**Section 2000.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities**

a) Introduction

The Business Enterprise Act for Minorities, Females, and Persons with Disabilities [30 ILCS 575] (Act) sets a goal (minimum 20%) for contracting with businesses owned or controlled by minorities, females, or persons with disabilities.

b) Goal

1) The CPO shall establish a goal that at least 20% of the dollar value of State contracts be awarded to minority-, female-, and persons with disabilities-owned businesses. Of that 20%, 7% shall be for female-owned businesses, 2% for businesses owned by persons with disabilities and not-for-profit agencies for the disabled, and the remaining 11% for other minority-owned businesses, unless these percentages are modified by the Council created under the Act.

2) The goals established in subsection (b)(1) may be satisfied, in whole or in part, by counting expenditures made by the Secretary of State vendors to subcontractors.

c) Upon direction of the CPO, and pursuant to direction from the Council, the SOS may establish set-asides, including but not limited to small businesses and State use, and other preferences for vendors certified under the Act.

d) Certification

Certification procedures are set forth in rules governing the Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10). In addition to the certifications done by the Business Enterprise Council, the Secretary of State may consider other forms of certifications, including internal certifications of the Secretary of State.

e) List of Certified Businesses

1) The CPO for DCMS shall maintain a list of businesses that have been certified.

2) The names and addresses of certified vendors shall be made available to the public.

f) The CPO may undertake the following actions to reach the goal established in subsection (b):

1) Focus solicitation upon vendors from the list of certified businesses ascertained by the Council, other agencies, or by other means;

2) Advertise in appropriate media;

3) Divide job or project requirements, when economically, technically, and programmatically feasible, into smaller tasks or quantities;

4) Eliminate extended experience or capitalization requirements when programmatically feasible;

5) Identify specific, proposed projects, purchases, or contracts as particularly appropriate for participation by businesses owned by minorities, women, or persons with disabilities; and establish set-asides in accordance with applicable law.

g) The CPO shall acquire and maintain a list of businesses certified by the Council. The names and addresses of certified vendors shall be made available to the public.

h) Those categories of contracts and expenditures exempted by the Council as set forth in 44 Ill. Adm. Code 10.22 are exempt from the contracting goal established in this Section. In addition, the CPO may exempt specific contracts or expenditures from the goal, prior to the advertisement for bids or solicitation of proposals, when the CPO has determined, based upon the best information available at the time of the determination, that there is an insufficient number of businesses owned by minorities, women, and persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for the specific contract or expenditure.

(Source: Amended at 43 Ill. Reg. 8944, effective August 2, 2019)