



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3566

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Provides requirements concerning a scoring methodology for competitive sealed proposals under the Code. Provides that no vendor shall be eligible for renewal of a contract when that vendor has failed to meet the goals agreed to in the vendor's utilization plan unless the State agency has determined that the vendor made good faith efforts toward meeting the contract goals and has issued a waiver or that vendor is not otherwise excused from compliance by the chief procurement officer in consultation with the purchasing State Agency. Provides for the form and content of waivers and for a database of waivers. Provides for diversity training. Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that when a State agency or public institution of higher education issues competitive solicitations and the award history for a service or supply category shows awards to a class of business owners that are underrepresented, the Council shall determine the reason for the disparity and shall identify potential and appropriate methods to minimize or eliminate the cause for the disparity. Requires each State agency and public institution of higher education to file an annual report of its utilization of businesses owned by minorities, women, and persons with disabilities that includes, among other requirements, a plan to increase the diversity of the vendors engaged in contracts with the State agency or public institution of higher education, with a particular focus on the most underrepresented in contract awards. Defines terms. Makes conforming changes. Effective July 1, 2019.

LRB101 10964 RJF 56141 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 Illinois Procurement Code is amended by
5 changing Sections 20-15, 20-60, and 35-30 and by adding Section
6 50-85 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
17 proposals shall be published in the Illinois Procurement
18 Bulletin at least 14 calendar days before the date set in the
19 invitation for the opening of proposals.

20 (d) Receipt of proposals. Proposals shall be opened
21 publicly or via an electronic procurement system in the
22 presence of one or more witnesses at the time and place
23 designated in the request for proposals, but proposals shall be

1 opened in a manner to avoid disclosure of contents to competing
2 offerors during the process of negotiation. A record of
3 proposals shall be prepared and shall be open for public
4 inspection after contract award.

5 (e) Evaluation factors. The requests for proposals shall
6 state the relative importance of price and other evaluation
7 factors. Proposals shall be submitted in 2 parts: the first,
8 ~~covering items except~~ price; and the second, commitment to
9 diversity; and the third, all other items. Each part of all
10 proposals shall be evaluated and ranked independently of the
11 other parts of all proposals. The results of the evaluation of
12 all 3 parts shall be used in ranking of proposals covering
13 price. ~~The first part of all proposals shall be evaluated and~~
14 ~~ranked independently of the second part of all proposals.~~

15 (e-5) Method of scoring.

16 (1) The point scoring methodology for competitive
17 sealed proposals shall provide points for commitment to
18 diversity. Those points shall be equivalent to 20% of the
19 points assigned to the third part of the proposal, all
20 other items.

21 (2) Factors to be considered in the award of these
22 points shall be set by rule by the applicable chief
23 procurement officer and may include, but are not limited
24 to:

25 (A) whether or how well the respondent, on the
26 solicitation being evaluated, met the goal of

1 contracting or subcontracting with businesses owned by
2 women, minorities, or persons with disabilities;

3 (B) whether the respondent, on the solicitation
4 being evaluated, assisted businesses owned by women,
5 minorities, or persons with disabilities in obtaining
6 lines of credit, insurance, necessary equipment,
7 supplies, materials, or related assistance or
8 services;

9 (C) the percentage of prior year revenues of the
10 respondent that involve businesses owned by women,
11 minorities, or persons with disabilities;

12 (D) whether the respondent has a written supplier
13 diversity program, including, but not limited to, use
14 of diversity vendors in the supply chain and a training
15 or mentoring program with businesses owned by women,
16 minorities, or persons with disabilities; and

17 (E) the percentage of members of the respondent's
18 governing board, senior executives, and managers who
19 are women, minorities, or persons with disabilities.

20 (3) If any State agency or public institution of higher
21 education contract is eligible to be paid for or
22 reimbursed, in whole or in part, with federal-aid funds,
23 grants, or loans, and the provisions of this subsection
24 (e-5) would result in the loss of those federal-aid funds,
25 grants, or loans, then the contract is exempt from the
26 provisions of this Section in order to remain eligible for

1 those federal-aid funds, grants, or loans. For the purposes
2 of this subsection (e-5):

3 "Manager" means a person who controls or administers
4 all or part of a company or similar organization.

5 "Minorities" has the same meaning as "minority person"
6 under Section 2 of the Business Enterprise for Minorities,
7 Women, and Persons with Disabilities Act.

8 "Persons with disabilities" has the same meaning as
9 "person with a disability" under Section 2 of the Business
10 Enterprise for Minorities, Women, and Persons with
11 Disabilities Act.

12 "Senior executive" means the chief executive officer,
13 chief operating officer, chief financial officer, or
14 anyone else in charge of a principal business unit or
15 function.

16 "Women" has the same meaning as "woman" under Section 2
17 of the Business Enterprise for Minorities, Women, and
18 Persons with Disabilities Act.

19 (f) Discussion with responsible offerors and revisions of
20 offers or proposals. As provided in the request for proposals
21 and under rules, discussions may be conducted with responsible
22 offerors who submit offers or proposals determined to be
23 reasonably susceptible of being selected for award for the
24 purpose of clarifying and assuring full understanding of and
25 responsiveness to the solicitation requirements. Those
26 offerors shall be accorded fair and equal treatment with

1 respect to any opportunity for discussion and revision of
2 proposals. Revisions may be permitted after submission and
3 before award for the purpose of obtaining best and final
4 offers. In conducting discussions there shall be no disclosure
5 of any information derived from proposals submitted by
6 competing offerors. If information is disclosed to any offeror,
7 it shall be provided to all competing offerors.

8 (g) Award. Awards shall be made to the responsible offeror
9 whose proposal is determined in writing to be the most
10 advantageous to the State, taking into consideration price and
11 the evaluation factors set forth in the request for proposals.
12 The contract file shall contain the basis on which the award is
13 made.

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

15 (30 ILCS 500/20-60)

16 Sec. 20-60. Duration of contracts.

17 (a) Maximum duration. A contract may be entered into for
18 any period of time deemed to be in the best interests of the
19 State but not exceeding 10 years inclusive, beginning January
20 1, 2010, of proposed contract renewals. Third parties may lease
21 State-owned dark fiber networks for any period of time deemed
22 to be in the best interest of the State, but not exceeding 20
23 years. The length of a lease for real property or capital
24 improvements shall be in accordance with the provisions of
25 Section 40-25. The length of energy conservation program

1 contracts or energy savings contracts or leases shall be in
2 accordance with the provisions of Section 25-45. A contract for
3 bond or mortgage insurance awarded by the Illinois Housing
4 Development Authority, however, may be entered into for any
5 period of time less than or equal to the maximum period of time
6 that the subject bond or mortgage may remain outstanding.

7 (b) Subject to appropriation. All contracts made or entered
8 into shall recite that they are subject to termination and
9 cancellation in any year for which the General Assembly fails
10 to make an appropriation to make payments under the terms of
11 the contract.

12 (c) The chief procurement officer shall file a proposed
13 extension or renewal of a contract with the Procurement Policy
14 Board prior to entering into any extension or renewal if the
15 cost associated with the extension or renewal exceeds \$249,999.
16 The Procurement Policy Board may object to the proposed
17 extension or renewal within 30 calendar days and require a
18 hearing before the Board prior to entering into the extension
19 or renewal. If the Procurement Policy Board does not object
20 within 30 calendar days or takes affirmative action to
21 recommend the extension or renewal, the chief procurement
22 officer may enter into the extension or renewal of a contract.
23 This subsection does not apply to any emergency procurement,
24 any procurement under Article 40, or any procurement exempted
25 by Section 1-10(b) of this Code. If any State agency contract
26 is paid for in whole or in part with federal-aid funds, grants,

1 or loans and the provisions of this subsection would result in
2 the loss of those federal-aid funds, grants, or loans, then the
3 contract is exempt from the provisions of this subsection in
4 order to remain eligible for those federal-aid funds, grants,
5 or loans, and the State agency shall file notice of this
6 exemption with the Procurement Policy Board prior to entering
7 into the proposed extension or renewal. Nothing in this
8 subsection permits a chief procurement officer to enter into an
9 extension or renewal in violation of subsection (a). By August
10 1 each year, the Procurement Policy Board shall file a report
11 with the General Assembly identifying for the previous fiscal
12 year (i) the proposed extensions or renewals that were filed
13 with the Board and whether the Board objected and (ii) the
14 contracts exempt from this subsection.

15 (d) Notwithstanding the provisions of subsection (a) of
16 this Section, the Department of Innovation and Technology may
17 enter into leases for dark fiber networks for any period of
18 time deemed to be in the best interests of the State but not
19 exceeding 20 years inclusive. The Department of Innovation and
20 Technology may lease dark fiber networks from third parties
21 only for the primary purpose of providing services ~~to~~ (i) to
22 the offices of Governor, Lieutenant Governor, Attorney
23 General, Secretary of State, Comptroller, or Treasurer and
24 State agencies, as defined under Section 5-15 of the Civil
25 Administrative Code of Illinois or (ii) for anchor
26 institutions, as defined in Section 7 of the Illinois Century

1 Network Act. Dark fiber network lease contracts shall be
2 subject to all other provisions of this Code and any applicable
3 rules or requirements, including, but not limited to,
4 publication of lease solicitations, use of standard State
5 contracting terms and conditions, and approval of vendor
6 certifications and financial disclosures.

7 (e) As used in this Section, "dark fiber network" means a
8 network of fiber optic cables laid but currently unused by a
9 third party that the third party is leasing for use as network
10 infrastructure.

11 (f) No vendor shall be eligible for renewal of a contract
12 when that vendor has failed to meet the goals agreed to in the
13 vendor's utilization plan unless the State agency has
14 determined that the vendor made good faith efforts toward
15 meeting the contract goals and has issued a waiver or that
16 vendor is not otherwise excused from compliance by the chief
17 procurement officer in consultation with the purchasing State
18 Agency. The form and content of the waiver shall be prescribed
19 by each chief procurement officer who shall maintain on his or
20 her official website a database of waivers granted under this
21 Section with respect to contracts under his or her
22 jurisdiction. The database shall be updated periodically and
23 shall be searchable by contractor name and by contracting State
24 agency or public institution of higher education.

25 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
26 revised 10-11-18.)

1 (30 ILCS 500/35-30)

2 Sec. 35-30. Awards.

3 (a) All State contracts for professional and artistic
4 services, except as provided in this Section, shall be awarded
5 using the competitive request for proposal process outlined in
6 this Section.The scoring for requests for proposals shall
7 include the commitment to diversity factors and methodology
8 described in subsection (e-5) of Section 20-15.

9 (b) For each contract offered, the chief procurement
10 officer, State purchasing officer, or his or her designee shall
11 use the appropriate standard solicitation forms available from
12 the chief procurement officer for matters other than
13 construction or the higher education chief procurement
14 officer.

15 (c) Prepared forms shall be submitted to the chief
16 procurement officer for matters other than construction or the
17 higher education chief procurement officer, whichever is
18 appropriate, for publication in its Illinois Procurement
19 Bulletin and circulation to the chief procurement officer for
20 matters other than construction or the higher education chief
21 procurement officer's list of prequalified vendors. Notice of
22 the offer or request for proposal shall appear at least 14
23 calendar days before the response to the offer is due.

24 (d) All interested respondents shall return their
25 responses to the chief procurement officer for matters other

1 than construction or the higher education chief procurement
2 officer, whichever is appropriate, which shall open and record
3 them. The chief procurement officer for matters other than
4 construction or higher education chief procurement officer
5 then shall forward the responses, together with any information
6 it has available about the qualifications and other State work
7 of the respondents.

8 (e) After evaluation, ranking, and selection, the
9 responsible chief procurement officer, State purchasing
10 officer, or his or her designee shall notify the chief
11 procurement officer for matters other than construction or the
12 higher education chief procurement officer, whichever is
13 appropriate, of the successful respondent and shall forward a
14 copy of the signed contract for the chief procurement officer
15 for matters other than construction or higher education chief
16 procurement officer's file. The chief procurement officer for
17 matters other than construction or higher education chief
18 procurement officer shall publish the names of the responsible
19 procurement decision-maker, the agency letting the contract,
20 the successful respondent, a contract reference, and value of
21 the let contract in the next appropriate volume of the Illinois
22 Procurement Bulletin.

23 (f) For all professional and artistic contracts with
24 annualized value that exceeds \$100,000, evaluation and ranking
25 by price are required. Any chief procurement officer or State
26 purchasing officer, but not their designees, may select a

1 respondent other than the lowest respondent by price. In any
2 case, when the contract exceeds the \$100,000 threshold and the
3 lowest respondent is not selected, the chief procurement
4 officer or the State purchasing officer shall forward together
5 with the contract notice of who the low respondent by price was
6 and a written decision as to why another was selected to the
7 chief procurement officer for matters other than construction
8 or the higher education chief procurement officer, whichever is
9 appropriate. The chief procurement officer for matters other
10 than construction or higher education chief procurement
11 officer shall publish as provided in subsection (e) of Section
12 35-30, but shall include notice of the chief procurement
13 officer's or State purchasing officer's written decision.

14 (g) The chief procurement officer for matters other than
15 construction and higher education chief procurement officer
16 may each refine, but not contradict, this Section by
17 promulgating rules for submission to the Procurement Policy
18 Board and then to the Joint Committee on Administrative Rules.
19 Any refinement shall be based on the principles and procedures
20 of the federal Architect-Engineer Selection Law, Public Law
21 92-582 Brooks Act, and the Architectural, Engineering, and Land
22 Surveying Qualifications Based Selection Act; except that
23 pricing shall be an integral part of the selection process.

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

1 Sec. 50-85. Diversity training.(a) Each chief procurement
2 officer, State purchasing officer, procurement compliance
3 monitor, applicable support staff of each chief procurement
4 officer, State agency purchasing and contracting staff, those
5 identified under subsection (c) of Section 5-45 of the State
6 Officials and Employees Ethics Act who have the authority to
7 participate personally and substantially in the award of State
8 contracts, and any other State agency staff with substantial
9 procurement and contracting responsibilities as determined by
10 the chief procurement officer, in consultation with the State
11 agency, shall complete annual training for diversity and
12 inclusion. Each chief procurement officer shall prescribe the
13 program of diversity and inclusion training appropriate for
14 each chief procurement officer's jurisdiction.

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

18 (30 ILCS 575/4f)

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

20 Sec. 4f. Award of State contracts.

21 (1) It is hereby declared to be the public policy of the
22 State of Illinois to promote and encourage each State agency
23 and public institution of higher education to use businesses
24 owned by minorities, women, and persons with disabilities in

1 the area of goods and services, including, but not limited to,
2 insurance services, investment management services,
3 information technology services, accounting services,
4 architectural and engineering services, and legal services.
5 Furthermore, each State agency and public institution of higher
6 education shall utilize such firms to the greatest extent
7 feasible within the bounds of financial and fiduciary prudence,
8 and take affirmative steps to remove any barriers to the full
9 participation of such firms in the procurement and contracting
10 opportunities afforded.

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

19 (b) When a State agency or public institution of higher
20 education, other than a community college, awards a
21 contract for investment services, for each State agency or
22 public institution of higher education, it shall be the
23 aspirational goal to use emerging investment managers
24 owned by minorities, women, and persons with disabilities
25 as defined by this Act, for not less than 20% of the total
26 funds under management. Furthermore, it is the

1 aspirational goal that not less than 20% of the direct
2 asset managers of the State funds be minorities, women, and
3 persons with disabilities.

4 (c) When a State agency or public institution of higher
5 education, other than a community college, awards
6 contracts for information technology services, accounting
7 services, architectural and engineering services, and
8 legal services, for each State agency and public
9 institution of higher education, it shall be the
10 aspirational goal to use such firms owned by minorities,
11 women, and persons with disabilities as defined by this Act
12 and lawyers who are minorities, women, and persons with
13 disabilities as defined by this Act, for not less than 20%
14 of the total dollar amount of State contracts.

15 (d) When a community college awards a contract for
16 insurance services, investment services, information
17 technology services, accounting services, architectural
18 and engineering services, and legal services, it shall be
19 the aspirational goal of each community college to use
20 businesses owned by minorities, women, and persons with
21 disabilities as defined in this Act for not less than 20%
22 of the total amount spent on contracts for these services
23 collectively. When a community college awards contracts
24 for investment services, contracts awarded to investment
25 managers who are not emerging investment managers as
26 defined in this Act shall not be considered businesses

1 owned by minorities, women, or persons with disabilities
2 for the purposes of this Section.

3 (e) When a State agency or public institution of higher
4 education issues competitive solicitations and the award
5 history for a service or supply category shows awards to a
6 class of business owners that are underrepresented, the
7 Council shall determine the reason for the disparity and
8 shall identify potential and appropriate methods to
9 minimize or eliminate the cause for the disparity.

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

18 (2) As used in this Section:

19 "Accounting services" means the measurement,
20 processing and communication of financial information
21 about economic entities including, but is not limited to,
22 financial accounting, management accounting, auditing,
23 cost containment and auditing services, taxation and
24 accounting information systems.

25 "Architectural and engineering services" means
26 professional services of an architectural or engineering

1 nature, or incidental services, that members of the
2 architectural and engineering professions, and individuals
3 in their employ, may logically or justifiably perform,
4 including studies, investigations, surveying and mapping,
5 tests, evaluations, consultations, comprehensive planning,
6 program management, conceptual designs, plans and
7 specifications, value engineering, construction phase
8 services, soils engineering, drawing reviews, preparation
9 of operating and maintenance manuals, and other related
10 services.

11 "Emerging investment manager" means an investment
12 manager or claims consultant having assets under
13 management below \$10 billion or otherwise adjudicating
14 claims.

15 "Information technology services" means, but is not
16 limited to, specialized technology-oriented solutions by
17 combining the processes and functions of software,
18 hardware, networks, telecommunications, web designers,
19 cloud developing resellers, and electronics.

20 "Insurance broker" means an insurance brokerage firm,
21 claims administrator, or both, that procures, places all
22 lines of insurance, or administers claims with annual
23 premiums or fees of at least \$5,000,000 but not more than
24 \$10,000,000.

25 "Legal services" means work performed by a lawyer
26 including, but not limited to, contracts in anticipation of

1 litigation, enforcement actions, or investigations.

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

7 (4) Except as provided in subsection (5), the Council shall
8 file no later than March 1 of each year an annual report to the
9 Governor and the General Assembly. The report filed with the
10 General Assembly shall be filed as required in Section 3.1 of
11 the General Assembly Organization Act. This report shall: (i)
12 identify the service firms used by each State agency and public
13 institution of higher education, (ii) identify the actions it
14 has undertaken to increase the use of service firms owned by
15 minorities, women, and persons with disabilities, including
16 encouraging non-minority-owned firms to use other service
17 firms owned by minorities, women, and persons with disabilities
18 as subcontractors when the opportunities arise, (iii) state any
19 recommendations made by the Council to each State agency and
20 public institution of higher education to increase
21 participation by the use of service firms owned by minorities,
22 women, and persons with disabilities, and (iv) include the
23 following:

24 (A) For insurance services: the names of the insurance
25 brokers or claims consultants used, the total of risk
26 managed by each State agency and public institution of

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

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

19 (C) The names of service firms, the percentage and
20 total dollar amount paid for professional services by
21 category by each State agency and public institution of
22 higher education.

23 (D) The names of service firms, the percentage and
24 total dollar amount paid for services by category to firms
25 owned by minorities, women, and persons with disabilities
26 by each State agency and public institution of higher

1 education.

2 (E) The total number of contracts awarded for services
3 by category and the total number of contracts awarded to
4 firms owned by minorities, women, and persons with
5 disabilities by each State agency and public institution of
6 higher education.

7 (5) For community college districts, the Business
8 Enterprise Council shall only report the following information
9 for each community college district: (i) the name of the
10 community colleges in the district, (ii) the name and contact
11 information of a person at each community college appointed to
12 be the single point of contact for vendors owned by minorities,
13 women, or persons with disabilities, (iii) the policy of the
14 community college district concerning certified vendors, (iv)
15 the certifications recognized by the community college
16 district for determining whether a business is owned or
17 controlled by a minority, woman, or person with a disability,
18 (v) outreach efforts conducted by the community college
19 district to increase the use of certified vendors, (vi) the
20 total expenditures by the community college district in the
21 prior fiscal year in the divisions of work specified in
22 paragraphs (a), (b), and (c) of subsection (1) of this Section
23 and the amount paid to certified vendors in those divisions of
24 work, and (vii) the total number of contracts entered into for
25 the divisions of work specified in paragraphs (a), (b), and (c)
26 of subsection (1) of this Section and the total number of

1 contracts awarded to certified vendors providing these
2 services to the community college district. The Business
3 Enterprise Council shall not make any utilization reports under
4 this Act for community college districts for Fiscal Year 2015
5 and Fiscal Year 2016, but shall make the report required by
6 this subsection for Fiscal Year 2017 and for each fiscal year
7 thereafter. The Business Enterprise Council shall report the
8 information in items (i), (ii), (iii), and (iv) of this
9 subsection beginning in September of 2016. The Business
10 Enterprise Council may collect the data needed to make its
11 report from the Illinois Community College Board.

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

1 (b), and (c) of subsection (1) of this Section.

2 (Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;
3 100-391, eff. 8-25-17.)

4 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

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

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

19 (a) The compliance plan shall also include, but not be
20 limited to, (1) a policy statement, signed by the State agency
21 or public institution of higher education head, expressing a
22 commitment to encourage the use of businesses owned by
23 minorities, women, and persons with disabilities, (2) the
24 designation of the liaison officer provided for in Section 5 of
25 this Act, (3) procedures to distribute to potential contractors

1 and vendors the list of all businesses legitimately classified
2 as businesses owned by minorities, women, and persons with
3 disabilities and so certified under this Act, (4) procedures to
4 set separate contract goals on specific prime contracts and
5 purchase orders with subcontracting possibilities based upon
6 the type of work or services and subcontractor availability,
7 (5) procedures to assure that contractors and vendors make good
8 faith efforts to meet contract goals, (6) procedures for
9 contract goal exemption, modification and waiver, and (7) the
10 delineation of separate contract goals for businesses owned by
11 minorities, women, and persons with disabilities.

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

19 (c) Each State agency and public institution of higher
20 education under the jurisdiction of this Act shall file with
21 the Council an annual report of its utilization of businesses
22 owned by minorities, women, and persons with disabilities
23 during the preceding fiscal year including lapse period
24 spending and a mid-fiscal year report of its utilization to
25 date for the then current fiscal year. The reports shall
26 include a self-evaluation of the efforts of the State agency or

1 public institution of higher education to meet its goals under
2 the Act, as well as a plan to increase the diversity of the
3 vendors engaged in contracts with the State agency or public
4 institution of higher education, with a particular focus on the
5 most underrepresented in contract awards.

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

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

2 Section 99. Effective date. This Act takes effect July 1,
3 2019.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 500/20-15

4 30 ILCS 500/20-60

5 30 ILCS 500/35-30

6 30 ILCS 500/50-85 new

7 30 ILCS 575/4f

8 30 ILCS 575/6 from Ch. 127, par. 132.606