



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4551

Introduced 1/21/2022, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Provides that the Act may be referred to as the Second Chance State Contracts Act. Amends the Illinois Procurement Code. Creates the Second Chance State Contracts Apprenticeship and Preapprenticeship Program Article. Provides public works contracts hiring requirements. Provides for waivers from public works contracts hiring requirements. Provides for the issuance of certificates of arrest or conviction. Provides reporting and funding provisions concerning public works contracts hiring requirements and apprenticeship programs. Provides for standing to enforce the requirements of the Article. Requires that inmates whose labor is used in the remodeling or rehabilitation of correctional facilities be paid the prevailing wage for work of a similar character. Repeals provisions prohibiting convicted felons from specified activities under the Code. Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Defines "person with a disability" for purposes of the Act to include a person who is a citizen or lawful permanent resident of the United States and a resident of the State of Illinois who has been arrested for committing a felony or convicted of a felony by any court of competent jurisdiction sitting in the United States or any territory of the United States. Defines other terms. Makes conforming changes. Effective immediately.

LRB102 22620 RJF 31763 b

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 1. This Act may be referred to as the Second Chance
5 State Contracts Act.

6 Section 5. The Illinois Procurement Code is amended by
7 changing Sections 1-10, 1-13, 1-35, 1-40, 30-15, and 50-60 and
8 by adding Article 34 as follows:

9 (30 ILCS 500/1-10)

10 Sec. 1-10. Application.

11 (a) This Code applies only to procurements for which
12 bidders, offerors, potential contractors, or contractors were
13 first solicited on or after July 1, 1998. This Code shall not
14 be construed to affect or impair any contract, or any
15 provision of a contract, entered into based on a solicitation
16 prior to the implementation date of this Code as described in
17 Article 99, including, but not limited to, any covenant
18 entered into with respect to any revenue bonds or similar
19 instruments. All procurements for which contracts are
20 solicited between the effective date of Articles 50 and 99 and
21 July 1, 1998 shall be substantially in accordance with this
22 Code and its intent.

1 (b) This Code shall apply regardless of the source of the
2 funds with which the contracts are paid, including federal
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political
5 subdivisions or other governments, or between State
6 governmental bodies, except as specifically provided in
7 this Code.

8 (2) Grants, except for the filing requirements of
9 Section 20-80.

10 (3) Purchase of care, except as provided in Section
11 5-30.6 of the Illinois Public Aid Code and this Section.

12 (4) Hiring of an individual as an employee and not as
13 an independent contractor, whether pursuant to an
14 employment code or policy or by contract directly with
15 that individual, except as provided in Article 34 of this
16 Code.

17 (5) Collective bargaining contracts, except as
18 provided in Article 34 of this Code.

19 (6) Purchase of real estate, except that notice of
20 this type of contract with a value of more than \$25,000
21 must be published in the Procurement Bulletin within 10
22 calendar days after the deed is recorded in the county of
23 jurisdiction. The notice shall identify the real estate
24 purchased, the names of all parties to the contract, the
25 value of the contract, and the effective date of the
26 contract.

1 (7) Contracts necessary to prepare for anticipated
2 litigation, enforcement actions, or investigations,
3 provided that the chief legal counsel to the Governor
4 shall give his or her prior approval when the procuring
5 agency is one subject to the jurisdiction of the Governor,
6 and provided that the chief legal counsel of any other
7 procuring entity subject to this Code shall give his or
8 her prior approval when the procuring entity is not one
9 subject to the jurisdiction of the Governor.

10 (8) (Blank).

11 (9) Procurement expenditures by the Illinois
12 Conservation Foundation when only private funds are used.

13 (10) (Blank).

14 (11) Public-private agreements entered into according
15 to the procurement requirements of Section 20 of the
16 Public-Private Partnerships for Transportation Act and
17 design-build agreements entered into according to the
18 procurement requirements of Section 25 of the
19 Public-Private Partnerships for Transportation Act.

20 (12) (A) Contracts for legal, financial, and other
21 professional and artistic services entered into by the
22 Illinois Finance Authority in which the State of Illinois
23 is not obligated. Such contracts shall be awarded through
24 a competitive process authorized by the members of the
25 Illinois Finance Authority and are subject to Sections
26 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,

1 as well as the final approval by the members of the
2 Illinois Finance Authority of the terms of the contract.

3 (B) Contracts for legal and financial services entered
4 into by the Illinois Housing Development Authority in
5 connection with the issuance of bonds in which the State
6 of Illinois is not obligated. Such contracts shall be
7 awarded through a competitive process authorized by the
8 members of the Illinois Housing Development Authority and
9 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
10 and 50-37 of this Code, as well as the final approval by
11 the members of the Illinois Housing Development Authority
12 of the terms of the contract.

13 (13) Contracts for services, commodities, and
14 equipment to support the delivery of timely forensic
15 science services in consultation with and subject to the
16 approval of the Chief Procurement Officer as provided in
17 subsection (d) of Section 5-4-3a of the Unified Code of
18 Corrections, except for the requirements of Sections
19 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
20 Code; however, the Chief Procurement Officer may, in
21 writing with justification, waive any certification
22 required under Article 50 of this Code. For any contracts
23 for services which are currently provided by members of a
24 collective bargaining agreement, the applicable terms of
25 the collective bargaining agreement concerning
26 subcontracting shall be followed.

1 On and after January 1, 2019, this paragraph (13),
2 except for this sentence, is inoperative.

3 (14) Contracts for participation expenditures required
4 by a domestic or international trade show or exhibition of
5 an exhibitor, member, or sponsor.

6 (15) Contracts with a railroad or utility that
7 requires the State to reimburse the railroad or utilities
8 for the relocation of utilities for construction or other
9 public purpose. Contracts included within this paragraph
10 (15) shall include, but not be limited to, those
11 associated with: relocations, crossings, installations,
12 and maintenance. For the purposes of this paragraph (15),
13 "railroad" means any form of non-highway ground
14 transportation that runs on rails or electromagnetic
15 guideways and "utility" means: (1) public utilities as
16 defined in Section 3-105 of the Public Utilities Act, (2)
17 telecommunications carriers as defined in Section 13-202
18 of the Public Utilities Act, (3) electric cooperatives as
19 defined in Section 3.4 of the Electric Supplier Act, (4)
20 telephone or telecommunications cooperatives as defined in
21 Section 13-212 of the Public Utilities Act, (5) rural
22 water or waste water systems with 10,000 connections or
23 less, (6) a holder as defined in Section 21-201 of the
24 Public Utilities Act, and (7) municipalities owning or
25 operating utility systems consisting of public utilities
26 as that term is defined in Section 11-117-2 of the

1 Illinois Municipal Code.

2 (16) Procurement expenditures necessary for the
3 Department of Public Health to provide the delivery of
4 timely newborn screening services in accordance with the
5 Newborn Metabolic Screening Act.

6 (17) Procurement expenditures necessary for the
7 Department of Agriculture, the Department of Financial and
8 Professional Regulation, the Department of Human Services,
9 and the Department of Public Health to implement the
10 Compassionate Use of Medical Cannabis Program and Opioid
11 Alternative Pilot Program requirements and ensure access
12 to medical cannabis for patients with debilitating medical
13 conditions in accordance with the Compassionate Use of
14 Medical Cannabis Program Act.

15 (18) This Code does not apply to any procurements
16 necessary for the Department of Agriculture, the
17 Department of Financial and Professional Regulation, the
18 Department of Human Services, the Department of Commerce
19 and Economic Opportunity, and the Department of Public
20 Health to implement the Cannabis Regulation and Tax Act if
21 the applicable agency has made a good faith determination
22 that it is necessary and appropriate for the expenditure
23 to fall within this exemption and if the process is
24 conducted in a manner substantially in accordance with the
25 requirements of Sections 20-160, 25-60, 30-22, 50-5,
26 ~~50-10, 50-10.5,~~ 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,

1 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
2 Section 50-35, compliance applies only to contracts or
3 subcontracts over \$100,000. Notice of each contract
4 entered into under this paragraph (18) that is related to
5 the procurement of goods and services identified in
6 paragraph (1) through (9) of this subsection shall be
7 published in the Procurement Bulletin within 14 calendar
8 days after contract execution. The Chief Procurement
9 Officer shall prescribe the form and content of the
10 notice. Each agency shall provide the Chief Procurement
11 Officer, on a monthly basis, in the form and content
12 prescribed by the Chief Procurement Officer, a report of
13 contracts that are related to the procurement of goods and
14 services identified in this subsection. At a minimum, this
15 report shall include the name of the contractor, a
16 description of the supply or service provided, the total
17 amount of the contract, the term of the contract, and the
18 exception to this Code utilized. A copy of any or all of
19 these contracts shall be made available to the Chief
20 Procurement Officer immediately upon request. The Chief
21 Procurement Officer shall submit a report to the Governor
22 and General Assembly no later than November 1 of each year
23 that includes, at a minimum, an annual summary of the
24 monthly information reported to the Chief Procurement
25 Officer. This exemption becomes inoperative 5 years after
26 June 25, 2019 (the effective date of Public Act 101-27).

1 (19) Acquisition of modifications or adjustments,
2 limited to assistive technology devices and assistive
3 technology services, adaptive equipment, repairs, and
4 replacement parts to provide reasonable accommodations (i)
5 that enable a qualified applicant with a disability to
6 complete the job application process and be considered for
7 the position such qualified applicant desires, (ii) that
8 modify or adjust the work environment to enable a
9 qualified current employee with a disability to perform
10 the essential functions of the position held by that
11 employee, (iii) to enable a qualified current employee
12 with a disability to enjoy equal benefits and privileges
13 of employment as are enjoyed by ~~its~~ other similarly
14 situated employees without disabilities, and (iv) that
15 allow a customer, client, claimant, or member of the
16 public seeking State services full use and enjoyment of
17 and access to its programs, services, or benefits.

18 For purposes of this paragraph (19):

19 "Assistive technology devices" means any item, piece
20 of equipment, or product system, whether acquired
21 commercially off the shelf, modified, or customized, that
22 is used to increase, maintain, or improve functional
23 capabilities of individuals with disabilities.

24 "Assistive technology services" means any service that
25 directly assists an individual with a disability in
26 selection, acquisition, or use of an assistive technology

1 device.

2 "Qualified" has the same meaning and use as provided
3 under the federal Americans with Disabilities Act when
4 describing an individual with a disability.

5 (20) ~~(19)~~ Procurement expenditures necessary for the
6 Illinois Commerce Commission to hire third-party
7 facilitators pursuant to Sections 16-105.17 and ~~Section~~
8 16-108.18 of the Public Utilities Act or an ombudsman
9 pursuant to Section 16-107.5 of the Public Utilities Act,
10 a facilitator pursuant to Section 16-105.17 of the Public
11 Utilities Act, or a grid auditor pursuant to Section
12 16-105.10 of the Public Utilities Act.

13 Notwithstanding any other provision of law, for contracts
14 entered into on or after October 1, 2017 under an exemption
15 provided in any paragraph of this subsection (b), except
16 paragraph (1), (2), or (5), each State agency shall post to the
17 appropriate procurement bulletin the name of the contractor, a
18 description of the supply or service provided, the total
19 amount of the contract, the term of the contract, and the
20 exception to the Code utilized. The chief procurement officer
21 shall submit a report to the Governor and General Assembly no
22 later than November 1 of each year that shall include, at a
23 minimum, an annual summary of the monthly information reported
24 to the chief procurement officer.

25 (c) This Code does not apply to the electric power
26 procurement process provided for under Section 1-75 of the

1 Illinois Power Agency Act and Section 16-111.5 of the Public
2 Utilities Act.

3 (d) Except for Section 20-160 and Article 50 of this Code,
4 and as expressly required by Section 9.1 of the Illinois
5 Lottery Law, the provisions of this Code do not apply to the
6 procurement process provided for under Section 9.1 of the
7 Illinois Lottery Law.

8 (e) This Code does not apply to the process used by the
9 Capital Development Board to retain a person or entity to
10 assist the Capital Development Board with its duties related
11 to the determination of costs of a clean coal SNG brownfield
12 facility, as defined by Section 1-10 of the Illinois Power
13 Agency Act, as required in subsection (h-3) of Section 9-220
14 of the Public Utilities Act, including calculating the range
15 of capital costs, the range of operating and maintenance
16 costs, or the sequestration costs or monitoring the
17 construction of clean coal SNG brownfield facility for the
18 full duration of construction.

19 (f) (Blank).

20 (g) (Blank).

21 (h) This Code does not apply to the process to procure or
22 contracts entered into in accordance with Sections 11-5.2 and
23 11-5.3 of the Illinois Public Aid Code.

24 (i) Each chief procurement officer may access records
25 necessary to review whether a contract, purchase, or other
26 expenditure is or is not subject to the provisions of this

1 Code, unless such records would be subject to attorney-client
2 privilege.

3 (j) This Code does not apply to the process used by the
4 Capital Development Board to retain an artist or work or works
5 of art as required in Section 14 of the Capital Development
6 Board Act.

7 (k) This Code does not apply to the process to procure
8 contracts, or contracts entered into, by the State Board of
9 Elections or the State Electoral Board for hearing officers
10 appointed pursuant to the Election Code.

11 (l) This Code does not apply to the processes used by the
12 Illinois Student Assistance Commission to procure supplies and
13 services paid for from the private funds of the Illinois
14 Prepaid Tuition Fund. As used in this subsection (l), "private
15 funds" means funds derived from deposits paid into the
16 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

17 (m) This Code shall apply regardless of the source of
18 funds with which contracts are paid, including federal
19 assistance moneys. Except as specifically provided in this
20 Code, this Code shall not apply to procurement expenditures
21 necessary for the Department of Public Health to conduct the
22 Healthy Illinois Survey in accordance with Section 2310-431 of
23 the Department of Public Health Powers and Duties Law of the
24 Civil Administrative Code of Illinois.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
26 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff

1 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
2 eff. 9-15-21; revised 11-23-21.)

3 (30 ILCS 500/1-13)

4 Sec. 1-13. Applicability to public institutions of higher
5 education.

6 (a) This Code shall apply to public institutions of higher
7 education, regardless of the source of the funds with which
8 contracts are paid, except as provided in this Section.

9 (b) Except as provided in this Section, this Code shall
10 not apply to procurements made by or on behalf of public
11 institutions of higher education for any of the following:

12 (1) Memberships in professional, academic, research,
13 or athletic organizations on behalf of a public
14 institution of higher education, an employee of a public
15 institution of higher education, or a student at a public
16 institution of higher education.

17 (2) Procurement expenditures for events or activities
18 paid for exclusively by revenues generated by the event or
19 activity, gifts or donations for the event or activity,
20 private grants, or any combination thereof.

21 (3) Procurement expenditures for events or activities
22 for which the use of specific potential contractors is
23 mandated or identified by the sponsor of the event or
24 activity, provided that the sponsor is providing a
25 majority of the funding for the event or activity.

1 (4) Procurement expenditures necessary to provide
2 athletic, artistic or musical services, performances,
3 events, or productions by or for a public institution of
4 higher education.

5 (5) Procurement expenditures for periodicals, books,
6 subscriptions, database licenses, and other publications
7 procured for use by a university library or academic
8 department, except for expenditures related to procuring
9 textbooks for student use or materials for resale or
10 rental.

11 (6) Procurement expenditures for placement of students
12 in externships, practicums, field experiences, and for
13 medical residencies and rotations.

14 (7) Contracts for programming and broadcast license
15 rights for university-operated radio and television
16 stations.

17 (8) Procurement expenditures necessary to perform
18 sponsored research and other sponsored activities under
19 grants and contracts funded by the sponsor or by sources
20 other than State appropriations.

21 (9) Contracts with a foreign entity for research or
22 educational activities, provided that the foreign entity
23 either does not maintain an office in the United States or
24 is the sole source of the service or product.

25 Notice of each contract entered into by a public institution
26 of higher education that is related to the procurement of

1 goods and services identified in items (1) through (9) of this
2 subsection shall be published in the Procurement Bulletin
3 within 14 calendar days after contract execution. The Chief
4 Procurement Officer shall prescribe the form and content of
5 the notice. Each public institution of higher education shall
6 provide the Chief Procurement Officer, on a monthly basis, in
7 the form and content prescribed by the Chief Procurement
8 Officer, a report of contracts that are related to the
9 procurement of goods and services identified in this
10 subsection. At a minimum, this report shall include the name
11 of the contractor, a description of the supply or service
12 provided, the total amount of the contract, the term of the
13 contract, and the exception to the Code utilized. A copy of any
14 or all of these contracts shall be made available to the Chief
15 Procurement Officer immediately upon request. The Chief
16 Procurement Officer shall submit a report to the Governor and
17 General Assembly no later than November 1 of each year that
18 shall include, at a minimum, an annual summary of the monthly
19 information reported to the Chief Procurement Officer.

20 (b-5) Except as provided in this subsection, the
21 provisions of this Code shall not apply to contracts for
22 medical supplies, and to contracts for medical services
23 necessary for the delivery of care and treatment at medical,
24 dental, or veterinary teaching facilities utilized by Southern
25 Illinois University or the University of Illinois and at any
26 university-operated health care center or dispensary that

1 provides care, treatment, and medications for students,
2 faculty and staff. Other supplies and services needed for
3 these teaching facilities shall be subject to the jurisdiction
4 of the Chief Procurement Officer for Public Institutions of
5 Higher Education who may establish expedited procurement
6 procedures and may waive or modify certification, contract,
7 hearing, process and registration requirements required by the
8 Code. All procurements made under this subsection shall be
9 documented and may require publication in the Illinois
10 Procurement Bulletin.

11 (b-10) Procurements made by or on behalf of the University
12 of Illinois for investment services scheduled to expire June
13 2021 may be extended through June 2022 without being subject
14 to the requirements of this Code. Any contract extended,
15 renewed, or entered pursuant to this exception shall be
16 published on the Executive Ethics Commission's website within
17 5 days of contract execution. This subsection is inoperative
18 on and after July 1, 2022.

19 (c) Procurements made by or on behalf of public
20 institutions of higher education for the fulfillment of a
21 grant shall be made in accordance with the requirements of
22 this Code to the extent practical.

23 Upon the written request of a public institution of higher
24 education, the Chief Procurement Officer may waive contract,
25 registration, certification, and hearing requirements of this
26 Code if, based on the item to be procured or the terms of a

1 grant, compliance is impractical. The public institution of
2 higher education shall provide the Chief Procurement Officer
3 with specific reasons for the waiver, including the necessity
4 of contracting with a particular potential contractor, and
5 shall certify that an effort was made in good faith to comply
6 with the provisions of this Code. The Chief Procurement
7 Officer shall provide written justification for any waivers.
8 By November 1 of each year, the Chief Procurement Officer
9 shall file a report with the General Assembly identifying each
10 contract approved with waivers and providing the justification
11 given for any waivers for each of those contracts. Notice of
12 each waiver made under this subsection shall be published in
13 the Procurement Bulletin within 14 calendar days after
14 contract execution. The Chief Procurement Officer shall
15 prescribe the form and content of the notice.

16 (d) Notwithstanding this Section, a waiver of the
17 registration requirements of Section 20-160 does not permit a
18 business entity and any affiliated entities or affiliated
19 persons to make campaign contributions if otherwise prohibited
20 by Section 50-37. The total amount of contracts awarded in
21 accordance with this Section shall be included in determining
22 the aggregate amount of contracts or pending bids of a
23 business entity and any affiliated entities or affiliated
24 persons.

25 (e) ~~The Notwithstanding subsection (c) of Section 50-10.5~~
26 ~~of this Code, the~~ Chief Procurement Officer, with the approval

1 of the Executive Ethics Commission, may permit a public
2 institution of higher education to accept a bid or enter into a
3 contract with a business that assisted the public institution
4 of higher education in determining whether there is a need for
5 a contract or assisted in reviewing, drafting, or preparing
6 documents related to a bid or contract, provided that the bid
7 or contract is essential to research administered by the
8 public institution of higher education and it is in the best
9 interest of the public institution of higher education to
10 accept the bid or contract. For purposes of this subsection,
11 "business" includes all individuals with whom a business is
12 affiliated, including, but not limited to, any officer, agent,
13 employee, consultant, independent contractor, director,
14 partner, manager, or shareholder of a business. The Executive
15 Ethics Commission may promulgate rules and regulations for the
16 implementation and administration of the provisions of this
17 subsection (e).

18 (f) As used in this Section:

19 "Grant" means non-appropriated funding provided by a
20 federal or private entity to support a project or program
21 administered by a public institution of higher education and
22 any non-appropriated funding provided to a sub-recipient of
23 the grant.

24 "Public institution of higher education" means Chicago
25 State University, Eastern Illinois University, Governors State
26 University, Illinois State University, Northeastern Illinois

1 University, Northern Illinois University, Southern Illinois
2 University, University of Illinois, Western Illinois
3 University, and, for purposes of this Code only, the Illinois
4 Mathematics and Science Academy.

5 (g) (Blank).

6 (h) The General Assembly finds and declares that:

7 (1) Public Act 98-1076, which took effect on January
8 1, 2015, changed the repeal date set for this Section from
9 December 31, 2014 to December 31, 2016.

10 (2) The Statute on Statutes sets forth general rules
11 on the repeal of statutes and the construction of multiple
12 amendments, but Section 1 of that Act also states that
13 these rules will not be observed when the result would be
14 "inconsistent with the manifest intent of the General
15 Assembly or repugnant to the context of the statute".

16 (3) This amendatory Act of the 100th General Assembly
17 manifests the intention of the General Assembly to remove
18 the repeal of this Section.

19 (4) This Section was originally enacted to protect,
20 promote, and preserve the general welfare. Any
21 construction of this Section that results in the repeal of
22 this Section on December 31, 2014 would be inconsistent
23 with the manifest intent of the General Assembly and
24 repugnant to the context of this Code.

25 It is hereby declared to have been the intent of the
26 General Assembly that this Section not be subject to repeal on

1 December 31, 2014.

2 This Section shall be deemed to have been in continuous
3 effect since December 20, 2011 (the effective date of Public
4 Act 97-643), and it shall continue to be in effect
5 henceforward until it is otherwise lawfully repealed. All
6 previously enacted amendments to this Section taking effect on
7 or after December 31, 2014, are hereby validated.

8 All actions taken in reliance on or pursuant to this
9 Section by any public institution of higher education, person,
10 or entity are hereby validated.

11 In order to ensure the continuing effectiveness of this
12 Section, it is set forth in full and re-enacted by this
13 amendatory Act of the 100th General Assembly. This
14 re-enactment is intended as a continuation of this Section. It
15 is not intended to supersede any amendment to this Section
16 that is enacted by the 100th General Assembly.

17 In this amendatory Act of the 100th General Assembly, the
18 base text of the reenacted Section is set forth as amended by
19 Public Act 98-1076. Striking and underscoring is used only to
20 show changes being made to the base text.

21 This Section applies to all procurements made on or before
22 the effective date of this amendatory Act of the 100th General
23 Assembly.

24 (Source: P.A. 101-640, eff. 6-12-20; 102-16, eff. 6-17-21.)

25 (30 ILCS 500/1-35)

1 (Section scheduled to be repealed on July 17, 2023)

2 Sec. 1-35. Application to Quincy Veterans' Home. This
3 Code does not apply to any procurements related to the
4 renovation, restoration, rehabilitation, or rebuilding of the
5 Quincy Veterans' Home under the Quincy Veterans' Home
6 Rehabilitation and Rebuilding Act, provided that the process
7 shall be conducted in a manner substantially in accordance
8 with the requirements of the following Sections of this Code:
9 20-160, 25-60, 30-22, 50-5, ~~50-10, 50-10.5,~~ 50-12, 50-13,
10 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50;
11 however, for Section 50-35, compliance shall apply only to
12 contracts or subcontracts over \$100,000.

13 This Section is repealed 5 years after becoming law. The
14 repeal of this Section shall not apply to contracts for
15 procurements under the Quincy Veterans' Home Rehabilitation
16 and Rebuilding Act executed prior to the repeal date.

17 (Source: P.A. 102-35, eff. 6-25-21; 102-558, eff. 8-20-21.)

18 (30 ILCS 500/1-40)

19 Sec. 1-40. Application to James R. Thompson Center. In
20 accordance with Section 7.4 of the State Property Control Act,
21 this Code does not apply to any procurements related to the
22 sale of the James R. Thompson Center, provided that the
23 process shall be conducted in a manner substantially in
24 accordance with the requirements of the following Sections of
25 this Code: 20-160, 50-5, ~~50-10, 50-10.5,~~ 50-12, 50-13, 50-15,

1 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50. The
2 exemption contained in this Section does not apply to any
3 leases involving the James R. Thompson Center, including a
4 leaseback authorized under Section 7.4 of the State Property
5 Control Act.

6 (Source: P.A. 102-558, eff. 8-20-21.)

7 (30 ILCS 500/30-15)

8 Sec. 30-15. Method of source selection.

9 (a) Competitive sealed bidding. Except as provided in
10 subsections (b), (c), and (d) and Sections 20-20, 20-25, and
11 20-30, all State construction contracts shall be procured by
12 competitive sealed bidding in accordance with Section 20-10.

13 (b) Other methods. The Capital Development Board shall
14 establish by rule construction purchases that may be made
15 without competitive sealed bidding and the most competitive
16 alternate method of source selection that shall be used.

17 (c) Construction-related professional services. All
18 construction-related professional services contracts shall be
19 awarded in accordance with the provisions of the
20 Architectural, Engineering, and Land Surveying Qualifications
21 Based Selection Act. "Professional services" means those
22 services within the scope of the practice of architecture,
23 professional engineering, structural engineering, or
24 registered land surveying, as defined by the laws of this
25 State.

1 (d) Correctional facilities. Remodeling and rehabilitation
2 projects at correctional facilities under \$25,000 funded from
3 the General Revenue Fund are exempt from the provisions of
4 this Article. The Department of Corrections may use inmate
5 labor for the remodeling or rehabilitation of correctional
6 facilities on those projects under \$25,000 funded from the
7 General Revenue Fund. Notwithstanding any other law to the
8 contrary, inmates performing such labor as provided under this
9 subsection (d) shall be paid the prevailing wage for work of a
10 similar character.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

12 (30 ILCS 500/Art. 34 heading new)

13 ARTICLE 34.

14 SECOND CHANCE STATE CONTRACTS APPRENTICESHIP AND

15 PREAPPRENTICESHIP PROGRAM

16 (30 ILCS 500/34-1 new)

17 Sec. 34-1. Findings. The General Assembly finds that the
18 provisions of this Article will specifically and individually
19 benefit each person who and each entity that is a resident of
20 the State of Illinois by, without limitation, reducing
21 recidivism and the financial and social costs and violence
22 attributable to recidivism.

23 (30 ILCS 500/34-5 new)

1 Sec. 34-5. Definitions.

2 (a) As used in this Article:

3 "Apprentices" means participants in any apprenticeship
4 program approved by and registered with the United States
5 Department of Labor's Bureau of Apprenticeship and Training.

6 "Apprenticeship program" means an apprenticeship and
7 training program approved by and registered with the United
8 States Department of Labor's Bureau of Apprenticeship and
9 Training.

10 "Certificate of arrest or conviction" means a certifying
11 agency's certificate that an impacted individual has been
12 arrested or convicted of a felony by any court of competent
13 jurisdiction sitting in the United States or any territory of
14 the United States. A certificate of arrest or conviction shall
15 only state the name of the impacted individual to whom it is
16 being issued and that the certifying agency has information
17 showing that the impacted individual was arrested for
18 committing a felony or convicted of a felony by any court of
19 competent jurisdiction sitting in the United States or any
20 territory of the United States. A certificate of arrest or
21 conviction shall set forth no other information.

22 "Certifying agency" means the Illinois State Police, the
23 Department of Corrections, the clerk of any circuit court of
24 this State, any law enforcement agency of the State, or any
25 political subdivision of the State.

26 "Chief procurement officer" has the same meaning as

1 provided under Section 1-15.15.

2 "Contract for public works" means any agreement entered on
3 or after July 1, 2023 that involves public works regardless of
4 the name given to such agreement or the form of such agreement.

5 "Contractor" means any person or entity that is a party to
6 a contract for public works other than the State, any State
7 agency, or any community college district.

8 "Impacted individual" means a person who: (i) is a citizen
9 or lawful permanent resident of the United States; (ii) is a
10 resident of the State of Illinois; and (iii) has been arrested
11 for committing a felony or convicted of a felony by any court
12 of competent jurisdiction sitting in the United States or any
13 territory of the United States.

14 "Preapprenticeship program" means a program that: (i) has
15 a documented partnership with an employer; (ii) is designed to
16 prepare individuals to enter and succeed in an apprenticeship
17 program; and (iii) includes all of the following:

18 (A) training and curriculum that aligns with the skill
19 needs of employers in the economy of the State or region
20 and that has been designed to prepare participants to meet
21 the minimum entry-level requirements of an apprenticeship
22 program;

23 (B) access to educational and career counseling, and
24 other supportive services as needed by participants;

25 (C) hands-on meaningful learning activities that are
26 connected to education and training activities, such as

1 career exploration and career development experiences, and
2 that reinforce foundational professional skills,
3 including, at a minimum, those outlined in the Essential
4 Employability Skills framework, with the terms set forth
5 in this Section having the definitions given to them in
6 the most recent edition of the Illinois Career Pathways
7 Dictionary that includes such definitions; and

8 (D) upon successful completion of the program,
9 participants are supported to apply for an apprenticeship
10 program, and may receive preference for enrollment.

11 "Public works" means any work, contracted or funded, in
12 whole or in part, by the State, any State agency, or any
13 community college district, that constitutes public works
14 under the Prevailing Wage Act.

15 (b) To the extent of a conflict between these definitions
16 and any existing definition provided elsewhere in this Code or
17 otherwise pursuant to law or applicable administrative rule,
18 the definitions provided under this Section shall control.

19 (30 ILCS 500/34-10 new)

20 Sec. 34-10. Public works contracts hiring requirements.

21 (a) Notwithstanding any other provision of law to the
22 contrary, no contract for public works in which the estimated
23 total dollar amount of the contract for public works is
24 \$500,000 or more shall be valid unless it includes the
25 following requirements:

1 (1) The contractor shall cause impacted individuals to
2 be hired as apprentices to perform labor required pursuant
3 to the contract, with the impacted individuals being paid
4 wages and provided with benefits with a total dollar cost
5 equal to not less than 5% of the total dollar amount of the
6 contract for public works. Taxes paid solely by the
7 contractor as a result of its hiring of impacted
8 individuals under this Act shall not be included in the
9 computation of wages paid and benefits provided to
10 impacted individuals pursuant to this Section.

11 (2) The contractor shall provide the chief procurement
12 officer and the purchasing agency or community college
13 district that is a party to the contract for public works
14 with the contractor's affidavits, given under oath,
15 evidencing the contractor's compliance with this Article.
16 Those affidavits shall, at a minimum, set forth the total
17 dollar amount of the contractor's contract for public
18 works and include the following information pertaining to
19 each of the impacted individuals hired pursuant to the
20 contract for public works:

21 (i) name and residential address;

22 (ii) job classification;

23 (iii) hourly wage;

24 (iv) number of non-overtime hours worked during
25 each week included in the period covered by the
26 affidavit;

1 (v) number of overtime hours worked during each
2 week included in the period covered by the affidavit;

3 (vi) amount of non-overtime wages paid during each
4 week included in the period covered by the affidavit;

5 (vii) amount of overtime wages paid during each
6 week included in the period covered by the affidavit;

7 and

8 (viii) the cost of benefits that were provided
9 during each week included in the period covered by the
10 affidavit and were not paid by any impacted
11 individuals.

12 (b) Taxes paid solely by the contractor as a result of its
13 hiring of impacted individuals pursuant to this Act shall not
14 be included in the computation of wages paid and benefits
15 provided to impacted individuals pursuant to this Section. The
16 affidavit shall also include additional information evidencing
17 compliance with this Article as may be required by the chief
18 procurement officer or the purchasing agency or community
19 college district that is a party to the contract for public
20 works. The contractor shall provide the affidavits to the
21 chief procurement officer or the purchasing agency or
22 community college district that is a party to the contract for
23 public works according to the following schedule:

24 (1) The affidavit reflecting wages paid and benefits
25 provided between January 1 and June 30 of any year shall be
26 due on July 31 of that year.

1 (2) The affidavit reflecting wages paid and benefits
2 provided between July 1 and December 31 of any year shall
3 be due on January 31 of the following year.

4 (c) Each contract for public works shall expressly include
5 the provisions of this Section.

6 (30 ILCS 500/34-15 new)

7 Sec. 34-15. Waivers.

8 (a) The chief procurement officer, upon the written
9 request of a contractor, may wholly or partially waive that
10 contractor's compliance with paragraph (1) of subsection (a)
11 of Section 34-10 whenever that chief procurement officer has
12 made a written determination, based on the best information
13 available at the time of the determination, that there is an
14 insufficient number of impacted individuals who are able to
15 qualify for an apprenticeship program related to the work that
16 is the subject of the contractor's contract for public works.

17 (b) A contractor's written request for waiver to the chief
18 procurement officer pursuant to this Section must include, at
19 a minimum and without limitation, the following:

20 (1) Evidence that the contractor contacted every
21 apprenticeship program within 100 miles of the locations
22 where the work pursuant to the contractor's contract for
23 public works is expected to be performed, for the purpose
24 of hiring impacted individuals who are participating in
25 such apprenticeship programs, and the response of each

1 such apprenticeship program.

2 (2) Evidence that the contractor contacted every
3 preapprenticeship programs within 100 miles of the
4 locations where the work pursuant to the contractor's
5 contract for public works is expected to be performed, for
6 the purpose of hiring impacted individuals who are
7 participating in such preapprenticeship programs, and the
8 response of each such preapprenticeship program.

9 (3) Evidence that the contractor contacted not less
10 than 40 reentry navigators or similarly titled individuals
11 who facilitate the provision of services to impacted
12 individuals or apprenticeship programs and who are located
13 within 100 miles of the locations where the work pursuant
14 to the contractor's contract for public works is expected
15 to be performed, for the purpose of hiring impacted
16 individuals as apprentices, and the response of each
17 reentry navigator or similarly titled individual.

18 (4) Evidence that the contractor undertook other
19 diligent efforts to solicit and hire impacted individuals
20 as apprentices for the contractor's contract for public
21 works, with that evidence being in addition to other
22 evidence required by this Section.

23 (5) The total dollar amount of all wages the
24 contractor would have paid to impacted individuals but for
25 the requested waiver being granted and the contractor
26 being able to hire those impacted individuals who would

1 otherwise be required pursuant to this Article.

2 (6) The total dollar amount of all benefits the
3 contractor would have expended on behalf of impacted
4 individuals but for the requested waiver being granted and
5 the contractor being able to hire those impacted
6 individuals who would otherwise be required pursuant to
7 this Article.

8 (7) Any additional evidence as the chief procurement
9 officer may reasonably find to be required to make a
10 determination on the contractor's request.

11 (8) A statement made under oath or attestation that
12 the matters included in the contractor's request for
13 waiver are true and correct to the best of the
14 contractor's knowledge after a reasonable inquiry.

15 (c) Taxes that would have been paid solely by the
16 contractor as a result of its hiring of impacted individuals
17 pursuant to this Act shall not be included in the computation
18 of wages paid and benefits provided to impacted individuals
19 pursuant to this Section.

20 (d) The chief procurement officer shall make each request
21 for waiver and all documents provided to it by a contractor in
22 support of that request available on that chief procurement
23 officer's website. No determination shall be made on any
24 request until 10 business days after that chief procurement
25 officer has made the request and all supporting documents
26 available on its website. Within that 10 business day period,

1 any person who or entity that is a resident of the State of
2 Illinois, without need for showing any interest in the
3 contract or waiver at issue, may submit evidence and opinions
4 to that chief procurement officer in opposition to the
5 contractor's request for waiver. The evidence shall be
6 accompanied by a statement made under oath or attestation that
7 the matters provided in opposition to the contractor's request
8 for waiver are true and correct to the best of the knowledge of
9 the person or entity that is submitting them, after a
10 reasonable inquiry.

11 The granting of a waiver pursuant to this Section shall be
12 disfavored and shall be granted only when there is clear and
13 convincing evidence to support the waiver, considering,
14 without limitation, the contractor's request, documents
15 provided by the contractor in support of that request and any
16 submissions made in opposition to that request pursuant to
17 this Section. The chief procurement officer's determination
18 regarding each waiver shall set forth, in detail, the reasons
19 for that determination and all matters supporting that
20 determination. The chief procurement officer shall post each
21 determination on its website within one business day after the
22 determination is made and shall serve notice of the
23 determination on all persons who or entities that submitted
24 evidence and opinions to the chief procurement officer in
25 opposition to the contractor's request for the waiver within 5
26 business days after the determination.

1 The provisions of the Administrative Review Law shall
2 apply to and govern every action to review judicially a
3 determination made by the chief procurement officer in
4 response to a contractor's request for waiver pursuant to this
5 Section. Notwithstanding any other law to the contrary, all
6 persons who or entities that submitted evidence and opinions
7 to the chief procurement officer in opposition to the
8 contractor's request for the waiver shall have standing to
9 seek judicial review of a determination made by the chief
10 procurement officer in opposition to a contractor's request
11 for waiver pursuant to this Section.

12 (e) A contractor that has been granted a waiver pursuant
13 to this Section shall, within 5 business days after the
14 granting of that waiver, pay the following amounts to a
15 program within this State that provides preapprenticeship
16 training to impacted individuals pursuant to Section 34-30:

17 (1) the total dollar amount of all wages the
18 contractor would have paid to impacted individuals but for
19 the requested waiver being granted and the contractor
20 being able to hire those impacted individuals who would
21 otherwise be required pursuant to this Article; and

22 (2) the total dollar amount of all benefits the
23 contractor would have expended on behalf of impacted
24 individuals but for the requested waiver being granted and
25 the contractor being able to hire those impacted
26 individuals who would otherwise be required pursuant to

1 this Article.

2 Amounts paid by a contractor pursuant to this subsection
3 (e) shall be in addition to and supplement existing payments
4 for such preapprenticeship training programs and shall not
5 substitute for payments otherwise necessary for such programs.

6 (30 ILCS 500/34-20 new)

7 Sec. 34-20. Certificate of arrest or conviction.

8 (a) An impacted individual may request a certificate of
9 arrest or conviction from any certifying agency. There shall
10 be no charge for such a request or response thereto. Within 10
11 business days after receiving a request, the certifying agency
12 shall provide the impacted individual who made the request
13 with either: (i) a certificate of arrest or conviction; or
14 (ii) a statement that it does not have information sufficient
15 to provide a certificate of arrest or conviction.

16 (b) Every certifying agency shall adopt reasonable
17 procedures for the request and issuance of a certificate of
18 arrest or conviction. The procedures shall be set forth on the
19 certifying agency's website, and shall allow, at a minimum,
20 for an impacted individual to make a request for a certificate
21 through the certifying agency's website, by email, by regular
22 mail, and in-person at or by other means of delivery to the
23 certifying agency's office.

24 (c) For purposes of complying with this Article, a
25 certificate of arrest or conviction shall constitute evidence

1 that the person named thereon has been arrested or convicted
2 of a felony by any court of competent jurisdiction sitting in
3 the United States or any territory of the United States. A
4 contractor shall accept and may rely upon a certificate of
5 arrest or conviction that is presented to the contractor by or
6 on behalf of an impacted person for purposes of evidencing
7 compliance with this Article. Notwithstanding the foregoing, a
8 contractor shall also accept and may rely upon any other
9 reasonable evidence of an impacted individual's arrest for the
10 commission of a felony or conviction of a felony by any court
11 of competent jurisdiction sitting in the United States or any
12 territory of the United States that is presented to the
13 contractor by or on behalf of that impacted person for
14 purposes of evidencing compliance with this Article.

15 (30 ILCS 500/34-25 new)

16 Sec. 34-25. Fiscal year reports.

17 (a) By or before November 1, 2024 and on November 1 of each
18 year thereafter, the chief procurement officer shall report to
19 the General Assembly on compliance with this Article during
20 the fiscal year immediately preceding the date of the report.
21 Each report shall, at a minimum, include the following for the
22 period covered by the fiscal year immediately preceding the
23 date of the report:

24 (1) The total dollar amount of all contracts for
25 public works.

1 (2) The total number of impacted individuals who were
2 employed as apprentices pursuant to contracts for public
3 works.

4 (3) The total amount of non-overtime hours worked by
5 impacted individuals as apprentices pursuant to contracts
6 for public works.

7 (4) The total amount of overtime hours worked by
8 impacted individuals as apprentices pursuant to contracts
9 for public works.

10 (5) The total amount of non-overtime wages paid to
11 impacted individuals as apprentices pursuant to contracts
12 for public works.

13 (6) The total amount of overtime wages paid to
14 impacted individuals as apprentices pursuant to contracts
15 for public works.

16 (7) The total cost of benefits that were provided to
17 impacted individuals pursuant to contracts for public
18 works and that were not paid by any impacted individuals.

19 (8) The total number of waivers from the requirements
20 of this Article that were requested by contractors,
21 including: (i) the total number of determinations granting
22 waivers; (ii) the total dollar amount of all contracts for
23 public works that were the subject of requests for waivers
24 that were granted; (iii) the total amount of all wages and
25 all contractors requesting waivers that were granted that
26 would have been paid to impacted individuals had the

1 waiver not been granted, and those contractors that hired
2 impacted individuals who would otherwise be required
3 pursuant to this Article; and (iv) the total dollar amount
4 of all benefits of all contractors requesting waivers that
5 were granted that would have expended on behalf of
6 impacted individuals had the waiver not been granted and
7 those contractors that hired impacted individuals who
8 would otherwise be required pursuant to this Article.

9 (b) Taxes paid solely by the contractor as a result of its
10 hiring of impacted individuals pursuant to this Act shall not
11 be included in the computation of wages paid and benefits
12 provided to impacted individuals pursuant to this Section.

13 (30 ILCS 500/34-30 new)

14 Sec. 34-30. Funding preapprenticeship programs.

15 (a) No collective bargaining agreement entered into by the
16 State or any State agency on or after the effective date of
17 this amendatory Act of the 102nd General Assembly shall be
18 valid unless it provides that an amount equal to not less than
19 5% of the dollar amount of wages paid and benefits provided by
20 the State or State agency pursuant to the collective
21 bargaining agreement shall be contributed by the labor union
22 that is a party to that collective bargaining agreement to one
23 or more preapprenticeship programs that exclusively serve
24 impacted individuals.

25 (b) No collective bargaining agreement entered into by the

1 State or any State agency that is in effect prior to the
2 effective date of this amendatory Act of the 102nd General
3 Assembly shall be renewed, extended, or otherwise continued
4 beyond the initial duration of that collective bargaining
5 agreement, unless the labor union that is a party to that
6 collective bargaining agreement agrees to make the
7 contribution required by subsection (a) throughout the period
8 of the renewal, extension, or continuation. The State or any
9 State agency that is a party to a collective bargaining
10 agreement that is in effect prior to the effective date of this
11 amendatory Act of the 102nd General Assembly shall provide all
12 notices and cancellations, and take all other actions required
13 pursuant to the collective bargaining agreement or any other
14 legal requirements to effectuate the provisions of this
15 subsection (b).

16 (c) Taxes paid solely by the State or State agency as a
17 result of its entry into a collective bargaining agreement
18 shall not be included in the computation of wages paid and
19 benefits provided pursuant to that collective bargaining
20 agreement.

21 (d) Each union that is required to make contributions to
22 one or more preapprenticeship programs that exclusively serve
23 impacted individuals pursuant to this Section shall provide a
24 sworn statement with reasonable evidence of its compliance
25 with this Section to the chief procurement office on a
26 semi-annual basis.

1 (e) Nothing in this Act shall be construed to prohibit a
2 labor union that is required to make contributions to one or
3 more preapprenticeship programs that exclusively serve
4 impacted individuals pursuant to this Section from making
5 those contributions to a preapprenticeship program that
6 exclusively serves impacted individuals and is operated or
7 sponsored by that labor union.

8 (30 ILCS 500/34-35 new)

9 Sec. 34-35. Standing to enforce. Each person who and each
10 entity that is a resident of the State of Illinois has standing
11 to enforce the provisions of this Article without need of
12 showing any other interest in the matter.

13 (30 ILCS 500/50-60)

14 Sec. 50-60. Voidable contracts.

15 (a) If any contract or amendment thereto is entered into
16 or purchase or expenditure of funds is made at any time in
17 violation of this Code or any other law, the contract or
18 amendment thereto may be declared void by the chief
19 procurement officer or may be ratified and affirmed, provided
20 the chief procurement officer determines that ratification is
21 in the best interests of the State. If the contract is ratified
22 and affirmed, it shall be without prejudice to the State's
23 rights to any appropriate damages.

24 (b) If, during the term of a contract, the chief

1 procurement officer determines that the contractor is
2 delinquent in the payment of debt as set forth in Section 50-11
3 of this Code, the chief procurement officer may declare the
4 contract void if it determines that voiding the contract is in
5 the best interests of the State. The Debt Collection Bureau
6 shall adopt rules for the implementation of this subsection
7 (b).

8 (c) (Blank). ~~If, during the term of a contract, the chief~~
9 ~~procurement officer determines that the contractor is in~~
10 ~~violation of Section 50-10.5 of this Code, the chief~~
11 ~~procurement officer shall declare the contract void.~~

12 (d) If, during the term of a contract, the contracting
13 agency learns from an annual certification or otherwise
14 determines that the contractor no longer qualifies to enter
15 into State contracts by reason of Section 50-5, ~~50-10~~, 50-12,
16 50-14, or 50-14.5 of this Article, the chief procurement
17 officer may declare the contract void if it determines that
18 voiding the contract is in the best interests of the State.

19 (e) If, during the term of a contract, the chief
20 procurement officer learns from an annual certification or
21 otherwise determines that a subcontractor subject to Section
22 20-120 no longer qualifies to enter into State contracts by
23 reason of Section 50-5, ~~50-10~~, ~~50-10.5~~, 50-11, 50-12, 50-14,
24 or 50-14.5 of this Article, the chief procurement officer may
25 declare the related contract void if it determines that
26 voiding the contract is in the best interests of the State.

1 However, the related contract shall not be declared void
2 unless the contractor refuses to terminate the subcontract
3 upon the State's request after a finding that the
4 subcontractor no longer qualifies to enter into State
5 contracts by reason of one of the Sections listed in this
6 subsection.

7 (f) The changes to this Section made by Public Act 96-795
8 apply to actions taken by the chief procurement officer on or
9 after July 1, 2010.

10 (Source: P.A. 96-493, eff. 1-1-10; 96-795, eff. 7-1-10 (see
11 Section 5 of P.A. 96-793 for the effective date of changes made
12 by P.A. 96-795); 96-1000, eff. 7-2-10; 97-895, eff. 8-3-12.)

13 (30 ILCS 500/50-10 rep.)

14 (30 ILCS 500/50-10.5 rep.)

15 Section 10. The Illinois Procurement Code is amended by
16 repealing Sections 50-10 and 50-10.5.

17 Section 15. The Business Enterprise for Minorities, Women,
18 and Persons with Disabilities Act is amended by changing
19 Section 2 as follows:

20 (30 ILCS 575/2)

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

22 Sec. 2. Definitions.

23 (A) For the purpose of this Act, the following terms shall

1 have the following definitions:

2 (1) "Minority person" shall mean a person who is a
3 citizen or lawful permanent resident of the United States
4 and who is any of the following:

5 (a) American Indian or Alaska Native (a person
6 having origins in any of the original peoples of North
7 and South America, including Central America, and who
8 maintains tribal affiliation or community attachment).

9 (b) Asian (a person having origins in any of the
10 original peoples of the Far East, Southeast Asia, or
11 the Indian subcontinent, including, but not limited
12 to, Cambodia, China, India, Japan, Korea, Malaysia,
13 Pakistan, the Philippine Islands, Thailand, and
14 Vietnam).

15 (c) Black or African American (a person having
16 origins in any of the black racial groups of Africa).

17 (d) Hispanic or Latino (a person of Cuban,
18 Mexican, Puerto Rican, South or Central American, or
19 other Spanish culture or origin, regardless of race).

20 (e) Native Hawaiian or Other Pacific Islander (a
21 person having origins in any of the original peoples
22 of Hawaii, Guam, Samoa, or other Pacific Islands).

23 (2) "Woman" shall mean a person who is a citizen or
24 lawful permanent resident of the United States and who is
25 of the female gender.

26 (2.05) "Person with a disability" means: (i) a person

1 who is a citizen or lawful resident of the United States
2 and is a person qualifying as a person with a disability
3 under subdivision (2.1) of this subsection (A); or (ii) a
4 person who is a citizen or lawful permanent resident of
5 the United States and a resident of the State of Illinois
6 who has been arrested for committing a felony or convicted
7 of a felony by any court of competent jurisdiction sitting
8 in the United States or any territory of the United
9 States.

10 (2.1) "Person with a disability" means a person with a
11 severe physical or mental disability that:

12 (a) results from:

13 amputation,

14 arthritis,

15 autism,

16 blindness,

17 burn injury,

18 cancer,

19 cerebral palsy,

20 Crohn's disease,

21 cystic fibrosis,

22 deafness,

23 head injury,

24 heart disease,

25 hemiplegia,

26 hemophilia,

1 respiratory or pulmonary dysfunction,
2 an intellectual disability,
3 mental illness,
4 multiple sclerosis,
5 muscular dystrophy,
6 musculoskeletal disorders,
7 neurological disorders, including stroke and
8 epilepsy,
9 paraplegia,
10 quadriplegia and other spinal cord conditions,
11 sickle cell anemia,
12 ulcerative colitis,
13 specific learning disabilities, or
14 end stage renal failure disease; and

15 (b) substantially limits one or more of the
16 person's major life activities.

17 Another disability or combination of disabilities may
18 also be considered as a severe disability for the purposes
19 of item (a) of this subdivision (2.1) if it is determined
20 by an evaluation of rehabilitation potential to cause a
21 comparable degree of substantial functional limitation
22 similar to the specific list of disabilities listed in
23 item (a) of this subdivision (2.1).

24 (3) "Minority-owned business" means a business which
25 is at least 51% owned by one or more minority persons, or
26 in the case of a corporation, at least 51% of the stock in

1 which is owned by one or more minority persons; and the
2 management and daily business operations of which are
3 controlled by one or more of the minority individuals who
4 own it.

5 (4) "Women-owned business" means a business which is
6 at least 51% owned by one or more women, or, in the case of
7 a corporation, at least 51% of the stock in which is owned
8 by one or more women; and the management and daily
9 business operations of which are controlled by one or more
10 of the women who own it.

11 (4.1) "Business owned by a person with a disability"
12 means a business that is at least 51% owned by one or more
13 persons with a disability and the management and daily
14 business operations of which are controlled by one or more
15 of the persons with disabilities who own it. A
16 not-for-profit agency for persons with disabilities that
17 is exempt from taxation under Section 501 of the Internal
18 Revenue Code of 1986 is also considered a "business owned
19 by a person with a disability".

20 (4.2) "Council" means the Business Enterprise Council
21 for Minorities, Women, and Persons with Disabilities
22 created under Section 5 of this Act.

23 (4.3) "Commission" means, unless the context clearly
24 indicates otherwise, the Commission on Equity and
25 Inclusion created under the Commission on Equity and
26 Inclusion Act.

1 (5) "State contracts" means all contracts entered into
2 by the State, any agency or department thereof, or any
3 public institution of higher education, including
4 community college districts, regardless of the source of
5 the funds with which the contracts are paid, which are not
6 subject to federal reimbursement. "State contracts" does
7 not include contracts awarded by a retirement system,
8 pension fund, or investment board subject to Section
9 1-109.1 of the Illinois Pension Code. This definition
10 shall control over any existing definition under this Act
11 or applicable administrative rule.

12 "State construction contracts" means all State
13 contracts entered into by a State agency or public
14 institution of higher education for the repair,
15 remodeling, renovation or construction of a building or
16 structure, or for the construction or maintenance of a
17 highway defined in Article 2 of the Illinois Highway Code.

18 (6) "State agencies" shall mean all departments,
19 officers, boards, commissions, institutions and bodies
20 politic and corporate of the State, but does not include
21 the Board of Trustees of the University of Illinois, the
22 Board of Trustees of Southern Illinois University, the
23 Board of Trustees of Chicago State University, the Board
24 of Trustees of Eastern Illinois University, the Board of
25 Trustees of Governors State University, the Board of
26 Trustees of Illinois State University, the Board of

1 Trustees of Northeastern Illinois University, the Board of
2 Trustees of Northern Illinois University, the Board of
3 Trustees of Western Illinois University, municipalities or
4 other local governmental units, or other State
5 constitutional officers.

6 (7) "Public institutions of higher education" means
7 the University of Illinois, Southern Illinois University,
8 Chicago State University, Eastern Illinois University,
9 Governors State University, Illinois State University,
10 Northeastern Illinois University, Northern Illinois
11 University, Western Illinois University, the public
12 community colleges of the State, and any other public
13 universities, colleges, and community colleges now or
14 hereafter established or authorized by the General
15 Assembly.

16 (8) "Certification" means a determination made by the
17 Council or by one delegated authority from the Council to
18 make certifications, or by a State agency with statutory
19 authority to make such a certification, that a business
20 entity is a business owned by a minority, woman, or person
21 with a disability for whatever purpose. A business owned
22 and controlled by women shall be certified as a
23 "woman-owned business". A business owned and controlled by
24 women who are also minorities shall be certified as both a
25 "women-owned business" and a "minority-owned business".

26 (9) "Control" means the exclusive or ultimate and sole

1 control of the business including, but not limited to,
2 capital investment and all other financial matters,
3 property, acquisitions, contract negotiations, legal
4 matters, officer-director-employee selection and
5 comprehensive hiring, operating responsibilities,
6 cost-control matters, income and dividend matters,
7 financial transactions and rights of other shareholders or
8 joint partners. Control shall be real, substantial and
9 continuing, not pro forma. Control shall include the power
10 to direct or cause the direction of the management and
11 policies of the business and to make the day-to-day as
12 well as major decisions in matters of policy, management
13 and operations. Control shall be exemplified by possessing
14 the requisite knowledge and expertise to run the
15 particular business and control shall not include simple
16 majority or absentee ownership.

17 (10) "Business" means a business that has annual gross
18 sales of less than \$75,000,000 as evidenced by the federal
19 income tax return of the business. A firm with gross sales
20 in excess of this cap may apply to the Council for
21 certification for a particular contract if the firm can
22 demonstrate that the contract would have significant
23 impact on businesses owned by minorities, women, or
24 persons with disabilities as suppliers or subcontractors
25 or in employment of minorities, women, or persons with
26 disabilities.

1 (11) "Utilization plan" means a form and additional
2 documentations included in all bids or proposals that
3 demonstrates a vendor's proposed utilization of vendors
4 certified by the Business Enterprise Program to meet the
5 targeted goal. The utilization plan shall demonstrate that
6 the Vendor has either: (1) met the entire contract goal or
7 (2) requested a full or partial waiver and made good faith
8 efforts towards meeting the goal.

9 (12) "Business Enterprise Program" means the Business
10 Enterprise Program of the Commission on Equity and
11 Inclusion.

12 (B) When a business is owned at least 51% by any
13 combination of minority persons, women, or persons with
14 disabilities, even though none of the 3 classes alone holds at
15 least a 51% interest, the ownership requirement for purposes
16 of this Act is considered to be met. The certification
17 category for the business is that of the class holding the
18 largest ownership interest in the business. If 2 or more
19 classes have equal ownership interests, the certification
20 category shall be determined by the business.

21 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
22 102-29, eff. 6-25-21.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 500/1-10

4 30 ILCS 500/1-13

5 30 ILCS 500/1-35

6 30 ILCS 500/1-40

7 30 ILCS 500/30-15

8 30 ILCS 500/Art. 34

9 heading new

10 30 ILCS 500/34-1 new

11 30 ILCS 500/34-5 new

12 30 ILCS 500/34-10 new

13 30 ILCS 500/34-15 new

14 30 ILCS 500/34-20 new

15 30 ILCS 500/34-25 new

16 30 ILCS 500/34-30 new

17 30 ILCS 500/34-35 new

18 30 ILCS 500/50-60

19 30 ILCS 500/50-10 rep.

20 30 ILCS 500/50-10.5 rep.

21 30 ILCS 575/2