

1 AN ACT concerning State government.

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

4 Section 5. The Attorney General Act is amended by adding  
5 Section 9 as follows:

6 (15 ILCS 205/9 new)

7 Sec. 9. Contract aspirational goals. The Attorney General  
8 shall establish aspirational goals for contract awards for all  
9 contracts for goods and services, not including contracts for  
10 services relating to investigations or litigation. These  
11 aspirational goals shall be substantially in accordance with  
12 the Business Enterprise for Minorities, Women, and Persons with  
13 Disabilities Act, unless otherwise governed by other law. The  
14 Attorney General shall not be subject to the jurisdiction of  
15 the Business Enterprise Council established under the Business  
16 Enterprise for Minorities, Women, and Persons with  
17 Disabilities Act with regard to steps taken to achieve  
18 aspirational goals. The Attorney General shall annually post  
19 information regarding the Office's utilization of businesses  
20 owned by minorities, women, and persons with disabilities  
21 during the preceding fiscal year on the Office's Internet  
22 websites.

1 Section 10. The Secretary of State Act is amended by adding  
2 Section 19 as follows:

3 (15 ILCS 305/19 new)

4 Sec. 19. Contract aspirational goals. The Secretary of  
5 State shall establish aspirational goals for contract awards  
6 substantially in accordance with the Business Enterprise for  
7 Minorities, Women, and Persons with Disabilities Act, unless  
8 otherwise governed by other law. The Secretary of State shall  
9 not be subject to the jurisdiction of the Business Enterprise  
10 Council established under the Business Enterprise for  
11 Minorities, Women, and Persons with Disabilities Act with  
12 regard to steps taken to achieve aspirational goals. The  
13 Secretary of State shall annually post the Office's utilization  
14 of businesses owned by minorities, women, and persons with  
15 disabilities during the preceding fiscal year on the Office's  
16 Internet websites.

17 Section 15. The State Comptroller Act is amended by  
18 changing Section 23.9, and by adding Section 23.10 as follows:

19 (15 ILCS 405/23.9)

20 Sec. 23.9. Minority Contractor Opportunity Initiative. The  
21 State Comptroller Minority Contractor Opportunity Initiative  
22 is created to provide greater opportunities for minority-owned  
23 businesses, women-owned businesses, businesses owned by

1 persons with disabilities, and small businesses with 20 or  
2 fewer employees in this State to participate in the State  
3 procurement process. The initiative shall be administered by  
4 the Comptroller. Under this initiative, the Comptroller is  
5 responsible for the following: (i) outreach to minority-owned  
6 businesses, women-owned businesses, businesses owned by  
7 persons with disabilities, and small businesses capable of  
8 providing services to the State; (ii) education of  
9 minority-owned businesses, women-owned businesses, businesses  
10 owned by persons with disabilities, and small businesses  
11 concerning State contracting and procurement; (iii)  
12 notification of minority-owned businesses, women-owned  
13 businesses, businesses owned by persons with disabilities, and  
14 small businesses of State contracting opportunities; and (iv)  
15 maintenance of an online database of State contracts that  
16 identifies the contracts awarded to minority-owned businesses,  
17 women-owned businesses, businesses owned by persons with  
18 disabilities, and small businesses that includes the total  
19 amount paid by State agencies to contractors and the percentage  
20 paid to minority-owned businesses, women-owned businesses,  
21 businesses owned by persons with disabilities, and small  
22 businesses.

23 The ~~Comptroller shall work with the~~ Business Enterprise  
24 Council created under Section 5 of the Business Enterprise for  
25 Minorities, Women, and Persons with Disabilities Act shall  
26 provide the Comptroller with names, Federal Employer

1 Identification Numbers, and designations of Business  
2 Enterprise Program certified vendors to fulfill the  
3 Comptroller's responsibilities under this Section, including,  
4 but not limited to, ~~The Comptroller may rely on the Business~~  
5 ~~Enterprise Council's~~ identification of minority-owned  
6 businesses, women-owned businesses, and businesses owned by  
7 persons with disabilities.

8 The Comptroller shall annually prepare and submit a report  
9 to the Governor and the General Assembly concerning the  
10 progress of this initiative including the following  
11 information for the preceding fiscal ~~calendar~~ year: (i) a  
12 statement of the total amounts paid by each executive branch  
13 agency to contractors since the previous report; (ii) the  
14 percentage of the amounts that were paid to minority-owned  
15 businesses, women-owned businesses, businesses owned by  
16 persons with disabilities, and small businesses; (iii) the  
17 successes achieved and the challenges faced by the Comptroller  
18 in operating outreach programs for minorities, women, persons  
19 with disabilities, and small businesses; (iv) the challenges  
20 each executive branch agency may face in hiring qualified  
21 minority, woman, and small business employees and employees  
22 with disabilities and contracting with qualified  
23 minority-owned businesses, women-owned businesses, businesses  
24 owned by persons with disabilities, and small businesses; and  
25 (v) ~~(iv)~~ any other information, findings, conclusions, and  
26 recommendations for legislative or agency action, as the

1 Comptroller deems appropriate.

2 On and after the effective date of this amendatory Act of  
3 the 97th General Assembly, any bidder or offeror awarded a  
4 contract of \$1,000 or more under Section 20-10, 20-15, 20-25,  
5 or 20-30 of the Illinois Procurement Code is required to pay a  
6 fee of \$15 to cover expenses related to the administration of  
7 this Section. The Comptroller shall deduct the fee from the  
8 first check issued to the vendor under the contract and deposit  
9 the fee into the Comptroller's Administrative Fund. Contracts  
10 administered for statewide orders placed by agencies (commonly  
11 referred to as "statewide master contracts") are exempt from  
12 this fee.

13 Each Chief Procurement Officer shall provide the  
14 Comptroller with names and Federal Employer Identification  
15 Numbers of vendors registered in the Illinois Small Business  
16 Set Aside Program to aid the Comptroller in fulfilling his or  
17 her responsibilities under this Section.

18 (Source: P.A. 99-143, eff. 7-27-15; 100-391, eff. 8-25-17.)

19 (15 ILCS 405/23.10 new)

20 Sec. 23.10. Contract aspirational goals. The Comptroller  
21 shall establish aspirational goals for contract awards  
22 substantially in accordance with the Business Enterprise for  
23 Minorities, Women, and Persons with Disabilities Act, unless  
24 otherwise governed by other law. The Comptroller shall not be  
25 subject to the jurisdiction of the Business Enterprise Council

1 established under the Business Enterprise for Minorities,  
2 Women, and Persons with Disabilities Act with regard to steps  
3 taken to achieve aspirational goals. The Comptroller shall  
4 annually post the Office's utilization of businesses owned by  
5 minorities, women, and persons with disabilities during the  
6 preceding fiscal year on the Office's Internet websites.

7 Section 20. The Illinois State Auditing Act is amended by  
8 adding Section 2-16 as follows:

9 (30 ILCS 5/2-16 new)

10 Sec. 2-16. Contract aspirational goals. The Auditor  
11 General shall establish aspirational goals for contract awards  
12 substantially in accordance the Business Enterprise for  
13 Minorities, Women, and Persons with Disabilities Act, unless  
14 otherwise governed by other law. The Auditor General shall not  
15 be subject to the jurisdiction of the Business Enterprise  
16 Council established under the Business Enterprise for  
17 Minorities, Women, and Persons with Disabilities Act with  
18 regard to steps taken to achieve aspirational goals. The  
19 Auditor General shall annually post the Office's utilization of  
20 businesses owned by minorities, women, and persons with  
21 disabilities during the preceding fiscal year on the Office's  
22 Internet websites.

23 Section 25. The Business Enterprise for Minorities, Women,

1 and Persons with Disabilities Act is amended by changing  
2 Section 5 as follows:

3 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

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

5 Sec. 5. Business Enterprise Council.

6 (1) To help implement, monitor and enforce the goals of  
7 this Act, there is created the Business Enterprise Council for  
8 Minorities, Women, and Persons with Disabilities, hereinafter  
9 referred to as the Council, composed of the Secretary of Human  
10 Services and the Directors of the Department of Human Rights,  
11 the Department of Commerce and Economic Opportunity, the  
12 Department of Central Management Services, the Department of  
13 Transportation and the Capital Development Board, or their duly  
14 appointed representatives, with the Comptroller, or his or her  
15 designee, serving as an advisory member of the Council. Ten  
16 individuals representing businesses that are minority-owned or  
17 women-owned or owned by persons with disabilities, 2  
18 individuals representing the business community, and a  
19 representative of public institutions of higher education  
20 shall be appointed by the Governor. These members shall serve 2  
21 year terms and shall be eligible for reappointment. Any vacancy  
22 occurring on the Council shall also be filled by the Governor.  
23 Any member appointed to fill a vacancy occurring prior to the  
24 expiration of the term for which his predecessor was appointed  
25 shall be appointed for the remainder of such term. Members of

1 the Council shall serve without compensation but shall be  
2 reimbursed for any ordinary and necessary expenses incurred in  
3 the performance of their duties.

4 The Director of the Department of Central Management  
5 Services shall serve as the Council chairperson and shall  
6 select, subject to approval of the council, a Secretary  
7 responsible for the operation of the program who shall serve as  
8 the Division Manager of the Business Enterprise for Minorities,  
9 Women, and Persons with Disabilities Division of the Department  
10 of Central Management Services.

11 The Director of each State agency and the chief executive  
12 officer of each public institutions of higher education shall  
13 appoint a liaison to the Council. The liaison shall be  
14 responsible for submitting to the Council any reports and  
15 documents necessary under this Act.

16 (2) The Council's authority and responsibility shall be to:

17 (a) Devise a certification procedure to assure that  
18 businesses taking advantage of this Act are legitimately  
19 classified as businesses owned by minorities, women, or  
20 persons with disabilities.

21 (b) Maintain a list of all businesses legitimately  
22 classified as businesses owned by minorities, women, or  
23 persons with disabilities to provide to State agencies and  
24 public institutions of higher education.

25 (c) Review rules and regulations for the  
26 implementation of the program for businesses owned by



1 minorities, women, and persons with disabilities.

2 (d) Review compliance plans submitted by each State  
3 agency and public institutions of higher education  
4 pursuant to this Act.

5 (e) Make annual reports as provided in Section 8f to  
6 the Governor and the General Assembly on the status of the  
7 program.

8 (f) Serve as a central clearinghouse for information on  
9 State contracts, including the maintenance of a list of all  
10 pending State contracts upon which businesses owned by  
11 minorities, women, and persons with disabilities may bid.  
12 At the Council's discretion, maintenance of the list may  
13 include 24-hour electronic access to the list along with  
14 the bid and application information.

15 (g) Establish a toll free telephone number to  
16 facilitate information requests concerning the  
17 certification process and pending contracts.

18 (3) No premium bond rate of a surety company for a bond  
19 required of a business owned by a minority, woman, or person  
20 with a disability bidding for a State contract shall be higher  
21 than the lowest rate charged by that surety company for a  
22 similar bond in the same classification of work that would be  
23 written for a business not owned by a minority, woman, or  
24 person with a disability.

25 (4) Any Council member who has direct financial or personal  
26 interest in any measure pending before the Council shall

1 disclose this fact to the Council and refrain from  
2 participating in the determination upon such measure.

3 (5) The Secretary shall have the following duties and  
4 responsibilities:

5 (a) To be responsible for the day-to-day operation of  
6 the Council.

7 (b) To serve as a coordinator for all of the State's  
8 programs for businesses owned by minorities, women, and  
9 persons with disabilities and as the information and  
10 referral center for all State initiatives for businesses  
11 owned by minorities, women, and persons with disabilities.

12 (c) To establish an enforcement procedure whereby the  
13 Council may recommend to the appropriate State legal  
14 officer that the State exercise its legal remedies which  
15 shall include (1) termination of the contract involved, (2)  
16 prohibition of participation by the respondent in public  
17 contracts for a period not to exceed 3 years, (3)  
18 imposition of a penalty not to exceed any profit acquired  
19 as a result of violation, or (4) any combination thereof.  
20 Such procedures shall require prior approval by Council.

21 (d) To devise appropriate policies, regulations and  
22 procedures for including participation by businesses owned  
23 by minorities, women, and persons with disabilities as  
24 prime contractors including, but not limited to, (i)  
25 encouraging the inclusions of qualified businesses owned  
26 by minorities, women, and persons with disabilities on

1 solicitation lists, (ii) investigating the potential of  
2 blanket bonding programs for small construction jobs,  
3 (iii) investigating and making recommendations concerning  
4 the use of the sheltered market process.

5 (e) To devise procedures for the waiver of the  
6 participation goals in appropriate circumstances.

7 (f) To accept donations and, with the approval of the  
8 Council or the Director of Central Management Services,  
9 grants related to the purposes of this Act; to conduct  
10 seminars related to the purpose of this Act and to charge  
11 reasonable registration fees; and to sell directories,  
12 vendor lists and other such information to interested  
13 parties, except that forms necessary to become eligible for  
14 the program shall be provided free of charge to a business  
15 or individual applying for the program.

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

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.