



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5864

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-120
30 ILCS 575/8k new

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Provides that no voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract requiring payment to a subcontractor by a vendor unless it includes specified vendor information, including such information concerning Business Enterprise Program certified vendors and disadvantaged business enterprise certified vendors. Requires each State agency to publish on its website the specified information for each voucher and to provide that information to the State Comptroller. Requires the State Comptroller to publish the information provided by State agencies on its website, and provide a listing of or link to each disbursement for each voucher. Amends the Illinois Procurement Code to make conforming changes.

LRB101 23046 RJF 74173 b

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 Section 20-120 as follows:

6 (30 ILCS 500/20-120)

7 Sec. 20-120. Subcontractors.

8 (a) Any contract granted under this Code shall state
9 whether the services of a subcontractor will be used. The
10 contract shall include the names and addresses of all known
11 subcontractors with subcontracts with an annual value of more
12 than \$50,000, the general type of work to be performed by these
13 subcontractors, and the expected amount of money each will
14 receive under the contract. Upon the request of the chief
15 procurement officer appointed pursuant to paragraph (2) of
16 subsection (a) of Section 10-20, the contractor shall provide
17 the chief procurement officer a copy of a subcontract so
18 identified within 15 calendar days after the request is made. A
19 subcontractor, or contractor on behalf of a subcontractor, may
20 identify information that is deemed proprietary or
21 confidential. If the chief procurement officer determines the
22 information is not relevant to the primary contract, the chief
23 procurement officer may excuse the inclusion of the

1 information. If the chief procurement officer determines the
2 information is proprietary or could harm the business interest
3 of the subcontractor, the chief procurement officer may, in his
4 or her discretion, redact the information. Redacted
5 information shall not become part of the public record.

6 (b) If at any time during the term of a contract, a
7 contractor adds or changes any subcontractors, he or she shall
8 promptly notify, in writing, the chief procurement officer,
9 State purchasing officer, or their designee of the names and
10 addresses of each new or replaced subcontractor and the general
11 type of work to be performed. Upon the request of the chief
12 procurement officer appointed pursuant to paragraph (2) of
13 subsection (a) of Section 10-20, the contractor shall provide
14 the chief procurement officer a copy of any new or amended
15 subcontract so identified within 15 calendar days after the
16 request is made.

17 (c) In addition to any other requirements of this Code, a
18 subcontract subject to this Section must include all of the
19 subcontractor's certifications required by Article 50 of the
20 Code.

21 (c-5) Notwithstanding any provision of law to the contrary,
22 no voucher shall be submitted to the Comptroller for a warrant
23 to be drawn for the payment of money from the State treasury or
24 from other funds held by the State Treasurer on account of any
25 contract requiring payment to a subcontractor by a vendor
26 unless it fulfills the requirements of Section 8k of the

1 Business Enterprise for Minorities, Women, and Persons with
2 Disabilities Act.

3 (d) This Section applies to procurements solicited on or
4 after July 1, 2010 (the effective date of P.A. 96-795) ~~this~~
5 ~~amendatory Act of the 96th General Assembly~~. The changes made
6 to this Section by P.A. 97-895 ~~this amendatory Act of the 97th~~
7 ~~General Assembly~~ apply to procurements solicited on or after
8 August 3, 2012 (the effective date of P.A. 97-895). The changes
9 made to this Section by this amendatory Act of the 101st
10 General Assembly apply to procurements solicited on or after
11 the effective date of this amendatory Act of the 101st General
12 Assembly ~~this amendatory Act of the 97th General Assembly~~.

13 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

14 Section 10. The Business Enterprise for Minorities, Women,
15 and Persons with Disabilities Act is amended by adding Section
16 8k as follows:

17 (30 ILCS 575/8k new)

18 Sec. 8k. Vendor payment information.

19 (a) No voucher shall be submitted to the Comptroller for a
20 warrant to be drawn for the payment of money from the State
21 treasury or from other funds held by the State Treasurer on
22 account of any contract unless it includes the following
23 information:

24 (1) each subcontractor to be paid by the vendor;

1 (2) the amount of money that is to be paid to each
2 subcontractor;

3 (3) whether each subcontractor is a Business
4 Enterprise Program certified vendor, a disadvantaged
5 business enterprise certified vendor, or is otherwise a
6 small business certified as a minority-owned business,
7 women-owned business, or a business owned by persons with a
8 disability;

9 (4) the total amount of money to be paid to Business
10 Enterprise Program certified vendors or disadvantaged
11 business enterprise certified vendors expressed in a
12 percentage term; and

13 (5) whether the total of money to be paid to Business
14 Enterprise Program certified vendors or disadvantaged
15 business enterprise certified vendors is below or above the
16 aspirational goal for that project, if any.

17 (b) If more than one project is incorporated in the same
18 voucher, then the data shall be listed by project to match up
19 with the project-specific goals for each project.

20 (c) Each State agency shall publish on its website the data
21 listed under this Section for each voucher submitted to the
22 Comptroller.

23 (d) The Comptroller shall publish all of the information
24 provided under this Section on his or her website, and provide
25 a listing of or link to each disbursement for each voucher
26 submitted.