

SB2957



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2957

Introduced 2/4/2020, by Sen. Andy Manar

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-35

Amends the Illinois Procurement Code. Provides that any qualified not-for-profit agency for persons with significant disabilities entering into a contract with the State for supplies and services under specified provisions shall offer a minimum hourly wage to its employees that is set at or above the State minimum wage.

LRB101 19581 RJF 69056 b

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 Section 45-35 as follows:

6 (30 ILCS 500/45-35)

7 Sec. 45-35. Not-for-profit agencies for persons with
8 significant disabilities.

9 (a) Qualification. Supplies and services may be procured
10 without advertising or calling for bids from any qualified
11 not-for-profit agency for persons with significant
12 disabilities that:

13 (1) complies with Illinois laws governing private
14 not-for-profit organizations;

15 (2) is certified as a work center by the Wage and Hour
16 Division of the United States Department of Labor or is an
17 accredited vocational program that provides transition
18 services to youth between the ages of 14 1/2 and 22 in
19 accordance with individualized education plans under
20 Section 14-8.03 of the School Code and that provides
21 residential services at a child care institution, as
22 defined under Section 2.06 of the Child Care Act of 1969,
23 or at a group home, as defined under Section 2.16 of the

1 Child Care Act of 1969; and

2 (3) is accredited by a nationally-recognized
3 accrediting organization or certified as a developmental
4 training provider by the Department of Human Services.

5 Notwithstanding any provision of law to the contrary, any
6 qualified not-for-profit agency for persons with significant
7 disabilities entering into a contract for supplies and services
8 under this Section shall offer a minimum hourly wage to its
9 employees that is set at or above the State minimum wage
10 established under Section 4 of the Minimum Wage Law.

11 (b) Participation. To participate, the not-for-profit
12 agency must have indicated an interest in providing the
13 supplies and services, must meet the specifications and needs
14 of the using agency, and must set a fair and reasonable price.

15 (c) Committee. There is created within the Department of
16 Central Management Services a committee to facilitate the
17 purchase of products and services of persons with a significant
18 physical, developmental, or mental disability or a combination
19 of any of those disabilities who cannot engage in normal
20 competitive employment due to the significant disability or
21 combination of those disabilities. This committee is called the
22 State Use Committee. The State Use Committee shall consist of
23 the Director of ~~the Department of~~ Central Management Services
24 or his or her designee, the Secretary ~~Director~~ of ~~the~~
25 ~~Department of~~ Human Services or his or her designee, one public
26 member representing private business who is knowledgeable of

1 the employment needs and concerns of persons with developmental
2 disabilities, one public member representing private business
3 who is knowledgeable of the needs and concerns of
4 rehabilitation facilities, one public member who is
5 knowledgeable of the employment needs and concerns of persons
6 with developmental disabilities, one public member who is
7 knowledgeable of the needs and concerns of rehabilitation
8 facilities, and 2 public members from a statewide association
9 that represents community-based rehabilitation facilities, all
10 appointed by the Governor. The public members shall serve 2
11 year terms, commencing upon appointment and every 2 years
12 thereafter. A public member may be reappointed, and vacancies
13 shall be filled by appointment for the completion of the term.
14 In the event there is a vacancy on the State Use Committee, the
15 Governor must make an appointment to fill that vacancy within
16 30 calendar days after the notice of vacancy. The members shall
17 serve without compensation but shall be reimbursed for expenses
18 at a rate equal to that of State employees on a per diem basis
19 by the Department of Central Management Services. All members
20 shall be entitled to vote on issues before the State Use
21 Committee.

22 The State Use Committee shall have the following powers and
23 duties:

24 (1) To request from any State agency information as to
25 product specification and service requirements in order to
26 carry out its purpose.

1 (2) To meet quarterly or more often as necessary to
2 carry out its purposes.

3 (3) To request a quarterly report from each
4 participating qualified not-for-profit agency for persons
5 with significant disabilities describing the volume of
6 sales for each product or service sold under this Section.

7 (4) To prepare a report for the Governor and General
8 Assembly no later than December 31 of each year. The
9 requirement for reporting to the General Assembly shall be
10 satisfied by following the procedures set forth in Section
11 3.1 of the General Assembly Organization Act.

12 (5) To prepare a publication that lists all supplies
13 and services currently available from any qualified
14 not-for-profit agency for persons with significant
15 disabilities. This list and any revisions shall be
16 distributed to all purchasing agencies.

17 (6) To encourage diversity in supplies and services
18 provided by qualified not-for-profit agencies for persons
19 with significant disabilities and discourage unnecessary
20 duplication or competition among not-for-profit agencies.

21 (7) To develop guidelines to be followed by qualifying
22 agencies for participation under the provisions of this
23 Section. Guidelines shall include a list of national
24 accrediting organizations which satisfy the requirements
25 of item (3) of subsection (a) of this Section. The
26 guidelines shall be developed within 6 months after the

1 effective date of this Code and made available on a
2 nondiscriminatory basis to all qualifying agencies. The
3 new guidelines required under this item (7) by Public Act
4 100-203 ~~this amendatory Act of the 100th General Assembly~~
5 shall be developed within 6 months after August 18, 2017
6 (the effective date of Public Act 100-203) ~~this amendatory~~
7 ~~Act of the 100th General Assembly~~ and made available on a
8 non-discriminatory basis to all qualifying not-for-profit
9 agencies.

10 (8) To review all pricing submitted under the
11 provisions of this Section and may approve a proposed
12 agreement for supplies or services where the price
13 submitted is fair and reasonable.

14 (9) To, not less than every 3 years, adopt a strategic
15 plan for increasing the number of products and services
16 purchased from qualified not-for-profit agencies for
17 persons with significant disabilities, including the
18 feasibility of developing mandatory set-aside contracts.

19 (c-5) Conditions for Use. Each chief procurement officer
20 shall, in consultation with the State Use Committee, determine
21 which articles, materials, services, food stuffs, and supplies
22 that are produced, manufactured, or provided by persons with
23 significant disabilities in qualified not-for-profit agencies
24 shall be given preference by purchasing agencies procuring
25 those items.

26 (d) (Blank).

1 (e) Subcontracts. Subcontracts shall be permitted for
2 agreements authorized under this Section. For the purposes of
3 this subsection (e), "subcontract" means any acquisition from
4 another source of supplies, not including raw materials, or
5 services required by a qualified not-for-profit agency to
6 provide the supplies or services that are the subject of the
7 contract between the State and the qualified not-for-profit
8 agency.

9 The State Use Committee shall develop guidelines to be
10 followed by qualified not-for-profit agencies when seeking and
11 establishing subcontracts with other persons or not-for-profit
12 agencies in order to fulfill State contract requirements. These
13 guidelines shall include the following:

14 (i) The State Use Committee must approve all
15 subcontracts and substantive amendments to subcontracts
16 prior to execution or amendment of the subcontract.

17 (ii) A qualified not-for-profit agency shall not enter
18 into a subcontract, or any combination of subcontracts, to
19 fulfill an entire requirement, contract, or order without
20 written State Use Committee approval.

21 (iii) A qualified not-for-profit agency shall make
22 reasonable efforts to utilize subcontracts with other
23 not-for-profit agencies for persons with significant
24 disabilities.

25 (iv) For any subcontract not currently performed by a
26 qualified not-for-profit agency, the primary qualified

1 not-for-profit agency must provide to the State Use
2 Committee the following: (A) a written explanation as to
3 why the subcontract is not performed by a qualified
4 not-for-profit agency, and (B) a written plan to transfer
5 the subcontract to a qualified not-for-profit agency, as
6 reasonable.

7 (Source: P.A. 100-203, eff. 8-18-17; revised 7-18-19.)