



Sen. James F. Clayborne, Jr.

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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 Section 20-60 and by adding Sections 20-7 and 50-80 as
6 follows:

7 (30 ILCS 500/20-7 new)

8 Sec. 20-7. Method of scoring.

9 (a) All procurement scoring rubrics for contracts entered
10 into under this Code shall account for and allocate 20% of the
11 total available points towards evaluation of each respondent's
12 commitment to diversity, and shall require supporting
13 documentation to that purpose.

14 (b) The scoring rubric requirements established under this
15 Section shall include, but not be limited to, the following:

16 (1) for publicly owned businesses, the number and

1 percentage of members of the respondent's governance board
2 who are women, minorities, or persons with disabilities;

3 (2) for privately owned businesses, the respondent
4 shall identify whether it or its affiliates are managed by
5 women, minorities, or persons with disabilities. For the
6 purposes of this paragraph (2), "managed by women,
7 minorities, or persons with disabilities" means being
8 owned or managed by a 51% or more combination of women,
9 minorities, or persons with disabilities;

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

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

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

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

25 (c) When a solicitation, including solicitations for sole
26 source contracts and contracts with group purchasing

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

9 (30 ILCS 500/20-60)

10 Sec. 20-60. Duration of contracts.

11 (a) Maximum duration. A contract may be entered into for
12 any period of time deemed to be in the best interests of the
13 State but not exceeding 10 years inclusive, beginning January
14 1, 2010, of proposed contract renewals. The length of a lease
15 for real property or capital improvements shall be in
16 accordance with the provisions of Section 40-25. The length of
17 energy conservation program contracts or energy savings
18 contracts or leases shall be in accordance with the provisions
19 of Section 25-45. A contract for bond or mortgage insurance
20 awarded by the Illinois Housing Development Authority,
21 however, may be entered into for any period of time less than
22 or equal to the maximum period of time that the subject bond or
23 mortgage may remain outstanding.

24 (b) Subject to appropriation. All contracts made or entered
25 into shall recite that they are subject to termination and

1 cancellation in any year for which the General Assembly fails
2 to make an appropriation to make payments under the terms of
3 the contract.

4 (c) The chief procurement officer shall file a proposed
5 extension or renewal of a contract with the Procurement Policy
6 Board prior to entering into any extension or renewal if the
7 cost associated with the extension or renewal exceeds \$249,999.
8 The Procurement Policy Board may object to the proposed
9 extension or renewal within 30 calendar days and require a
10 hearing before the Board prior to entering into the extension
11 or renewal. If the Procurement Policy Board does not object
12 within 30 calendar days or takes affirmative action to
13 recommend the extension or renewal, the chief procurement
14 officer may enter into the extension or renewal of a contract.
15 This subsection does not apply to any emergency procurement,
16 any procurement under Article 40, or any procurement exempted
17 by Section 1-10(b) of this Code. If any State agency contract
18 is paid for in whole or in part with federal-aid funds, grants,
19 or loans and the provisions of this subsection would result in
20 the loss of those federal-aid funds, grants, or loans, then the
21 contract is exempt from the provisions of this subsection in
22 order to remain eligible for those federal-aid funds, grants,
23 or loans, and the State agency shall file notice of this
24 exemption with the Procurement Policy Board prior to entering
25 into the proposed extension or renewal. Nothing in this
26 subsection permits a chief procurement officer to enter into an

1 extension or renewal in violation of subsection (a). By August
2 1 each year, the Procurement Policy Board shall file a report
3 with the General Assembly identifying for the previous fiscal
4 year (i) the proposed extensions or renewals that were filed
5 with the Board and whether the Board objected and (ii) the
6 contracts exempt from this subsection.

7 (d) No vendor shall be eligible for renewal of a contract
8 when that vendor has failed to meet the Business Enterprise
9 Program spending goal specified under the contract, and that
10 vendor is not otherwise excused from compliance under the
11 Business Enterprise Program Act.

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

13 (30 ILCS 500/50-80 new)

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

15 (a) All employees under each Chief Procurement Officer, as
16 defined under Section 1-15.15, shall complete annual training
17 for diversity and inclusion as prescribed by the Chief
18 Procurement Officer in consultation with the Executive Ethics
19 Commission.

20 (b) Each Chief Procurement Officer shall submit to the
21 Executive Ethics Commission an annual report that summarizes
22 diversity training that was completed during the previous year,
23 and lays out the plan for the diversity training programs in
24 the coming year. Each Chief Procurement Officer shall also
25 submit to the Executive Ethics Commission an annual report

1 detailing the current status of its diversity efforts, and an
2 action plan to increase diversity internally within their
3 respective offices, as well as a plan to increase the diversity
4 of their vendors engaged in contracts, with a particular focus
5 on those most underrepresented in contract awards.

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

9 (30 ILCS 575/4f)

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

11 Sec. 4f. Award of State contracts.

12 (1) It is hereby declared to be the public policy of the
13 State of Illinois to promote and encourage each State agency
14 and public institution of higher education to use businesses
15 owned by minorities, women, and persons with disabilities in
16 the area of goods and services, including, but not limited to,
17 insurance services, investment management services,
18 information technology services, accounting services,
19 architectural and engineering services, and legal services.
20 Furthermore, each State agency and public institution of higher
21 education shall utilize such firms to the greatest extent
22 feasible within the bounds of financial and fiduciary prudence,
23 and take affirmative steps to remove any barriers to the full
24 participation of such firms in the procurement and contracting

1 opportunities afforded.

2 (a) When a State agency or public institution of higher
3 education, other than a community college, awards a
4 contract for insurance services, for each State agency or
5 public institution of higher education, it shall be the
6 aspirational goal to use insurance brokers owned by
7 minorities, women, and persons with disabilities as
8 defined by this Act, for not less than 20% of the total
9 annual premiums or fees.

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

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

1 aspirational goal to use such firms owned by minorities,
2 women, and persons with disabilities as defined by this Act
3 and lawyers who are minorities, women, and persons with
4 disabilities as defined by this Act, for not less than 20%
5 of the total dollar amount of State contracts.

6 (d) When a community college awards a contract for
7 insurance services, investment services, information
8 technology services, accounting services, architectural
9 and engineering services, and legal services, it shall be
10 the aspirational goal of each community college to use
11 businesses owned by minorities, women, and persons with
12 disabilities as defined in this Act for not less than 20%
13 of the total amount spent on contracts for these services
14 collectively. When a community college awards contracts
15 for investment services, contracts awarded to investment
16 managers who are not emerging investment managers as
17 defined in this Act shall not be considered businesses
18 owned by minorities, women, or persons with disabilities
19 for the purposes of this Section.

20 (e) When a State agency or public institution of higher
21 education issues requests for proposals or solicitations,
22 including requests and solicitations for sole source
23 contracts and contracts with group purchasing
24 organizations, that fall within a service or product
25 offering that has a history of disparate awards to a class
26 of business owners that are underrepresented in contract

1 awards, it shall be the aspirational goal to use service or
2 product providers owned by minorities, women, and persons
3 with disabilities as defined by this Act for not less than
4 20% of the total dollar amount of State contracts. If the
5 State agency or public institution of higher education
6 believes that it may be difficult to properly assess the
7 minimum 20% aspirational goal, then it may appear before
8 the Council to seek a modification of the goal requirement
9 provided under this paragraph (e).

10 (2) As used in this Section:

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

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

1 of operating and maintenance manuals, and other related
2 services.

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

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

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

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

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

25 (4) Except as provided in subsection (5), the Council shall
26 file no later than March 1 of each year an annual report to the

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

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

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

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

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

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

24 (E) The total number of contracts awarded for services
25 by category and the total number of contracts awarded to
26 firms owned by minorities, women, and persons with

1 disabilities by each State agency and public institution of
2 higher education.

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

1 and Fiscal Year 2016, but shall make the report required by
2 this subsection for Fiscal Year 2017 and for each fiscal year
3 thereafter. The Business Enterprise Council shall report the
4 information in items (i), (ii), (iii), and (iv) of this
5 subsection beginning in September of 2016. The Business
6 Enterprise Council may collect the data needed to make its
7 report from the Illinois Community College Board.

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

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