



Sen. James F. Clayborne, Jr.

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1 AMENDMENT TO SENATE BILL 2365

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2365, AS AMENDED,  
3 in Section 5, Sec. 20-60, after the last sentence of subsection  
4 (d), by inserting "This subsection (d) does not apply to the  
5 renewal of contracts for construction or construction-related  
6 services."; and

7 in Section 5, Sec. 50-80, subsection (a), by replacing  
8 "Executive Ethics Commission" with "Business Enterprise  
9 Council"; and

10 in Section 5, Sec. 50-80, in the first sentence of subsection  
11 (b), by replacing "Executive Ethics Commission" with "Business  
12 Enterprise Council"; and

13 in Section 5, Sec. 50-80, subsection (b), by deleting ", as  
14 well as a plan to increase the diversity of their vendors  
15 engaged in contracts, with a particular focus on those most

1 underrepresented in contract awards"; and

2 in the introductory clause of Section 10 by replacing "Section  
3 4f" with "Sections 4f and 6"; and

4 in Section 10, Sec. 4f, after the last sentence of paragraph  
5 (c) of subsection (1), by inserting "In the case of State  
6 contracts for architectural and engineering services, the  
7 provisions of this subsection (c) requiring a portion of State  
8 contracts to be awarded to businesses owned and controlled by  
9 persons with disabilities do not apply."; and

10 in Section 10, after Sec. 4f, by inserting the following:

11 "(30 ILCS 575/6) (from Ch. 127, par. 132.606)

12 (Section scheduled to be repealed on June 30, 2020)

13 Sec. 6. Agency compliance plans. Each State agency and  
14 public institutions of higher education under the jurisdiction  
15 of this Act shall file with the Council an annual compliance  
16 plan which shall outline the goals of the State agency or  
17 public institutions of higher education for contracting with  
18 businesses owned by minorities, women, and persons with  
19 disabilities for the then current fiscal year, the manner in  
20 which the agency intends to reach these goals and a timetable  
21 for reaching these goals. The Council shall review and approve  
22 the plan of each State agency and public institutions of higher

1 education and may reject any plan that does not comply with  
2 this Act or any rules or regulations promulgated pursuant to  
3 this Act.

4 (a) The compliance plan shall also include, but not be  
5 limited to, (1) a policy statement, signed by the State agency  
6 or public institution of higher education head, expressing a  
7 commitment to encourage the use of businesses owned by  
8 minorities, women, and persons with disabilities, (2) the  
9 designation of the liaison officer provided for in Section 5 of  
10 this Act, (3) procedures to distribute to potential contractors  
11 and vendors the list of all businesses legitimately classified  
12 as businesses owned by minorities, women, and persons with  
13 disabilities and so certified under this Act, (4) procedures to  
14 set separate contract goals on specific prime contracts and  
15 purchase orders with subcontracting possibilities based upon  
16 the type of work or services and subcontractor availability,  
17 (5) procedures to assure that contractors and vendors make good  
18 faith efforts to meet contract goals, (6) procedures for  
19 contract goal exemption, modification and waiver, and (7) the  
20 delineation of separate contract goals for businesses owned by  
21 minorities, women, and persons with disabilities.

22 (b) Approval of the compliance plans shall include such  
23 delegation of responsibilities to the requesting State agency  
24 or public institution of higher education as the Council deems  
25 necessary and appropriate to fulfill the purpose of this Act.  
26 Such responsibilities may include, but need not be limited to

1 those outlined in subsections (1), (2) and (3) of Section 7,  
2 paragraph (a) of Section 8, and Section 8a of this Act.

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

15 (d) Notwithstanding any provisions to the contrary in this  
16 Act, any State agency or public institution of higher education  
17 which administers a construction program, for which federal law  
18 or regulations establish standards and procedures for the  
19 utilization of minority-owned and women-owned businesses and  
20 disadvantaged businesses, shall implement a disadvantaged  
21 business enterprise program to include minority-owned and  
22 women-owned businesses and disadvantaged businesses, using the  
23 federal standards and procedures for the establishment of goals  
24 and utilization procedures for the State-funded, as well as the  
25 federally assisted, portions of the program. In such cases,  
26 these goals shall not exceed those established pursuant to the

1 relevant federal statutes or regulations. Notwithstanding the  
2 provisions of Section 8b, the Illinois Department of  
3 Transportation is authorized to establish sheltered markets  
4 for the State-funded portions of the program consistent with  
5 federal law and regulations. Additionally, a compliance plan  
6 which is filed by such State agency or public institution of  
7 higher education pursuant to this Act, which incorporates  
8 equivalent terms and conditions of its federally-approved  
9 compliance plan, shall be deemed approved under this Act.

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