

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8 (Section scheduled to be repealed on June 30, 2020)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 30% ~~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 16% ~~11%~~ shall be
19 awarded to businesses owned by minorities, contracts
20 representing at least 10% ~~7%~~ shall be awarded to women-owned
21 businesses, and contracts representing at least 4% ~~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 in awarding
9 State contracts set under subsection (a), the Department of
10 Central Management Services shall by rule further establish
11 committed diversity aspirational goals for State contracts
12 awarded to businesses owned by minorities, women, and persons
13 with disabilities. Such efforts shall include, but not be
14 limited to, further concerted outreach efforts to businesses
15 owned by minorities, women, and persons with disabilities.

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

24 (c) In the case of all work undertaken by the University of
25 Illinois related to the planning, organization, and staging of
26 the games, the University of Illinois shall establish a goal of

1 awarding not less than 25% of the annual dollar value of all
2 contracts, purchase orders, and other agreements (collectively
3 referred to as "the contracts") to minority-owned businesses or
4 businesses owned by a person with a disability and 5% of the
5 annual dollar value the contracts to women-owned businesses.
6 For purposes of this subsection, the term "games" has the
7 meaning set forth in the Olympic Games and Paralympic Games
8 (2016) Law.

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

20 (e) Except as permitted under this Act or as otherwise
21 mandated by federal law or regulation, those who submit bids or
22 proposals for State contracts subject to the provisions of this
23 Act, whose bids or proposals are successful and include a
24 utilization plan but that fail to meet the goals set forth in
25 subsection (b) of this Section, shall be notified of that
26 deficiency and shall be afforded a period not to exceed 10

1 calendar days from the date of notification to cure that
2 deficiency in the bid or proposal. The deficiency in the bid or
3 proposal may only be cured by contracting with additional
4 subcontractors who are owned by minorities or women, but in no
5 case shall an identified subcontractor with a certification
6 made pursuant to this Act be terminated from the contract
7 without the written consent of the State agency or public
8 institution of higher education entering into the contract.

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

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