

AN ACT concerning State government.

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

Section 5. The Attorney General Act is amended by adding Section 9 as follows:

(15 ILCS 205/9 new)

Sec. 9. Contract aspirational goals. The Attorney General shall establish aspirational goals for contract awards for all contracts for goods and services, not including contracts for services relating to investigations or litigation. These aspirational goals shall be substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Attorney General shall not be subject to the jurisdiction of the Business Enterprise Council established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act with regard to steps taken to achieve aspirational goals. The Attorney General shall annually post information regarding the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 10. The Secretary of State Act is amended by adding Section 19 as follows:

(15 ILCS 305/19 new)

Sec. 19. Contract aspirational goals. The Secretary of State shall establish aspirational goals for contract awards substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Secretary of State shall not be subject to the jurisdiction of the Business Enterprise Council established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act with regard to steps taken to achieve aspirational goals. The Secretary of State shall annually post the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 15. The State Comptroller Act is amended by changing Section 23.9, and by adding Section 23.10 as follows:

(15 ILCS 405/23.9)

Sec. 23.9. Minority Contractor Opportunity Initiative. The State Comptroller Minority Contractor Opportunity Initiative is created to provide greater opportunities for minority-owned businesses, women-owned businesses, businesses owned by

persons with disabilities, and small businesses with 20 or fewer employees in this State to participate in the State procurement process. The initiative shall be administered by the Comptroller. Under this initiative, the Comptroller is responsible for the following: (i) outreach to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses capable of providing services to the State; (ii) education of minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses concerning State contracting and procurement; (iii) notification of minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses of State contracting opportunities; and (iv) maintenance of an online database of State contracts that identifies the contracts awarded to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses that includes the total amount paid by State agencies to contractors and the percentage paid to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses.

The ~~Comptroller shall work with the~~ Business Enterprise Council created under Section 5 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act shall provide the Comptroller with names, Federal Employer

Identification Numbers, and designations of Business Enterprise Program certified vendors to fulfill the Comptroller's responsibilities under this Section, including, but not limited to, ~~The Comptroller may rely on the Business Enterprise Council's~~ identification of minority-owned businesses, women-owned businesses, and businesses owned by persons with disabilities.

The Comptroller shall annually prepare and submit a report to the Governor and the General Assembly concerning the progress of this initiative including the following information for the preceding fiscal ~~calendar~~ year: (i) a statement of the total amounts paid by each executive branch agency to contractors since the previous report; (ii) the percentage of the amounts that were paid to minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses; (iii) the successes achieved and the challenges faced by the Comptroller in operating outreach programs for minorities, women, persons with disabilities, and small businesses; (iv) the challenges each executive branch agency may face in hiring qualified minority, woman, and small business employees and employees with disabilities and contracting with qualified minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and small businesses; and (v) ~~(iv)~~ any other information, findings, conclusions, and recommendations for legislative or agency action, as the

Comptroller deems appropriate.

On and after the effective date of this amendatory Act of the 97th General Assembly, any bidder or offeror awarded a contract of \$1,000 or more under Section 20-10, 20-15, 20-25, or 20-30 of the Illinois Procurement Code is required to pay a fee of \$15 to cover expenses related to the administration of this Section. The Comptroller shall deduct the fee from the first check issued to the vendor under the contract and deposit the fee into the Comptroller's Administrative Fund. Contracts administered for statewide orders placed by agencies (commonly referred to as "statewide master contracts") are exempt from this fee.

Each Chief Procurement Officer shall provide the Comptroller with names and Federal Employer Identification Numbers of vendors registered in the Illinois Small Business Set Aside Program to aid the Comptroller in fulfilling his or her responsibilities under this Section.

(Source: P.A. 99-143, eff. 7-27-15; 100-391, eff. 8-25-17.)

(15 ILCS 405/23.10 new)

Sec. 23.10. Contract aspirational goals. The Comptroller shall establish aspirational goals for contract awards substantially in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Comptroller shall not be subject to the jurisdiction of the Business Enterprise Council

established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act with regard to steps taken to achieve aspirational goals. The Comptroller shall annually post the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 20. The Illinois State Auditing Act is amended by adding Section 2-16 as follows:

(30 ILCS 5/2-16 new)

Sec. 2-16. Contract aspirational goals. The Auditor General shall establish aspirational goals for contract awards substantially in accordance the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, unless otherwise governed by other law. The Auditor General shall not be subject to the jurisdiction of the Business Enterprise Council established under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act with regard to steps taken to achieve aspirational goals. The Auditor General shall annually post the Office's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year on the Office's Internet websites.

Section 25. The Business Enterprise for Minorities, Women,

and Persons with Disabilities Act is amended by changing Section 5 as follows:

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

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

Sec. 5. Business Enterprise Council.

(1) To help implement, monitor and enforce the goals of this Act, there is created the Business Enterprise Council for Minorities, Women, and Persons with Disabilities, hereinafter referred to as the Council, composed of the Secretary of Human Services and the Directors of the Department of Human Rights, the Department of Commerce and Economic Opportunity, the Department of Central Management Services, the Department of Transportation and the Capital Development Board, or their duly appointed representatives, with the Comptroller, or his or her designee, serving as an advisory member of the Council. Ten individuals representing businesses that are minority-owned or women-owned or owned by persons with disabilities, 2 individuals representing the business community, and a representative of public institutions of higher education shall be appointed by the Governor. These members shall serve 2 year terms and shall be eligible for reappointment. Any vacancy occurring on the Council shall also be filled by the Governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members of

the Council shall serve without compensation but shall be reimbursed for any ordinary and necessary expenses incurred in the performance of their duties.

The Director of the Department of Central Management Services shall serve as the Council chairperson and shall select, subject to approval of the council, a Secretary responsible for the operation of the program who shall serve as the Division Manager of the Business Enterprise for Minorities, Women, and Persons with Disabilities Division of the Department of Central Management Services.

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

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

(a) Devise a certification procedure to assure that businesses taking advantage of this Act are legitimately classified as businesses owned by minorities, women, or persons with disabilities.

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

(c) Review rules and regulations for the implementation of the program for businesses owned by

minorities, women, and persons with disabilities.

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

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

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

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

(3) No premium bond rate of a surety company for a bond required of a business owned by a minority, woman, or person with a disability bidding for a State contract shall be higher than the lowest rate charged by that surety company for a similar bond in the same classification of work that would be written for a business not owned by a minority, woman, or person with a disability.

(4) Any Council member who has direct financial or personal interest in any measure pending before the Council shall

disclose this fact to the Council and refrain from participating in the determination upon such measure.

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

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

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

(c) To establish an enforcement procedure whereby the Council may recommend to the appropriate State legal officer that the State exercise its legal remedies which shall include (1) termination of the contract involved, (2) prohibition of participation by the respondent in public contracts for a period not to exceed 3 years, (3) imposition of a penalty not to exceed any profit acquired as a result of violation, or (4) any combination thereof. Such procedures shall require prior approval by Council.

(d) To devise appropriate policies, regulations and procedures for including participation by businesses owned by minorities, women, and persons with disabilities as prime contractors including, but not limited to, (i) encouraging the inclusions of qualified businesses owned by minorities, women, and persons with disabilities on

solicitation lists, (ii) investigating the potential of blanket bonding programs for small construction jobs, (iii) investigating and making recommendations concerning the use of the sheltered market process.

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

(f) To accept donations and, with the approval of the Council or the Director of Central Management Services, grants related to the purposes of this Act; to conduct seminars related to the purpose of this Act and to charge reasonable registration fees; and to sell directories, vendor lists and other such information to interested parties, except that forms necessary to become eligible for the program shall be provided free of charge to a business or individual applying for the program.

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

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