



Rep. Eva Dina Delgado

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10200HB0132ham002

LRB102 03945 RJF 23329 a

1 AMENDMENT TO HOUSE BILL 132

2 AMENDMENT NO. _____. Amend House Bill 132 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Business Enterprise for Minorities, Women,
5 and Persons with Disabilities Act is amended by changing
6 Section 4 and by adding Section 8k as follows:

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

8 (Section scheduled to be repealed on June 30, 2024)

9 Sec. 4. Award of State contracts.

10 (a) Except as provided in subsection (b), not less than
11 20% of the total dollar amount of State contracts, as defined
12 by the Secretary of the Council and approved by the Council,
13 shall be established as an aspirational goal to be awarded to
14 businesses owned by minorities, women, and persons with
15 disabilities; provided, however, that of the total amount of
16 all State contracts awarded to businesses owned by minorities,

1 women, and persons with disabilities pursuant to this Section,
2 contracts representing at least 11% shall be awarded to
3 businesses owned by minorities, contracts representing at
4 least 7% shall be awarded to women-owned businesses, and
5 contracts representing at least 2% shall be awarded to
6 businesses owned by persons with disabilities.

7 The above percentage relates to the total dollar amount of
8 State contracts during each State fiscal year, calculated by
9 examining independently each type of contract for each agency
10 or public institutions of higher education which lets such
11 contracts. Only that percentage of arrangements which
12 represents the participation of businesses owned by
13 minorities, women, and persons with disabilities on such
14 contracts shall be included. State contracts subject to the
15 requirements of this Act shall include the requirement that
16 only expenditures to businesses owned by minorities, women,
17 and persons with disabilities that perform a commercially
18 useful function may be counted toward the goals set forth by
19 this Act. Contracts shall include a definition of
20 "commercially useful function" that is consistent with 49 CFR
21 26.55(c).

22 (b) Not less than 20% of the total dollar amount of State
23 construction contracts is established as an aspirational goal
24 to be awarded to businesses owned by minorities, women, and
25 persons with disabilities; provided that, contracts
26 representing at least 11% of the total dollar amount of State

1 construction contracts shall be awarded to businesses owned by
2 minorities; contracts representing at least 7% of the total
3 dollar amount of State construction contracts shall be awarded
4 to women-owned businesses; and contracts representing at least
5 2% of the total dollar amount of State construction contracts
6 shall be awarded to businesses owned by persons with
7 disabilities.

8 (c) (Blank).

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 By December 1, 2020, the Department of Central Management
21 Services shall conduct a new social scientific study that
22 measures the impact of discrimination on minority and women
23 business development in Illinois. By June 1, 2022, the
24 Department shall issue a report of its findings and any
25 recommendations on whether to adjust the goals for minority
26 and women participation established in this Act. Copies of

1 this report and the social scientific study shall be filed
2 with the Governor, ~~the Advisory Board,~~ and the General
3 Assembly. By December 1, 2022, the Department of Central
4 Management Services Business Enterprise Program shall develop
5 a model for social scientific disparity study sourcing for
6 local governmental units to adapt and implement to address
7 regional disparities in public procurement.

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

15 Except as permitted under this Act or as otherwise
16 mandated by federal law or regulation, in response to those
17 who submit bids or proposals for State contracts subject to
18 the provisions of this Act, whose bids or proposals are
19 successful but and include a utilization plan ~~but~~ that fails
20 to demonstrate good faith efforts ~~fail~~ to meet the contract
21 goals set forth in the solicitation ~~subsection (b) of this~~
22 ~~Section,~~ the procuring agency or public institution of higher
23 education may elect to notify the bidder or offeror ~~shall be~~
24 ~~notified~~ of that deficiency and may allow the bidder or
25 offeror ~~shall be afforded~~ a period not to exceed 10 calendar
26 days from the date of notification to cure that deficiency in

1 the bid or proposal. The deficiency in the bid or proposal may
2 ~~only~~ be cured by contracting with additional subcontractors
3 who are certified or accepted by the Business Enterprise
4 Program at the time of bid submission ~~owned by minorities or~~
5 ~~women~~. Any increase in cost to a contract for the addition of a
6 subcontractor to cure a bid's deficiency or to ensure
7 diversity participation on the contract shall not affect the
8 bid price, shall not be used in the request for an exemption in
9 this Act, and in no case shall an identified subcontractor
10 with a certification made pursuant to this Act be terminated
11 from the contract without the written consent of the State
12 agency or public institution of higher education entering into
13 the contract. Submission of a blank utilization plan renders a
14 bid or offer non-responsive and is not curable.

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

22 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
23 101-601, eff. 1-1-20; revised 10-26-20.)

24 (30 ILCS 575/8k new)

25 Sec. 8k. State agency certification recognition.

1 Notwithstanding any rule or provision of law to the contrary,
2 the Business Enterprise Program shall accept the
3 certifications of businesses that have been certified as
4 minority-owned businesses or women-owned businesses by the
5 City of Chicago, Cook County, or other entities approved by
6 the Business Enterprise Program for purposes of participating
7 in the Business Enterprise Program, provided that the City of
8 Chicago, Cook County, or other entities approved by the
9 Business Enterprise Program have certification requirements
10 more restrictive than that required by the Business Enterprise
11 Program under this Act, including, but not limited to, an
12 income level requirement."