) Compensated employment, currently or in the
22 previous 3 years, by any registered election or re-election
23 committee registered with the Secretary of State or any
24 county clerk in the State of Illinois, or any political
25 action committee registered with either the Secretary of
26 State or the Federal Board of Elections.

1 (10) Relationship to anyone; spouse, father, mother,
2 son, or daughter; who is or was a compensated employee in
3 the last 2 years of any registered election or re-election
4 committee registered with the Secretary of State or any
5 county clerk in the State of Illinois, or any political
6 action committee registered with either the Secretary of
7 State or the Federal Board of Elections.

8 (b-1) The disclosure required under this Section must also
9 include the name and address of each lobbyist required to
10 register under the Lobbyist Registration Act and other agent of
11 the bidder, offeror, potential contractor, contractor, or
12 subcontractor who is not identified under subsections (a) and
13 (b) and who has communicated, is communicating, or may
14 communicate with any State officer or employee concerning the
15 bid or offer. The disclosure under this subsection is a
16 continuing obligation and must be promptly supplemented for
17 accuracy throughout the process and throughout the term of the
18 contract if the bid or offer is successful.

19 (b-2) The disclosure required under this Section must also
20 include, for each of the persons identified in subsection (b)
21 or (b-1), each of the following that occurred within the
22 previous 10 years: suspension or debarment from contracting
23 with any governmental entity; professional licensure
24 discipline; bankruptcies; adverse civil judgments and
25 administrative findings; and criminal felony convictions. The
26 disclosure under this subsection is a continuing obligation and

1 must be promptly supplemented for accuracy throughout the
2 process and throughout the term of the contract if the bid or
3 offer is successful.

4 (c) The disclosure in subsection (b) is not intended to
5 prohibit or prevent any contract. The disclosure is meant to
6 fully and publicly disclose any potential conflict to the chief
7 procurement officers, State purchasing officers, their
8 designees, and executive officers so they may adequately
9 discharge their duty to protect the State.

10 (d) When a potential for a conflict of interest is
11 identified, discovered, or reasonably suspected, the chief
12 procurement officer or State procurement officer shall send the
13 contract to the Procurement Policy Board and the Commission on
14 Equity and Inclusion. In accordance with the objectives of
15 subsection (c), if the Procurement Policy Board or the
16 Commission on Equity and Inclusion finds evidence of a
17 potential conflict of interest not originally disclosed by the
18 bidder, offeror, potential contractor, contractor, or
19 subcontractor, the Board or the Commission on Equity and
20 Inclusion shall provide written notice to the bidder, offeror,
21 potential contractor, contractor, or subcontractor that is
22 identified, discovered, or reasonably suspected of having a
23 potential conflict of interest. The bidder, offeror, potential
24 contractor, contractor, or subcontractor shall have 15
25 calendar days to respond in writing to the Board or the
26 Commission on Equity and Inclusion, and a hearing before the

1 Board or the Commission on Equity and Inclusion will be granted
2 upon request by the bidder, offeror, potential contractor,
3 contractor, or subcontractor, at a date and time to be
4 determined by the Board or the Commission on Equity and
5 Inclusion, but which in no event shall occur later than 15
6 calendar days after the date of the request. Upon
7 consideration, the Board or the Commission on Equity and
8 Inclusion shall recommend, in writing, whether to allow or void
9 the contract, bid, offer, or subcontract weighing the best
10 interest of the State of Illinois. All recommendations shall be
11 submitted to the Executive Ethics Commission. The Executive
12 Ethics Commission must hold a public hearing within 30 calendar
13 days after receiving the Board's or the Commission on Equity
14 and Inclusion's recommendation if the Procurement Policy Board
15 or the Commission on Equity and Inclusion makes a
16 recommendation to (i) void a contract or (ii) void a bid or
17 offer and the chief procurement officer selected or intends to
18 award the contract to the bidder, offeror, or potential
19 contractor. A chief procurement officer is prohibited from
20 awarding a contract before a hearing if the Board or the
21 Commission on Equity and Inclusion recommendation does not
22 support a bid or offer. The recommendation and proceedings of
23 any hearing, if applicable, shall be available to the public.

24 (e) These thresholds and disclosure do not relieve the
25 chief procurement officer, the State purchasing officer, or
26 their designees from reasonable care and diligence for any

1 contract, bid, offer, or submission to a vendor portal. The
2 chief procurement officer, the State purchasing officer, or
3 their designees shall be responsible for using any reasonably
4 known and publicly available information to discover any
5 undisclosed potential conflict of interest and act to protect
6 the best interest of the State of Illinois.

7 (f) Inadvertent or accidental failure to fully disclose
8 shall render the contract, bid, offer, proposal, subcontract,
9 or relationship voidable by the chief procurement officer if he
10 or she deems it in the best interest of the State of Illinois
11 and, at his or her discretion, may be cause for barring from
12 future contracts, bids, offers, proposals, subcontracts, or
13 relationships with the State for a period of up to 2 years.

14 (g) Intentional, willful, or material failure to disclose
15 shall render the contract, bid, offer, proposal, subcontract,
16 or relationship voidable by the chief procurement officer if he
17 or she deems it in the best interest of the State of Illinois
18 and shall result in debarment from future contracts, bids,
19 offers, proposals, subcontracts, or relationships for a period
20 of not less than 2 years and not more than 10 years.
21 Reinstatement after 2 years and before 10 years must be
22 reviewed and commented on in writing by the Governor of the
23 State of Illinois, or by an executive ethics board or
24 commission he or she might designate. The comment shall be
25 returned to the responsible chief procurement officer who must
26 rule in writing whether and when to reinstate.

1 (h) In addition, all disclosures shall note any other
2 current or pending contracts, bids, offers, proposals,
3 subcontracts, leases, or other ongoing procurement
4 relationships the bidder, offeror, potential contractor,
5 contractor, or subcontractor has with any other unit of State
6 government and shall clearly identify the unit and the
7 contract, offer, proposal, lease, or other relationship.

8 (i) The bidder, offeror, potential contractor, or
9 contractor has a continuing obligation to supplement the
10 disclosure required by this Section throughout the bidding
11 process during the term of any contract, and during the vendor
12 portal registration process.

13 (Source: P.A. 97-490, eff. 8-22-11; 97-895, eff. 8-3-12;
14 98-1076, eff. 1-1-15.)

15 Section 40-130. The Business Enterprise for Minorities,
16 Women, and Persons with Disabilities Act is amended by changing
17 Sections 2, 4, 4f, 5, 7, and 8 and by adding Section 5.5 as
18 follows:

19 (30 ILCS 575/2)

20 (Section scheduled to be repealed on June 30, 2024)

21 Sec. 2. Definitions.

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

24 (1) "Minority person" shall mean a person who is a

1 citizen or lawful permanent resident of the United States
2 and who is any of the following:

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

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

13 (c) Black or African American (a person having
14 origins in any of the black racial groups of Africa).

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

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

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

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

1 subdivision (2.1) of this subsection (A).

2 (2.1) "Person with a disability" means a person with a
3 severe physical or mental disability that:

4 (a) results from:

5 amputation,

6 arthritis,

7 autism,

8 blindness,

9 burn injury,

10 cancer,

11 cerebral palsy,

12 Crohn's disease,

13 cystic fibrosis,

14 deafness,

15 head injury,

16 heart disease,

17 hemiplegia,

18 hemophilia,

19 respiratory or pulmonary dysfunction,

20 an intellectual disability,

21 mental illness,

22 multiple sclerosis,

23 muscular dystrophy,

24 musculoskeletal disorders,

25 neurological disorders, including stroke and

26 epilepsy,

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

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

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

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

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

1 operations of which are controlled by one or more of the
2 women who own it.

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

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

15 (4.3) "Commission" means, unless the context clearly
16 indicates otherwise, the Commission on Equity and
17 Inclusion created under the Commission on Equity and
18 Inclusion Act.

19 (5) "State contracts" means all contracts entered into
20 by the State, any agency or department thereof, or any
21 public institution of higher education, including
22 community college districts, regardless of the source of
23 the funds with which the contracts are paid, which are not
24 subject to federal reimbursement. "State contracts" does
25 not include contracts awarded by a retirement system,
26 pension fund, or investment board subject to Section

1 1-109.1 of the Illinois Pension Code. This definition shall
2 control over any existing definition under this Act or
3 applicable administrative rule.

4 "State construction contracts" means all State
5 contracts entered into by a State agency or public
6 institution of higher education for the repair,
7 remodeling, renovation or construction of a building or
8 structure, or for the construction or maintenance of a
9 highway defined in Article 2 of the Illinois Highway Code.

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

24 (7) "Public institutions of higher education" means
25 the University of Illinois, Southern Illinois University,
26 Chicago State University, Eastern Illinois University,

1 Governors State University, Illinois State University,
2 Northeastern Illinois University, Northern Illinois
3 University, Western Illinois University, the public
4 community colleges of the State, and any other public
5 universities, colleges, and community colleges now or
6 hereafter established or authorized by the General
7 Assembly.

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

18 (9) "Control" means the exclusive or ultimate and sole
19 control of the business including, but not limited to,
20 capital investment and all other financial matters,
21 property, acquisitions, contract negotiations, legal
22 matters, officer-director-employee selection and
23 comprehensive hiring, operating responsibilities,
24 cost-control matters, income and dividend matters,
25 financial transactions and rights of other shareholders or
26 joint partners. Control shall be real, substantial and

1 continuing, not pro forma. Control shall include the power
2 to direct or cause the direction of the management and
3 policies of the business and to make the day-to-day as well
4 as major decisions in matters of policy, management and
5 operations. Control shall be exemplified by possessing the
6 requisite knowledge and expertise to run the particular
7 business and control shall not include simple majority or
8 absentee ownership.

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

19 (11) "Utilization plan" means a form and additional
20 documentations included in all bids or proposals that
21 demonstrates a vendor's proposed utilization of vendors
22 certified by the Business Enterprise Program to meet the
23 targeted goal. The utilization plan shall demonstrate that
24 the Vendor has either: (1) met the entire contract goal or
25 (2) requested a full or partial waiver and made good faith
26 efforts towards meeting the goal.

1 (12) "Business Enterprise Program" means the Business
2 Enterprise Program of the Department of Central Management
3 Services.

4 (B) When a business is owned at least 51% by any
5 combination of minority persons, women, or persons with
6 disabilities, even though none of the 3 classes alone holds at
7 least a 51% interest, the ownership requirement for purposes of
8 this Act is considered to be met or in excess of the entire
9 contract goal. The certification category for the business is
10 that of the class holding the largest ownership interest in the
11 business. If 2 or more classes have equal ownership interests,
12 the certification category shall be determined by the business.
13 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20.)

14 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

15 (Section scheduled to be repealed on June 30, 2024)

16 Sec. 4. Award of State contracts.

17 (a) Except as provided in subsection (b), not less than 20%
18 of the total dollar amount of State contracts, as defined by
19 the Secretary of the Council and approved by the Council, shall
20 be established as an aspirational goal to be awarded to
21 businesses owned by minorities, women, and persons with
22 disabilities; provided, however, that of the total amount of
23 all State contracts awarded to businesses owned by minorities,
24 women, and persons with disabilities pursuant to this Section,
25 contracts representing at least 11% shall be awarded to

1 businesses owned by minorities, contracts representing at
2 least 7% shall be awarded to women-owned businesses, and
3 contracts representing at least 2% shall be awarded to
4 businesses owned by persons with disabilities.

5 The above percentage relates to the total dollar amount of
6 State contracts during each State fiscal year, calculated by
7 examining independently each type of contract for each agency
8 or public institutions of higher education which lets such
9 contracts. Only that percentage of arrangements which
10 represents the participation of businesses owned by
11 minorities, women, and persons with disabilities on such
12 contracts shall be included. State contracts subject to the
13 requirements of this Act shall include the requirement that
14 only expenditures to businesses owned by minorities, women, and
15 persons with disabilities that perform a commercially useful
16 function may be counted toward the goals set forth by this Act.
17 Contracts shall include a definition of "commercially useful
18 function" that is consistent with 49 CFR 26.55(c).

19 (b) Not less than 20% of the total dollar amount of State
20 construction contracts is established as an aspirational goal
21 to be awarded to businesses owned by minorities, women, and
22 persons with disabilities; provided that, contracts
23 representing at least 11% of the total dollar amount of State
24 construction contracts shall be awarded to businesses owned by
25 minorities; contracts representing at least 7% of the total
26 dollar amount of State construction contracts shall be awarded

1 to women-owned businesses; and contracts representing at least
2 2% of the total dollar amount of State construction contracts
3 shall be awarded to businesses owned by persons with
4 disabilities.

5 (c) (Blank).

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

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

1 Business Enterprise Program shall develop a model for social
2 scientific disparity study sourcing for local governmental
3 units to adapt and implement to address regional disparities in
4 public procurement.

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

26 (f) Non-construction solicitations that include Business

1 Enterprise Program participation goals shall require bidders
2 and offerors to include utilization plans. Utilization plans
3 are due at the time of bid or offer submission. Failure to
4 complete and include a utilization plan, including
5 documentation demonstrating good faith effort when requesting
6 a waiver, shall render the bid or offer non-responsive. The
7 Commission on Equity and Inclusion shall be notified of all
8 bids and offers that fail to include a utilization plan as
9 required under this subsection (f).

10 (g) Bids or proposals for State contracts shall be examined
11 to determine if the bid or proposal is responsible,
12 competitive, and whether the services to be provided are likely
13 to be completed based upon the pricing. If the bid or proposal
14 is responsible, competitive, and the services to be provided
15 are likely to be completed based on the prices listed, then the
16 bid is deemed responsive. If the bid or proposal is not
17 responsible, competitive, and the services to be provided are
18 not likely to be completed based on the prices listed, then the
19 entire bid is deemed non-responsive. The Commission on Equity
20 and Inclusion shall be notified of all non-responsive bids or
21 proposals for State contracts under this subsection (g).

22 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
23 101-601, eff. 1-1-20; revised 10-26-20.)

24 (30 ILCS 575/4f)

25 (Section scheduled to be repealed on June 30, 2024)

1 Sec. 4f. Award of State contracts.

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

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

1 premiums or fees shall be awarded to women-owned
2 businesses; and contracts representing at least 2% of the
3 total annual premiums or fees shall be awarded to
4 businesses owned by persons with disabilities.

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

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

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

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

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

14 (2) As used in this Section:

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

21 "Architectural and engineering services" means
22 professional services of an architectural or engineering
23 nature, or incidental services, that members of the
24 architectural and engineering professions, and individuals
25 in their employ, may logically or justifiably perform,
26 including studies, investigations, surveying and mapping,

1 tests, evaluations, consultations, comprehensive planning,
2 program management, conceptual designs, plans and
3 specifications, value engineering, construction phase
4 services, soils engineering, drawing reviews, preparation
5 of operating and maintenance manuals, and other related
6 services.

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

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

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

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

24 (3) Each State agency and public institution of higher
25 education shall adopt policies that identify its plan and
26 implementation procedures for increasing the use of service

1 firms owned by minorities, women, and persons with
2 disabilities. All plan and implementation procedures for
3 increasing the use of service firms owned by minorities, women,
4 and persons with disabilities must be submitted to and approved
5 by the Commission on Equity and Inclusion on an annual basis.

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

24 (A) For insurance services: the names of the insurance
25 brokers or claims consultants used, the total of risk
26 managed by each State agency and public institution of

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

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

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

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

1 education.

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

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

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

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

1 (b), and (c) of subsection (1) of this Section.

2 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

3 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

4 (Section scheduled to be repealed on June 30, 2024)

5 Sec. 5. Business Enterprise Council.

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

1 predecessor was appointed shall be appointed for the remainder
2 of such term. Members of the Council shall serve without
3 compensation but shall be reimbursed for any ordinary and
4 necessary expenses incurred in the performance of their duties.

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

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

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

19 (a) Devise a certification procedure to assure that
20 businesses taking advantage of this Act are legitimately
21 classified as businesses owned by minorities, women, or
22 persons with disabilities and a registration procedure to
23 recognize, without additional evidence of Business
24 Enterprise Program eligibility, the certification of
25 businesses owned by minorities, women, or persons with
26 disabilities certified by the City of Chicago, Cook County,

1 or other jurisdictional programs with requirements and
2 procedures equaling or exceeding those in this Act.

3 (b) Maintain a list of all businesses legitimately
4 classified as businesses owned by minorities, women, or
5 persons with disabilities to provide to State agencies and
6 public institutions of higher education.

7 (c) Review rules and regulations for the
8 implementation of the program for businesses owned by
9 minorities, women, and persons with disabilities.

10 (d) Review compliance plans submitted by each State
11 agency and public institution ~~institutions~~ of higher
12 education pursuant to this Act.

13 (e) Make annual reports as provided in Section 8f to
14 the Governor and the General Assembly on the status of the
15 program.

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

23 (g) Establish a toll-free ~~toll-free~~ telephone number to
24 facilitate information requests concerning the
25 certification process and pending contracts.

26 (3) No premium bond rate of a surety company for a bond

1 required of a business owned by a minority, woman, or person
2 with a disability bidding for a State contract shall be higher
3 than the lowest rate charged by that surety company for a
4 similar bond in the same classification of work that would be
5 written for a business not owned by a minority, woman, or
6 person with a disability.

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

11 (5) The Secretary shall have the following duties and
12 responsibilities:

13 (a) To be responsible for the day-to-day operation of
14 the Council.

15 (b) To serve as a coordinator for all of the State's
16 programs for businesses owned by minorities, women, and
17 persons with disabilities and as the information and
18 referral center for all State initiatives for businesses
19 owned by minorities, women, and persons with disabilities.

20 (c) To establish an enforcement procedure whereby the
21 Council may recommend to the appropriate State legal
22 officer that the State exercise its legal remedies which
23 shall include (1) termination of the contract involved, (2)
24 prohibition of participation by the respondent in public
25 contracts for a period not to exceed 3 years, (3)
26 imposition of a penalty not to exceed any profit acquired

1 as a result of violation, or (4) any combination thereof.
2 Such procedures shall require prior approval by Council.
3 All funds collected as penalties under this subsection
4 shall be used exclusively for maintenance and further
5 development of the Business Enterprise Program and
6 encouragement of participation in State procurement by
7 minorities, women, and persons with disabilities.

8 (d) To devise appropriate policies, regulations, and
9 procedures for including participation by businesses owned
10 by minorities, women, and persons with disabilities as
11 prime contractors, including, but not limited to: (i)
12 encouraging the inclusions of qualified businesses owned
13 by minorities, women, and persons with disabilities on
14 solicitation lists, (ii) investigating the potential of
15 blanket bonding programs for small construction jobs, and
16 (iii) investigating and making recommendations concerning
17 the use of the sheltered market process.

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

20 (f) To accept donations and, with the approval of the
21 Council or the Chairperson ~~Director of Central Management~~
22 ~~Services~~, grants related to the purposes of this Act; to
23 conduct seminars related to the purpose of this Act and to
24 charge reasonable registration fees; and to sell
25 directories, vendor lists, and other such information to
26 interested parties, except that forms necessary to become

1 eligible for the program shall be provided free of charge
2 to a business or individual applying for the program.

3 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
4 101-601, eff. 1-1-20; revised 8-18-20.)

5 (30 ILCS 575/5.5 new)

6 Sec. 5.5. Transfer of Council functions.

7 (a) Notwithstanding any provision of law to the contrary,
8 beginning on and after the effective date of this amendatory
9 Act of the 101st General Assembly, the Commission on Equity and
10 Inclusion shall have jurisdiction over the functions of the
11 Business Enterprise Council.

12 (b) All powers, duties, rights, and responsibilities of the
13 Department of Central Management Services relating to
14 jurisdiction over the Council are transferred to the
15 Commission.

16 (c) All books, records, papers, documents, property,
17 contracts, causes of action, and pending business pertaining to
18 the powers, duties, rights, and responsibilities of the
19 Department of Central Management Services relating to
20 jurisdiction over the Council are transferred to the
21 Commission.

22 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

23 (Section scheduled to be repealed on June 30, 2024)

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

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

20 (a) Written request for contract exemption. A written
21 request for an individual contract exemption must include,
22 but is not limited to, the following:

23 (i) a list of eligible businesses owned by
24 minorities, women, and persons with disabilities;

25 (ii) a clear demonstration that the number of
26 eligible businesses identified in subparagraph (i)

1 above is insufficient to ensure adequate competition;

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 public institution of higher education's
6 expectations of reasonable prices on bids or proposals
7 within that class; and

8 (iv) a list of eligible businesses owned by
9 minorities, women, and persons with disabilities that
10 the contractor has used in the current and prior fiscal
11 years.

12 (b) Determination. The Council's determination
13 concerning an individual contract exemption must consider,
14 at a minimum, the following:

15 (i) the justification for the requested exemption,
16 including whether diligent efforts were undertaken to
17 identify and solicit eligible businesses owned by
18 minorities, women, and persons with disabilities;

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

25 (iii) the percentage of contracts awarded by the
26 agency or public institution of higher education to

1 eligible businesses owned by minorities, women, and
2 persons with disabilities in the current and prior
3 fiscal years.

4 (2) Class exemptions.

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

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

22 (i) a list of eligible businesses owned by
23 minorities, women, and persons with disabilities;

24 (ii) a clear demonstration that the number of
25 eligible businesses identified in subparagraph (i)
26 above is insufficient to ensure adequate competition;

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

7 (iv) the number of class exemptions the affected
8 agency or public institution of higher education
9 requested in the current and prior fiscal years.

10 (a-2) Determination. The Council's determination
11 concerning class exemptions must consider, at a minimum,
12 the following:

13 (i) the justification for the requested exemption,
14 including whether diligent efforts were undertaken to
15 identify and solicit eligible businesses owned by
16 minorities, women, and persons with disabilities;

17 (ii) the total number of class exemptions granted
18 to the requesting agency or public institution of
19 higher education that have been granted by the Council
20 in the current and prior fiscal years; and

21 (iii) the percentage of contracts awarded by the
22 agency or public institution of higher education to
23 eligible businesses owned by minorities, women, and
24 persons with disabilities the current and prior fiscal
25 years.

26 (b) Limitation. Any such class exemption shall not be

1 permitted for a period of more than one year at a time.

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

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

18 (i) a list of eligible businesses owned by
19 minorities, women, and persons with disabilities that
20 pertain to the class of contracts in the requested
21 waiver. Eligible businesses are only eligible if the
22 business is certified for the products or work
23 advertised in the solicitation;

24 (ii) (Blank); ~~a clear demonstration that the~~
25 ~~number of eligible businesses identified in~~
26 ~~subparagraph (i) above is insufficient to ensure~~

1 ~~competition;~~

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) a list of businesses owned by minorities,
9 women, and persons with disabilities that the
10 contractor has used in the current and prior fiscal
11 years.

12 (b) Determination. The Council's determination, in
13 consultation with the Commission, concerning waivers must
14 include following:

15 (i) the justification for the requested waiver,
16 including whether the requesting contractor made a
17 proper demonstration of unreasonable responses to the
18 request for proposals given the class of contract ~~good~~
19 ~~faith effort to identify and solicit eligible~~
20 ~~businesses owned by minorities, women, and persons~~
21 ~~with disabilities;~~

22 (ii) the total number of waivers the contractor has
23 been granted by the Council in the current and prior
24 fiscal years;

25 (iii) the percentage of contracts awarded by the
26 agency or public institution of higher education to

1 eligible businesses owned by minorities, women, and
2 persons with disabilities in the current and prior
3 fiscal years; and

4 (iv) the contractor's use of businesses owned by
5 minorities, women, and persons with disabilities in
6 the current and prior fiscal years.

7 (3.5) (Blank).

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

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

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

6 Each public notice required by law of the award of a State
7 contract shall include for each bid or offer submitted for that
8 contract the following: (i) the bidder's or offeror's name,
9 (ii) the bid amount, (iii) the name or names of the certified
10 firms identified in the bidder's or offeror's submitted
11 utilization plan, and (iv) the bid's amount and percentage of
12 the contract awarded to businesses owned by minorities, women,
13 and persons with disabilities identified in the utilization
14 plan.

15 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
16 101-601, eff. 1-1-20.)

17 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

18 (Section scheduled to be repealed on June 30, 2024)

19 Sec. 8. Enforcement.

20 (1) The Commission on Equity and Inclusion ~~Council~~ shall
21 make such findings, recommendations and proposals to the
22 Governor as are necessary and appropriate to enforce this Act.
23 If, as a result of its monitoring activities, the Commission
24 ~~Council~~ determines that its goals and policies are not being
25 met by any State agency or public institution of higher

1 education, the Commission ~~Council~~ may recommend any or all of
2 the following actions:

3 (a) Establish enforcement procedures whereby the
4 Commission ~~Council~~ may recommend to the appropriate State
5 agency, public institutions of higher education, or law
6 enforcement officer that legal or administrative remedies
7 be initiated for violations of contract provisions or rules
8 issued hereunder or by a contracting State agency or public
9 institutions of higher education. State agencies and
10 public institutions of higher education shall be
11 authorized to adopt remedies for such violations which
12 shall include (1) termination of the contract involved, (2)
13 prohibition of participation of the respondents in public
14 contracts for a period not to exceed one year, (3)
15 imposition of a penalty not to exceed any profit acquired
16 as a result of violation, or (4) any combination thereof.

17 (b) If the Commission ~~Council~~ concludes that a
18 compliance plan submitted under Section 6 is unlikely to
19 produce the participation goals for businesses owned by
20 minorities, women, and persons with disabilities within
21 the then current fiscal year, the Commission ~~Council~~ may
22 recommend that the State agency or public institution of
23 higher education revise its plan to provide additional
24 opportunities for participation by businesses owned by
25 minorities, women, and persons with disabilities. Such
26 recommended revisions may include, but shall not be limited

1 to, the following:

2 (i) assurances of stronger and better focused
3 solicitation efforts to obtain more businesses owned
4 by minorities, women, and persons with disabilities as
5 potential sources of supply;

6 (ii) division of job or project requirements, when
7 economically feasible, into tasks or quantities to
8 permit participation of businesses owned by
9 minorities, women, and persons with disabilities;

10 (iii) elimination of extended experience or
11 capitalization requirements, when programmatically
12 feasible, to permit participation of businesses owned
13 by minorities, women, and persons with disabilities;

14 (iv) identification of specific proposed contracts
15 as particularly attractive or appropriate for
16 participation by businesses owned by minorities,
17 women, and persons with disabilities, such
18 identification to result from and be coupled with the
19 efforts of subparagraphs (i) through (iii);

20 (v) implementation of those regulations
21 established for the use of the sheltered market
22 process.

23 (2) State agencies and public institutions of higher
24 education shall review a vendor's compliance with its
25 utilization plan and the terms of its contract. Without
26 limitation, a vendor's failure to comply with its contractual

1 commitments as contained in the utilization plan; failure to
2 cooperate in providing information regarding its compliance
3 with its utilization plan; or the provision of false or
4 misleading information or statements concerning compliance,
5 certification status, or eligibility of the Business
6 Enterprise Program-certified vendor, good faith efforts, or
7 any other material fact or representation shall constitute a
8 material breach of the contract and entitle the State agency or
9 public institution of higher education to declare a default,
10 terminate the contract, or exercise those remedies provided for
11 in the contract, at law, or in equity.

12 (3) A vendor shall be in breach of the contract and may be
13 subject to penalties for failure to meet contract goals
14 established under this Act, unless the vendor can show that it
15 made good faith efforts to meet the contract goals.

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

17 Article 45.

18 Section 45-5. The Technology Development Act is amended by
19 changing Sections 10, 11, and 20 as follows:

20 (30 ILCS 265/10)

21 Sec. 10. Technology Development Account.

22 (a) The State Treasurer may segregate a portion of the
23 Treasurer's investment portfolio, that at no time shall be

1 greater than 1% of the portfolio, in the Technology Development
2 Account, an account that shall be maintained separately and
3 apart from other moneys invested by the Treasurer. The
4 Treasurer may make investments from the Account that help
5 attract, assist, and retain quality technology businesses in
6 Illinois. The earnings on the Account shall be accounted for
7 separately from other investments made by the Treasurer.

8 (b) Moneys in the Account may be invested by the State
9 Treasurer to provide venture capital to technology businesses
10 seeking to locate, expand, or remain in Illinois by placing
11 money with Illinois venture capital firms for investment by the
12 venture capital firms in technology businesses. "Venture
13 capital", as used in this Act, means equity financing that is
14 provided for starting up, expanding, or relocating a company,
15 or related purposes such as financing for seed capital,
16 research and development, introduction of a product or process
17 into the marketplace, or similar needs requiring risk capital.
18 "Technology business", as used in this Act, means a company
19 that has as its principal function the providing of services
20 including computer, information transfer, communication,
21 distribution, processing, administrative, laboratory,
22 experimental, developmental, technical, testing services,
23 manufacture of goods or materials, the processing of goods or
24 materials by physical or chemical change, computer related
25 activities, robotics, biological or pharmaceutical industrial
26 activity, or technology oriented or emerging industrial

1 activity. "Illinois venture capital firms", as used in this
2 Act, means an entity that has a majority of its employees in
3 Illinois or that has at least one managing partner domiciled in
4 Illinois that has made significant capital investments in
5 Illinois companies and that provides equity financing for
6 starting up or expanding a company, or related purposes such as
7 financing for seed capital, research and development,
8 introduction of a product or process into the marketplace, or
9 similar needs requiring risk capital.

10 (c) Any fund created by an Illinois venture capital firm in
11 which the State Treasurer places money pursuant to this Act
12 shall be required by the State Treasurer to seek investments in
13 technology businesses seeking to locate, expand, or remain in
14 Illinois.

15 (d) The investment of the State Treasurer in any fund
16 created by an Illinois venture capital firm in which the State
17 Treasurer places money pursuant to this Section Act shall not
18 exceed 10% of the total investments in the fund.

19 (e) The State Treasurer shall not invest more than
20 one-third of the Technology Development Account in any given
21 calendar year.

22 (f) The Treasurer may deposit no more than 15% ~~10%~~ of the
23 earnings of the investments in the Technology Development
24 Account into the Technology Development Fund.

25 (Source: P.A. 94-395, eff. 8-1-05.)

1 (30 ILCS 265/11)

2 Sec. 11. Technology Development Account II.

3 (a) Including the amount provided in Section 10 of this
4 Act, the State Treasurer shall segregate a portion of the
5 Treasurer's State investment portfolio, that at no time shall
6 be greater than 5% of the portfolio, in the Technology
7 Development Account IIa ("TDA IIa"), an account that shall be
8 maintained separately and apart from other moneys invested by
9 the Treasurer. Distributions from the investments in TDA IIa
10 may be reinvested into TDA IIa without being counted against
11 the 5% cap. The aggregate investment in TDA IIa and the
12 aggregate commitment of investment capital in a TDA
13 II-Recipient Fund shall at no time be greater than 5% of the
14 State's investment portfolio, which shall be calculated as: (1)
15 the balance at the inception of the State's fiscal year; or (2)
16 the average balance in the immediately preceding 5 fiscal
17 years, whichever number is greater. Distributions from a TDA
18 II-Recipient Fund, in an amount not to exceed the commitment
19 amount and total distributions received, may be reinvested into
20 TDA IIa without being counted against the 5% cap. The Treasurer
21 may make investments from TDA IIa that help attract, assist,
22 and retain quality technology businesses in Illinois. The
23 earnings on TDA IIa shall be accounted for separately from
24 other investments made by the Treasurer.

25 (b) The Treasurer may solicit proposals from entities to
26 manage and be the General Partner of a separate fund

1 ("Technology Development Account I Ib" or "TDA I Ib") consisting
2 of investments from private sector investors that must invest,
3 at the direction of the general partner, in tandem with TDA I Ia
4 in a pro-rata portion. The Treasurer may enter into an
5 agreement with the entity managing TDA I Ib to advise on the
6 investment strategy of TDA I Ia and TDA I Ib (collectively
7 "Technology Development Account II" or "TDA II") and fulfill
8 other mutually agreeable terms. Funds in TDA I Ib shall be kept
9 separate and apart from moneys in the State treasury.

10 (c) All or a portion of the moneys in TDA I Ia shall be
11 invested by the State Treasurer to provide venture capital to
12 technology businesses, including co-investments, seeking to
13 locate, expand, or remain in Illinois by placing money with
14 Illinois venture capital firms for investment by the venture
15 capital firms in technology businesses. "Venture capital", as
16 used in this Section, means equity financing that is provided
17 for starting up, expanding, or relocating a company, or related
18 purposes such as financing for seed capital, research and
19 development, introduction of a product or process into the
20 marketplace, or similar needs requiring risk capital.
21 "Technology business", as used in this Section, means a company
22 that has as its principal function the providing of services,
23 including computer, information transfer, communication,
24 distribution, processing, administrative, laboratory,
25 experimental, developmental, technical, or testing services;
26 manufacture of goods or materials; the processing of goods or

1 materials by physical or chemical change; computer related
2 activities; robotics, biological, or pharmaceutical industrial
3 activities; or technology-oriented or emerging industrial
4 activity. "Illinois venture capital firm", as used in this
5 Section, means an entity that: (1) has a majority of its
6 employees in Illinois (more than 50%) or that has at least one
7 general partner or principal domiciled in Illinois, and that
8 (2) provides equity financing for starting up or expanding a
9 company, or related purposes such as financing for seed
10 capital, research and development, introduction of a product or
11 process into the marketplace, or similar needs requiring risk
12 capital. "Illinois venture capital firm" may also mean an
13 entity that has a track record of identifying, evaluating, and
14 investing in Illinois companies and that provides equity
15 financing for starting up or expanding a company, or related
16 purposes such as financing for seed capital, research and
17 development, introduction of a product or process into the
18 marketplace, or similar needs requiring risk capital. For
19 purposes of this Section, "track record" means having made, on
20 average, at least one investment in an Illinois company in each
21 of its funds if the Illinois venture capital firm has multiple
22 funds or at least 2 investments in Illinois companies if the
23 Illinois venture capital firm has only one fund. In no case
24 shall more than 15% of the capital in the TDA IIa be invested
25 in firms based outside of Illinois.

26 (d) Any fund created by an Illinois venture capital firm in

1 which the State Treasurer places money pursuant to this Section
2 shall be required by the State Treasurer to seek investments in
3 technology businesses seeking to locate, expand, or remain in
4 Illinois. Any fund created by an Illinois venture capital firm
5 in which the State Treasurer places money under this Section
6 ("TDA II-Recipient Fund") shall invest a minimum of twice (2x)
7 the aggregate amount of investable capital that is received
8 from the State Treasurer under this Section in Illinois
9 companies during the life of the fund. "Illinois companies", as
10 used in this Section, are companies that are headquartered or
11 that otherwise have a significant presence in the State at the
12 time of initial or follow-on investment. Investable capital is
13 calculated as committed capital, as defined in the firm's
14 applicable fund's governing documents, less related estimated
15 fees and expenses to be incurred during the life of the fund.
16 For the purposes of this subsection (d), "significant presence"
17 means at least one physical office and one full-time employee
18 within the geographic borders of this State.

19 Any TDA II-Recipient Fund shall also invest additional
20 capital in Illinois companies during the life of the fund if,
21 as determined by the fund's manager, the investment:

22 (1) is consistent with the firm's fiduciary
23 responsibility to its limited partners;

24 (2) is consistent with the fund manager's investment
25 strategy; and

26 (3) demonstrates the potential to create risk-adjusted

1 financial returns consistent with the fund manager's
2 investment goals.

3 In addition to any reporting requirements set forth in
4 Section 10 of this Act, any TDA II-Recipient Fund shall report
5 the following additional information to the Treasurer on a
6 quarterly or annual basis, as determined by the Treasurer, for
7 all investments:

8 (1) the names of portfolio companies invested in during
9 the applicable investment period;

10 (2) the addresses of reported portfolio companies;

11 (3) the date of the initial (and follow-on) investment;

12 (4) the cost of the investment;

13 (5) the current fair market value of the investment;

14 (6) for Illinois companies, the number of Illinois
15 employees on the investment date; and

16 (7) for Illinois companies, the current number of
17 Illinois employees.

18 If, as of the earlier to occur of (i) the fourth year of
19 the investment period of any TDA II-Recipient Fund or (ii) when
20 that TDA II-Recipient Fund has drawn more than 60% of the
21 investable capital of all limited partners, that TDA
22 II-Recipient Fund has failed to invest the minimum amount
23 required under this subsection (d) in Illinois companies, then
24 the Treasurer shall deliver written notice to the manager of
25 that fund seeking compliance with the minimum amount
26 requirement under this subsection (d). If, after 180 days of

1 delivery of notice, the TDA II-Recipient Fund has still failed
2 to invest the minimum amount required under this subsection (d)
3 in Illinois companies, then the Treasurer may elect, in
4 writing, to terminate any further commitment to make capital
5 contributions to that fund which otherwise would have been made
6 under this Section.

7 (e) ~~The Notwithstanding the limitation found in subsection~~
8 ~~(d) of Section 10 of this Act, the~~ investment of the State
9 Treasurer in any fund created by an Illinois venture capital
10 firm in which the State Treasurer places money pursuant to this
11 Section shall not exceed 15% of the total TDA IIa account
12 balance.

13 (f) (Blank).

14 (g) The Treasurer may deposit no more than 15% ~~10%~~ of the
15 earnings of the investments in the Technology Development
16 Account IIa into the Technology Development Fund.

17 (Source: P.A. 100-1081, eff. 8-24-18.)

18 (30 ILCS 265/20)

19 Sec. 20. Technology Development Fund. The Technology
20 Development Fund is created as a special fund outside the State
21 treasury with the State Treasurer as custodian. Moneys in the
22 Fund may be used by the State Treasurer to pay expenses related
23 to investments from the Technology Development Account. Moneys
24 in the Fund in excess of those expenses may be provided as
25 grants to: (i) Illinois schools to purchase computers, ~~and to~~

1 upgrade technology, and support career and technical
2 education; or (ii) incubators, accelerators, innovation
3 research, technology transfer, and educational programs that
4 provide training, support, and other resources to technology
5 businesses to promote the growth of jobs and entrepreneurial
6 and venture capital environments in communities of color or
7 underrepresented or under-resourced communities in the State.

8 (Source: P.A. 94-395, eff. 8-1-05.)

9 Article 50.

10 Section 50-5. The Illinois Public Aid Code is amended by
11 changing Section 9A-11 as follows:

12 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

13 Sec. 9A-11. Child care.

14 (a) The General Assembly recognizes that families with
15 children need child care in order to work. Child care is
16 expensive and families with low incomes, including those who
17 are transitioning from welfare to work, often struggle to pay
18 the costs of day care. The General Assembly understands the
19 importance of helping low-income working families become and
20 remain self-sufficient. The General Assembly also believes
21 that it is the responsibility of families to share in the costs
22 of child care. It is also the preference of the General
23 Assembly that all working poor families should be treated

1 equally, regardless of their welfare status.

2 (b) To the extent resources permit, the Illinois Department
3 shall provide child care services to parents or other relatives
4 as defined by rule who are working or participating in
5 employment or Department approved education or training
6 programs. At a minimum, the Illinois Department shall cover the
7 following categories of families:

8 (1) recipients of TANF under Article IV participating
9 in work and training activities as specified in the
10 personal plan for employment and self-sufficiency;

11 (2) families transitioning from TANF to work;

12 (3) families at risk of becoming recipients of TANF;

13 (4) families with special needs as defined by rule;

14 (5) working families with very low incomes as defined
15 by rule;

16 (6) families that are not recipients of TANF and that
17 need child care assistance to participate in education and
18 training activities; and

19 (7) families with children under the age of 5 who have
20 an open intact family services case with the Department of
21 Children and Family Services. Any family that receives
22 child care assistance in accordance with this paragraph
23 shall remain eligible for child care assistance 6 months
24 after the child's intact family services case is closed,
25 regardless of whether the child's parents or other
26 relatives as defined by rule are working or participating

1 in Department approved employment or education or training
2 programs. The Department of Human Services, in
3 consultation with the Department of Children and Family
4 Services, shall adopt rules to protect the privacy of
5 families who are the subject of an open intact family
6 services case when such families enroll in child care
7 services. Additional rules shall be adopted to offer
8 children who have an open intact family services case the
9 opportunity to receive an Early Intervention screening and
10 other services that their families may be eligible for as
11 provided by the Department of Human Services.

12 The Department shall specify by rule the conditions of
13 eligibility, the application process, and the types, amounts,
14 and duration of services. Eligibility for child care benefits
15 and the amount of child care provided may vary based on family
16 size, income, and other factors as specified by rule.

17 The Department shall update the Child Care Assistance
18 Program Eligibility Calculator posted on its website to include
19 a question on whether a family is applying for child care
20 assistance for the first time or is applying for a
21 redetermination of eligibility.

22 A family's eligibility for child care services shall be
23 redetermined no sooner than 12 months following the initial
24 determination or most recent redetermination. During the
25 12-month periods, the family shall remain eligible for child
26 care services regardless of (i) a change in family income,

1 unless family income exceeds 85% of State median income, or
2 (ii) a temporary change in the ongoing status of the parents or
3 other relatives, as defined by rule, as working or attending a
4 job training or educational program.

5 In determining income eligibility for child care benefits,
6 the Department annually, at the beginning of each fiscal year,
7 shall establish, by rule, one income threshold for each family
8 size, in relation to percentage of State median income for a
9 family of that size, that makes families with incomes below the
10 specified threshold eligible for assistance and families with
11 incomes above the specified threshold ineligible for
12 assistance. Through and including fiscal year 2007, the
13 specified threshold must be no less than 50% of the
14 then-current State median income for each family size.
15 Beginning in fiscal year 2008, the specified threshold must be
16 no less than 185% of the then-current federal poverty level for
17 each family size. Notwithstanding any other provision of law or
18 administrative rule to the contrary, beginning in fiscal year
19 2019, the specified threshold for working families with very
20 low incomes as defined by rule must be no less than 185% of the
21 then-current federal poverty level for each family size.

22 In determining eligibility for assistance, the Department
23 shall not give preference to any category of recipients or give
24 preference to individuals based on their receipt of benefits
25 under this Code.

26 Nothing in this Section shall be construed as conferring

1 entitlement status to eligible families.

2 The Illinois Department is authorized to lower income
3 eligibility ceilings, raise parent co-payments, create waiting
4 lists, or take such other actions during a fiscal year as are
5 necessary to ensure that child care benefits paid under this
6 Article do not exceed the amounts appropriated for those child
7 care benefits. These changes may be accomplished by emergency
8 rule under Section 5-45 of the Illinois Administrative
9 Procedure Act, except that the limitation on the number of
10 emergency rules that may be adopted in a 24-month period shall
11 not apply.

12 The Illinois Department may contract with other State
13 agencies or child care organizations for the administration of
14 child care services.

15 (c) Payment shall be made for child care that otherwise
16 meets the requirements of this Section and applicable standards
17 of State and local law and regulation, including any
18 requirements the Illinois Department promulgates by rule in
19 addition to the licensure requirements promulgated by the
20 Department of Children and Family Services and Fire Prevention
21 and Safety requirements promulgated by the Office of the State
22 Fire Marshal, and is provided in any of the following:

23 (1) a child care center which is licensed or exempt
24 from licensure pursuant to Section 2.09 of the Child Care
25 Act of 1969;

26 (2) a licensed child care home or home exempt from

1 licensing;

2 (3) a licensed group child care home;

3 (4) other types of child care, including child care
4 provided by relatives or persons living in the same home as
5 the child, as determined by the Illinois Department by
6 rule.

7 (c-5) Solely for the purposes of coverage under the
8 Illinois Public Labor Relations Act, child and day care home
9 providers, including licensed and license exempt,
10 participating in the Department's child care assistance
11 program shall be considered to be public employees and the
12 State of Illinois shall be considered to be their employer as
13 of January 1, 2006 (the effective date of Public Act 94-320),
14 but not before. The State shall engage in collective bargaining
15 with an exclusive representative of child and day care home
16 providers participating in the child care assistance program
17 concerning their terms and conditions of employment that are
18 within the State's control. Nothing in this subsection shall be
19 understood to limit the right of families receiving services
20 defined in this Section to select child and day care home
21 providers or supervise them within the limits of this Section.
22 The State shall not be considered to be the employer of child
23 and day care home providers for any purposes not specifically
24 provided in Public Act 94-320, including, but not limited to,
25 purposes of vicarious liability in tort and purposes of
26 statutory retirement or health insurance benefits. Child and

1 day care home providers shall not be covered by the State
2 Employees Group Insurance Act of 1971.

3 In according child and day care home providers and their
4 selected representative rights under the Illinois Public Labor
5 Relations Act, the State intends that the State action
6 exemption to application of federal and State antitrust laws be
7 fully available to the extent that their activities are
8 authorized by Public Act 94-320.

9 (d) The Illinois Department shall establish, by rule, a
10 co-payment scale that provides for cost sharing by families
11 that receive child care services, including parents whose only
12 income is from assistance under this Code. The co-payment shall
13 be based on family income and family size and may be based on
14 other factors as appropriate. Co-payments may be waived for
15 families whose incomes are at or below the federal poverty
16 level.

17 (d-5) The Illinois Department, in consultation with its
18 Child Care and Development Advisory Council, shall develop a
19 plan to revise the child care assistance program's co-payment
20 scale. The plan shall be completed no later than February 1,
21 2008, and shall include:

22 (1) findings as to the percentage of income that the
23 average American family spends on child care and the
24 relative amounts that low-income families and the average
25 American family spend on other necessities of life;

26 (2) recommendations for revising the child care

1 co-payment scale to assure that families receiving child
2 care services from the Department are paying no more than
3 they can reasonably afford;

4 (3) recommendations for revising the child care
5 co-payment scale to provide at-risk children with complete
6 access to Preschool for All and Head Start; and

7 (4) recommendations for changes in child care program
8 policies that affect the affordability of child care.

9 (e) (Blank).

10 (f) The Illinois Department shall, by rule, set rates to be
11 paid for the various types of child care. Child care may be
12 provided through one of the following methods:

13 (1) arranging the child care through eligible
14 providers by use of purchase of service contracts or
15 vouchers;

16 (2) arranging with other agencies and community
17 volunteer groups for non-reimbursed child care;

18 (3) (blank); or

19 (4) adopting such other arrangements as the Department
20 determines appropriate.

21 (f-1) Within 30 days after June 4, 2018 (the effective date
22 of Public Act 100-587), the Department of Human Services shall
23 establish rates for child care providers that are no less than
24 the rates in effect on January 1, 2018 increased by 4.26%.

25 (f-5) (Blank).

26 (g) Families eligible for assistance under this Section

1 shall be given the following options:

2 (1) receiving a child care certificate issued by the
3 Department or a subcontractor of the Department that may be
4 used by the parents as payment for child care and
5 development services only; or

6 (2) if space is available, enrolling the child with a
7 child care provider that has a purchase of service contract
8 with the Department or a subcontractor of the Department
9 for the provision of child care and development services.
10 The Department may identify particular priority
11 populations for whom they may request special
12 consideration by a provider with purchase of service
13 contracts, provided that the providers shall be permitted
14 to maintain a balance of clients in terms of household
15 incomes and families and children with special needs, as
16 defined by rule.

17 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;
18 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.
19 8-17-18; 101-81, eff. 7-12-19.)

20 Article 99.

21 Section 99-99. Effective date. This Act takes effect upon
22 becoming law, except that Articles 1 and 40 take effect January
23 1, 2022.