

1 AN ACT concerning public aid.

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

9 (c) Committee. There is created within the Department of
10 Central Management Services a committee to facilitate the
11 purchase of products and services from not-for-profit agencies
12 that provide employment opportunities to persons with physical
13 disabilities, intellectual or developmental disabilities,
14 mental illnesses, or any combination thereof ~~of persons with a~~
15 ~~significant physical, developmental, or mental disability or a~~
16 ~~combination of any of those disabilities who cannot engage in~~
17 ~~normal competitive employment due to the significant~~
18 ~~disability or combination of those disabilities.~~ This
19 committee is called the State Use Committee. The State Use
20 Committee shall consist of the Director of the Department of
21 Central Management Services or his or her designee, the
22 Secretary ~~Director~~ of the Department of Human Services or his
23 or her designee, the Director of Commerce and Economic
24 Opportunity or his or her designee, one public member
25 representing private business who is knowledgeable of the
26 employment needs and concerns of persons with developmental

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

24 The State Use Committee shall have the following powers
25 and duties:

26 (1) To request from any State agency information as to

1 product specification and service requirements in order to
2 carry out its purpose.

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

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

9 (4) To prepare a report for the Governor and General
10 Assembly no later than December 31 of each year. The
11 requirement for reporting to the General Assembly shall be
12 satisfied by following the procedures set forth in Section
13 3.1 of the General Assembly Organization Act.

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

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

23 (7) To develop guidelines to be followed by qualifying
24 agencies for participation under the provisions of this
25 Section. Guidelines shall include a list of national
26 accrediting organizations which satisfy the requirements

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

12 (8) To review all pricing submitted under the
13 provisions of this Section and may approve a proposed
14 agreement for supplies or services where the price
15 submitted is fair and reasonable. Review of pricing under
16 this paragraph may include, but is not limited to:

17 (A) Amounts private businesses would pay for
18 similar products or services.

19 (B) Amounts the federal government would pay
20 contractors for similar products or services.

21 (C) The amount paid by the State for similar
22 products or services.

23 (D) The actual cost of manufacturing the product
24 or performing a service at a community rehabilitation
25 program offering employment services on or off
26 premises to persons with disabilities or mental

1 illnesses, with adequate consideration given to legal
2 and moral imperatives to pay workers with disabilities
3 equitable wages.

4 (E) The usual, customary, and reasonable costs of
5 manufacturing, marketing, and distribution.

6 (9) To, not less than every 3 years, adopt a strategic
7 plan for increasing the number of products and services
8 purchased from qualified not-for-profit agencies for
9 persons with ~~significant~~ disabilities or mental illnesses,
10 including the feasibility of developing mandatory
11 set-aside contracts.

12 (c-5) Conditions for Use. Each chief procurement officer
13 shall, in consultation with the State Use Committee, determine
14 which articles, materials, services, food stuffs, and supplies
15 that are produced, manufactured, or provided by persons with
16 significant disabilities in qualified not-for-profit agencies
17 shall be given preference by purchasing agencies procuring
18 those items.

19 (d) (Blank).

20 (e) Subcontracts. Subcontracts shall be permitted for
21 agreements authorized under this Section. For the purposes of
22 this subsection (e), "subcontract" means any acquisition from
23 another source of supplies, not including raw materials, or
24 services required by a qualified not-for-profit agency to
25 provide the supplies or services that are the subject of the
26 contract between the State and the qualified not-for-profit

1 agency.

2 The State Use Committee shall develop guidelines to be
3 followed by qualified not-for-profit agencies when seeking and
4 establishing subcontracts with other persons or not-for-profit
5 agencies in order to fulfill State contract requirements.
6 These guidelines shall include the following:

7 (i) The State Use Committee must approve all
8 subcontracts and substantive amendments to subcontracts
9 prior to execution or amendment of the subcontract.

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

14 (iii) A qualified not-for-profit agency shall make
15 reasonable efforts to utilize subcontracts with other
16 not-for-profit agencies for persons with significant
17 disabilities.

18 (iv) For any subcontract not currently performed by a
19 qualified not-for-profit agency, the primary qualified
20 not-for-profit agency must provide to the State Use
21 Committee the following: (A) a written explanation as to
22 why the subcontract is not performed by a qualified
23 not-for-profit agency, and (B) a written plan to transfer
24 the subcontract to a qualified not-for-profit agency, as
25 reasonable.

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

1 Section 10. The Illinois Public Aid Code is amended by
2 adding Section 5-36.1 as follows:

3 (305 ILCS 5/5-36.1 new)

4 Sec. 5-36.1. Earned income for residents of
5 community-integrated living arrangements.

6 (a) Beginning no later than October 1, 2022, residents of
7 facilities licensed under the Community-Integrated Living
8 Arrangements Licensure and Certification Act who are
9 determined to be eligible for medical assistance under this
10 Code and who are enrolled in the State's home and
11 community-based services waiver program for adults with
12 developmental disabilities shall retain all earned income from
13 employment or community day services activities.

14 (b) No portion of earned income shall be applied toward
15 the facilities rate reimbursement methodology. The Department
16 of Human Services shall ensure the rates of payments paid to
17 facilities under the Code are held harmless.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.