

SB2035



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2035

Introduced 2/15/2019, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

30 ILCS 575/4

from Ch. 127, par. 132.604

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Requires the Department of Central Management Services to by rule further establish committed diversity numbers for State contracts awarded to businesses owned by minorities, women, and persons with disabilities under the Act. Provides that such efforts shall include, but not be limited to, (1) an increase in the percentage of State contracts required to be awarded under subsection (a), (2) an increase in contract spending with certified businesses owned by minorities, women, and persons with disabilities, and (3) further concerted outreach efforts to businesses owned by minorities, women, and persons with disabilities.

LRB101 10988 RJF 56172 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 Business Enterprise for Minorities, Women,
5 and Persons with Disabilities Act is amended by changing
6 Section 4 as follows:

7 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

8 (Section scheduled to be repealed on June 30, 2020)

9 Sec. 4. Award of State contracts.

10 (a) Except as provided in subsections (b) and (c), not less
11 than 20% of the total dollar amount of State contracts, as
12 defined by the Secretary of the Council and approved by the
13 Council, shall be established as an aspirational goal to be
14 awarded to businesses owned by minorities, women, and persons
15 with disabilities; provided, however, that of the total amount
16 of all State contracts awarded to businesses owned by
17 minorities, women, and persons with disabilities pursuant to
18 this Section, contracts representing at least 11% shall be
19 awarded to businesses owned by minorities, contracts
20 representing at least 7% shall be awarded to women-owned
21 businesses, and contracts representing at least 2% shall be
22 awarded to businesses owned by persons with disabilities.

23 The above percentage relates to the total dollar amount of

1 State contracts during each State fiscal year, calculated by
2 examining independently each type of contract for each agency
3 or public institutions of higher education which lets such
4 contracts. Only that percentage of arrangements which
5 represents the participation of businesses owned by
6 minorities, women, and persons with disabilities on such
7 contracts shall be included.

8 (a-5) In addition to the aspirational goals and required
9 State contract awards set under subsection (a), the Department
10 of Central Management Services shall by rule further establish
11 committed diversity numbers for State contracts awarded to
12 businesses owned by minorities, women, and persons with
13 disabilities. Such efforts shall include, but not be limited
14 to, (1) an increase in the percentage of State contracts
15 required to be awarded under subsection (a), (2) an increase in
16 contract spending with certified businesses owned by
17 minorities, women, and persons with disabilities, and (3)
18 further concerted outreach efforts to businesses owned by
19 minorities, women, and persons with disabilities.

20 (b) In the case of State construction contracts, the
21 provisions of subsection (a) requiring a portion of State
22 contracts to be awarded to businesses owned and controlled by
23 persons with disabilities do not apply. The following
24 aspirational goals are established for State construction
25 contracts: not less than 20% of the total dollar amount of
26 State construction contracts is established as a goal to be

1 awarded to minority-owned and women-owned businesses.

2 (c) In the case of all work undertaken by the University of
3 Illinois related to the planning, organization, and staging of
4 the games, the University of Illinois shall establish a goal of
5 awarding not less than 25% of the annual dollar value of all
6 contracts, purchase orders, and other agreements (collectively
7 referred to as "the contracts") to minority-owned businesses or
8 businesses owned by a person with a disability and 5% of the
9 annual dollar value the contracts to women-owned businesses.
10 For purposes of this subsection, the term "games" has the
11 meaning set forth in the Olympic Games and Paralympic Games
12 (2016) Law.

13 (d) Within one year after April 28, 2009 (the effective
14 date of Public Act 96-8), the Department of Central Management
15 Services shall conduct a social scientific study that measures
16 the impact of discrimination on minority and women business
17 development in Illinois. Within 18 months after April 28, 2009
18 (the effective date of Public Act 96-8), the Department shall
19 issue a report of its findings and any recommendations on
20 whether to adjust the goals for minority and women
21 participation established in this Act. Copies of this report
22 and the social scientific study shall be filed with the
23 Governor and the General Assembly.

24 (e) Except as permitted under this Act or as otherwise
25 mandated by federal law or regulation, those who submit bids or
26 proposals for State contracts subject to the provisions of this

1 Act, whose bids or proposals are successful and include a
2 utilization plan but that fail to meet the goals set forth in
3 subsection (b) of this Section, shall be notified of that
4 deficiency and shall be afforded a period not to exceed 10
5 calendar days from the date of notification to cure that
6 deficiency in the bid or proposal. The deficiency in the bid or
7 proposal may only be cured by contracting with additional
8 subcontractors who are owned by minorities or women, but in no
9 case shall an identified subcontractor with a certification
10 made pursuant to this Act be terminated from the contract
11 without the written consent of the State agency or public
12 institution of higher education entering into the contract.

13 (f) Non-construction solicitations that include Business
14 Enterprise Program participation goals shall require bidders
15 and offerors to include utilization plans. Utilization plans
16 are due at the time of bid or offer submission. Failure to
17 complete and include a utilization plan, including
18 documentation demonstrating good faith effort when requesting
19 a waiver, shall render the bid or offer non-responsive.

20 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;
21 100-391, eff. 8-25-17.)