



Rep. William Davis

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1 AMENDMENT TO SENATE BILL 2365

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2365 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 20-15 and 20-60 and by adding Section 50-80  
6 as follows:

7 (30 ILCS 500/20-15)

8 Sec. 20-15. Competitive sealed proposals.

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

14 (b) Request for proposals. Proposals shall be solicited  
15 through a request for proposals.

16 (c) Public notice. Public notice of the request for

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

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

12 (e) Evaluation factors. The requests for proposals shall  
13 state the relative importance of price and other evaluation  
14 factors. Proposals shall be submitted in 2 parts: the first,  
15 covering items except price; and the second, covering price.  
16 The first part of all proposals shall be evaluated and ranked  
17 independently of the second part of all proposals.

18 (e-5) Method of scoring.

19 (1) All procurement scoring rubrics for contracts  
20 entered into under this Code shall account for and allocate  
21 20% of the total available points towards evaluation of  
22 each respondent's commitment to diversity, and shall  
23 require supporting documentation to that purpose.

24 (2) The scoring rubric requirements established under  
25 this subsection (e-5) shall include, but not be limited to,  
26 the following:

1           (A) for publicly owned businesses, the number and  
2 percentage of members of the respondent's governance  
3 board who are women, minorities, or persons with  
4 disabilities;

5           (B) for privately owned businesses, the respondent  
6 shall identify whether it or its affiliates are managed  
7 by women, minorities, or persons with disabilities.  
8 For the purposes of this subparagraph (B), "managed by  
9 women, minorities, or persons with disabilities" means  
10 being owned or managed by a 51% or more combination of  
11 women, minorities, or persons with disabilities;

12           (C) the respondent shall provide the number and  
13 percentage of the respondent's owners and managers who  
14 are women, minorities, or persons with disabilities;

15           (D) the number and percentage of the respondent's  
16 senior executive leaders, including partner,  
17 president, chief operating officer, managing director,  
18 or other senior executives, who are women, minorities,  
19 military veterans, or persons with disabilities;

20           (E) the number and percentage of the respondent's  
21 staff, including both full-time and part-time  
22 employees, who are women, minorities, or persons with  
23 disabilities; and

24           (F) the respondent's intended use of  
25 subcontractors for a project, if any, that are women,  
26 minorities, or persons with disabilities.

1           (3) When a solicitation for contracts with group  
2           purchasing organizations is issued by any State agency or  
3           public institution of higher education and falls within a  
4           service or product offering that has a history of disparate  
5           awards to a class of business owners that are identified  
6           under the Business Enterprise Program Act, the scoring  
7           rubric allocation identified under paragraph (1) shall be  
8           30% of the total available points towards evaluation of  
9           each respondent's commitment to diversity.

10           (4) If any State agency contract is eligible to be paid  
11           for, in whole or in part, with federal-aid funds, grants,  
12           or loans, and the provisions of this Section would result  
13           in the loss of those federal-aid funds, grants, or loans,  
14           then the contract is exempt from the provisions of this  
15           Section in order to remain eligible for those federal-aid  
16           funds, grants, or loans.

17           (5) When the highest ranking offeror to a solicitation,  
18           which includes the allocated percentage of scoring based on  
19           diversity, is found to be more than 15% higher than the  
20           next lowest bidder by the offering State agency or public  
21           institution of higher education, the offering State agency  
22           or public institution of higher education, with the  
23           approval of the Business Enterprise Council Secretary and  
24           in consultation with the Business Enterprise Program  
25           Council, may deem that offeror non-responsive.

26           (f) Discussion with responsible offerors and revisions of

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

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

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

22 (30 ILCS 500/20-60)

23 Sec. 20-60. Duration of contracts.

24 (a) Maximum duration. A contract may be entered into for  
25 any period of time deemed to be in the best interests of the

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

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

17 (c) The chief procurement officer shall file a proposed  
18 extension or renewal of a contract with the Procurement Policy  
19 Board prior to entering into any extension or renewal if the  
20 cost associated with the extension or renewal exceeds \$249,999.  
21 The Procurement Policy Board may object to the proposed  
22 extension or renewal within 30 calendar days and require a  
23 hearing before the Board prior to entering into the extension  
24 or renewal. If the Procurement Policy Board does not object  
25 within 30 calendar days or takes affirmative action to  
26 recommend the extension or renewal, the chief procurement

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

20 (d) No vendor shall be eligible for renewal of a contract  
21 when that vendor has failed to meet the Business Enterprise  
22 Program spending goal specified under the contract, and that  
23 vendor is not otherwise excused from compliance under the  
24 Business Enterprise Program Act. This subsection (d) does not  
25 apply to the renewal of contracts for construction or  
26 construction-related services.

1 (Source: P.A. 100-23, eff. 7-6-17.)

2 (30 ILCS 500/50-80 new)

3 Sec. 50-80. Diversity training; report.

4 (a) All employees under each Chief Procurement Officer, as  
5 defined under Section 1-15.15, shall complete annual training  
6 for diversity and inclusion as prescribed by the Chief  
7 Procurement Officer in consultation with the Business  
8 Enterprise Council.

9 (b) Each Chief Procurement Officer shall submit to the  
10 Business Enterprise Council an annual report that summarizes  
11 diversity training that was completed during the previous year,  
12 and lays out the plan for the diversity training programs in  
13 the coming year. Each Chief Procurement Officer shall also  
14 submit to the Executive Ethics Commission an annual report  
15 detailing the current status of its diversity efforts, and an  
16 action plan to increase diversity internally within their  
17 respective offices.

18 Section 10. The Business Enterprise for Minorities, Women,  
19 and Persons with Disabilities Act is amended by changing  
20 Sections 4f and 6 as follows:

21 (30 ILCS 575/4f)

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

23 Sec. 4f. Award of State contracts.



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

15           (a) When a State agency or public institution of higher  
16 education, other than a community college, awards a  
17 contract for insurance services, for each State agency or  
18 public institution of higher education, it shall be the  
19 aspirational goal to use insurance brokers owned by  
20 minorities, women, and persons with disabilities as  
21 defined by this Act, for not less than 20% of the total  
22 annual premiums or fees.

23           (b) When a State agency or public institution of higher  
24 education, other than a community college, awards a  
25 contract for investment services, for each State agency or  
26 public institution of higher education, it shall be the

1 aspirational goal to use emerging investment managers  
2 owned by minorities, women, and persons with disabilities  
3 as defined by this Act, for not less than 20% of the total  
4 funds under management. Furthermore, it is the  
5 aspirational goal that not less than 20% of the direct  
6 asset managers of the State funds be minorities, women, and  
7 persons with disabilities.

8 (c) When a State agency or public institution of higher  
9 education, other than a community college, awards  
10 contracts for information technology services, accounting  
11 services, architectural and engineering services, and  
12 legal services, for each State agency and public  
13 institution of higher education, it shall be the  
14 aspirational goal to use such firms owned by minorities,  
15 women, and persons with disabilities as defined by this Act  
16 and lawyers who are minorities, women, and persons with  
17 disabilities as defined by this Act, for not less than 20%  
18 of the total dollar amount of State contracts. In the case  
19 of State contracts for architectural and engineering  
20 services, the provisions of this subsection (c) requiring a  
21 portion of State contracts to be awarded to businesses  
22 owned and controlled by persons with disabilities do not  
23 apply.

24 (d) When a community college awards a contract for  
25 insurance services, investment services, information  
26 technology services, accounting services, architectural

1 and engineering services, and legal services, it shall be  
2 the aspirational goal of each community college to use  
3 businesses owned by minorities, women, and persons with  
4 disabilities as defined in this Act for not less than 20%  
5 of the total amount spent on contracts for these services  
6 collectively. When a community college awards contracts  
7 for investment services, contracts awarded to investment  
8 managers who are not emerging investment managers as  
9 defined in this Act shall not be considered businesses  
10 owned by minorities, women, or persons with disabilities  
11 for the purposes of this Section.

12 (e) When a State agency or public institution of higher  
13 education issues requests for proposals or solicitations,  
14 including requests and solicitations for contracts with  
15 group purchasing organizations, that fall within a service  
16 or product offering that has a history of disparate awards  
17 to a class of business owners that are underrepresented in  
18 contract awards, it shall be the aspirational goal to use  
19 service or product providers owned by minorities, women,  
20 and persons with disabilities as defined by this Act for  
21 not less than 20% of the total dollar amount of State  
22 contracts. If the State agency or public institution of  
23 higher education believes that it may be difficult to  
24 properly assess the minimum 20% aspirational goal, then it  
25 may appear before the Council to seek a modification of the  
26 goal requirement provided under this paragraph (e).

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

8           (2) As used in this Section:

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

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

1 "Emerging investment manager" means an investment  
2 manager or claims consultant having assets under  
3 management below \$10 billion or otherwise adjudicating  
4 claims.

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

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

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

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

23 (4) Except as provided in subsection (5), the Council shall  
24 file no later than March 1 of each year an annual report to the  
25 Governor and the General Assembly. The report to the General  
26 Assembly shall be filed with the Clerk of the House of

1 Representatives and the Secretary of the Senate in electronic  
2 form only, in the manner that the Clerk and the Secretary shall  
3 direct ~~The report filed with the General Assembly shall be~~  
4 ~~filed as required in Section 3.1 of the General Assembly~~  
5 ~~Organization Act.~~ This report shall: (i) identify the service  
6 firms used by each State agency and public institution of  
7 higher education, (ii) identify the actions it has undertaken  
8 to increase the use of service firms owned by minorities,  
9 women, and persons with disabilities, including encouraging  
10 non-minority-owned firms to use other service firms owned by  
11 minorities, women, and persons with disabilities as  
12 subcontractors when the opportunities arise, (iii) state any  
13 recommendations made by the Council to each State agency and  
14 public institution of higher education to increase  
15 participation by the use of service firms owned by minorities,  
16 women, and persons with disabilities, and (iv) include the  
17 following:

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

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

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

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

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

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

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



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

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

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

24 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

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

1           Sec. 6. Agency compliance plans. Each State agency and  
2 public institutions of higher education under the jurisdiction  
3 of this Act shall file with the Council an annual compliance  
4 plan which shall outline the goals of the State agency or  
5 public institutions of higher education for contracting with  
6 businesses owned by minorities, women, and persons with  
7 disabilities for the then current fiscal year, the manner in  
8 which the agency intends to reach these goals and a timetable  
9 for reaching these goals. The Council shall review and approve  
10 the plan of each State agency and public institutions of higher  
11 education and may reject any plan that does not comply with  
12 this Act or any rules or regulations promulgated pursuant to  
13 this Act.

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

1 (5) procedures to assure that contractors and vendors make good  
2 faith efforts to meet contract goals, (6) procedures for  
3 contract goal exemption, modification and waiver, and (7) the  
4 delineation of separate contract goals for businesses owned by  
5 minorities, women, and persons with disabilities.

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

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

25 (d) Notwithstanding any provisions to the contrary in this  
26 Act, any State agency or public institution of higher education

1 which administers a construction program, for which federal law  
2 or regulations establish standards and procedures for the  
3 utilization of minority-owned and women-owned businesses and  
4 disadvantaged businesses, shall implement a disadvantaged  
5 business enterprise program to include minority-owned and  
6 women-owned businesses and disadvantaged businesses, using the  
7 federal standards and procedures for the establishment of goals  
8 and utilization procedures for the State-funded, as well as the  
9 federally assisted, portions of the program. In such cases,  
10 these goals shall not exceed those established pursuant to the  
11 relevant federal statutes or regulations. Notwithstanding the  
12 provisions of Section 8b, the Illinois Department of  
13 Transportation is authorized to establish sheltered markets  
14 for the State-funded portions of the program consistent with  
15 federal law and regulations. Additionally, a compliance plan  
16 which is filed by such State agency or public institution of  
17 higher education pursuant to this Act, which incorporates  
18 equivalent terms and conditions of its federally-approved  
19 compliance plan, shall be deemed approved under this Act.  
20 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)".