

HB2393



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2393

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

30 ILCS 575/4

from Ch. 127, par. 132.604

Amends the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. Provides that all State agencies shall increase their award of State contracts to minority owned businesses by 15%.

LRB100 10379 MRW 20572 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

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

7 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

8 (Section scheduled to be repealed on June 30, 2020)

9 Sec. 4. Award of State contracts.

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

1 The above percentage relates to the total dollar amount of
2 State contracts during each State fiscal year, calculated by
3 examining independently each type of contract for each agency
4 or public institutions of higher education which lets such
5 contracts. Only that percentage of arrangements which
6 represents the participation of businesses owned by
7 minorities, females, and persons with disabilities on such
8 contracts shall be included.

9 (b) Except as provided in subsection (f) of this Section,
10 in ~~in~~ the case of State construction contracts, the provisions
11 of subsection (a) requiring a portion of State contracts to be
12 awarded to businesses owned and controlled by persons with
13 disabilities do not apply. The following aspirational goals are
14 established for State construction contracts: not less than 20%
15 of the total dollar amount of State construction contracts is
16 established as a goal to be awarded to minority and female
17 owned businesses, and contracts representing 50% of the amount
18 of all State construction contracts awarded to minority and
19 female owned businesses shall be awarded to female owned
20 businesses.

21 (c) Except as provided in subsection (f) of this Section,
22 in ~~in~~ the case of all work undertaken by the University of
23 Illinois related to the planning, organization, and staging of
24 the games, the University of Illinois shall establish a goal of
25 awarding not less than 25% of the annual dollar value of all
26 contracts, purchase orders, and other agreements (collectively

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

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

18 (e) Except as permitted under this Act or as otherwise
19 mandated by federal law or regulation, those who submit bids or
20 proposals for State construction contracts subject to the
21 provisions of this Act, whose bids or proposals are successful
22 but that fail to meet the goals set forth in subsection (b) of
23 this Section, shall be notified of that deficiency and shall be
24 afforded a period not to exceed 10 days to cure that deficiency
25 in the bid or proposal. The deficiency in the bid or proposal
26 may only be cured by contracting with additional subcontractors

1 who are owned by minorities or females, but in no case shall an
2 identified subcontractor with a certification made pursuant to
3 this Act be terminated from the contract without the written
4 consent of the State agency or public institution of higher
5 education entering into the contract.

6 (f) Notwithstanding the provisions of this Section, after
7 the effective date of this amendatory Act of the 100th General
8 Assembly, all State agencies shall increase their award of
9 State contracts to minority owned businesses by 15%.

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