

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Central Management Services
5 Law of the Civil Administrative Code of Illinois is amended by
6 changing and renumbering multiple versions of Section 405-535
7 (as added by Public Act 101-657) as follows:

8 (20 ILCS 405/405-535)

9 Sec. 405-535. Race and gender wage reports.

10 (a) Each State agency and public institution of higher
11 education shall annually submit to the Commission on Equity
12 and Inclusion ~~Department~~ a report, categorized by both race
13 and gender, specifying the respective wage earnings of
14 employees of that State agency or public institution of higher
15 education.

16 (b) The Commission ~~Department~~ shall compile the
17 information submitted under this Section and make that
18 information available to the public on the Internet website of
19 the Commission ~~Department~~.

20 (c) The Commission ~~Department~~ shall annually submit a
21 report of the information compiled under this Section to the
22 Governor and, the General Assembly, ~~and the Business~~
23 ~~Enterprise Council for Minorities, Women, and Persons with~~

1 ~~Disabilities.~~

2 (d) As used in this Section:

3 "Public institution of higher education" has the meaning
4 provided in Section 1 of the Board of Higher Education Act.

5 "State agency" has the meaning provided in subsection (b)
6 of Section 405-5.

7 (Source: P.A. 101-657, Article 25, Section 25-5, eff.
8 3-23-21.)

9 (20 ILCS 405/405-540)

10 Sec. 405-540 ~~405-535~~. African Descent-Citizens Reparations
11 Commission.

12 (a) The African Descent-Citizens Reparations Commission is
13 hereby established within the Department of Central Management
14 Services.

15 (b) The Commission shall include the following members:

16 (1) the Governor or his or her designee;

17 (2) one member of the House of Representatives
18 appointed by the Speaker of the House of Representatives;

19 (3) one member of the Senate appointed by the
20 President of the Senate;

21 (4) one member of the House of Representatives
22 appointed by the Minority Leader of the House of
23 Representatives;

24 (5) one member of the Senate appointed by the Minority
25 Leader of the Senate;

1 (6) three representatives of a national coalition that
2 supports reparations for African Americans appointed by
3 the Governor; and

4 (7) ten members of the public appointed by the
5 Governor, at least 8 of whom are African American
6 descendants of slavery.

7 (c) Appointment of members to the Commission shall be made
8 within 60 days after the effective date of this amendatory Act
9 of the 101st General Assembly, with the first meeting of the
10 Commission to be held at a reasonable period of time
11 thereafter. The Chairperson of the Commission shall be elected
12 from among the members during the first meeting. Members of
13 the Commission shall serve without compensation, but may be
14 reimbursed for travel expenses. The 10 members of the public
15 appointed by the Governor shall be from diverse backgrounds,
16 including businesspersons and persons without high school
17 diplomas.

18 (d) Administrative support and staffing for the Commission
19 shall be provided by the Department of Central Management
20 Services. Any State agency under the jurisdiction of the
21 Governor shall provide testimony and documents as directed by
22 the Department.

23 (e) The Commission shall perform the following duties:

24 (1) develop and implement measures to ensure equity,
25 equality, and parity for African American descendants of
26 slavery;

1 (2) hold hearings to discuss the implementation of
2 measures to ensure equity, equality, and parity for
3 African American descendants of slavery;

4 (3) educate the public on reparations for African
5 American descendants of slavery;

6 (4) report to the General Assembly information and
7 findings regarding the work of the Commission under this
8 Section and the feasibility of reparations for Illinois
9 African American descendants of slavery, including any
10 recommendations on the subject; and

11 (5) discuss and perform actions regarding the
12 following issues:

13 (i) Preservation of African American neighborhoods
14 and communities through investment in business
15 development, home ownership, and affordable housing at
16 the median income of each neighborhood, with a full
17 range of housing services and strengthening of
18 institutions, which shall include, without limitation,
19 schools, parks, and community centers.

20 (ii) Building and development of a Vocational
21 Training Center for People of African
22 Descent-Citizens, with satellite centers throughout
23 the State, to address the racial disparity in the
24 building trades and the de-skilling of African
25 American labor through the historic discrimination in
26 the building trade unions. The Center shall also have

1 departments for legitimate activities in the informal
2 economy and apprenticeship.

3 (iii) Ensuring proportional economic
4 representation in all State contracts, including
5 reviews and recommendations for changes to ~~updates of~~
6 the State procurement and contracting requirements and
7 procedures with the express goal of increasing the
8 number of African American vendors and contracts for
9 services to an equitable level reflecting their
10 population in the State.

11 (iv) Creation and enforcement of an Illinois
12 Slavery Era Disclosure Bill mandating that in addition
13 to disclosure, an affidavit must be submitted entitled
14 "Statement of Financial Reparations" that has been
15 negotiated between the Commission established under
16 this Section and a corporation or institution that
17 disclosed ties to the enslavement or injury of people
18 of African descent in the United States of America.

19 (f) Beginning January 1, 2022, and for each year
20 thereafter, the Commission shall submit a report regarding its
21 actions and any information as required under this Section to
22 the Governor and the General Assembly. The report of the
23 Commission shall also be made available to the public on the
24 Internet website of the Department of Central Management
25 Services.

26 (Source: P.A. 101-657, Article 15, Section 15-5, eff. 3-23-21;

1 revised 4-21-21.)

2 Section 10. The Illinois Procurement Code is amended by
3 changing Sections 5-7, 20-10, 20-15, 20-30, 20-60, and 40-20
4 as follows:

5 (30 ILCS 500/5-7)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 Sec. 5-7. Commission on Equity and Inclusion; powers and
9 duties.

10 (a) The Commission on Equity and Inclusion, as created
11 under the Commission on Equity and Inclusion Act, shall have
12 the powers and duties provided under this Section with respect
13 to this Code. Nothing in this Section shall be construed as
14 overriding the authority and duties of the Procurement Policy
15 Board as provided under Section 5-5. The powers and duties of
16 the Commission as provided under this Section shall be
17 exercised alongside, but independent of, that of the
18 Procurement Policy Board.

19 (b) The Commission on Equity and Inclusion shall have the
20 authority and responsibility to review, comment upon, and
21 recommend, consistent with this Code, rules and practices
22 governing the procurement, management, control, and disposal
23 of supplies, services, professional or artistic services,
24 construction, and real property and capital improvement leases

1 procured by the State for the purpose of diversity, equity,
2 and inclusion. The Commission on Equity and Inclusion shall
3 also have the authority to recommend a program for
4 professional development and provide opportunities for
5 training in equity and inclusion in procurement practices and
6 policies to chief procurement officers and their staffs in
7 order to ensure that all procurement is conducted in an
8 efficient, professional, and appropriately transparent manner.

9 (c) Upon a majority vote of its members, the Commission on
10 Equity and Inclusion may review a contract for purposes of
11 equity and inclusion. Upon a three-fifths vote of its members,
12 the Commission may propose equity and inclusion in procurement
13 rules for consideration by chief procurement officers. These
14 proposals of equity and inclusion rules shall be published in
15 each volume of the Procurement Bulletin. Except as otherwise
16 provided by law, the Commission on Equity and Inclusion shall
17 act upon the vote of a majority of its members who have been
18 appointed and are serving.

19 (d) The Commission on Equity and Inclusion may review,
20 study, and hold public hearings concerning the implementation
21 and administration of this Code in regard to equity and
22 inclusion in procurement. Each chief procurement officer,
23 State purchasing officer, procurement compliance monitor, and
24 State agency shall cooperate with ~~the Commission~~, provide
25 information to ~~the Commission on Equity and Inclusion~~, and be
26 responsive to the Commission on Equity and Inclusion in the

1 ~~Commission's~~ conduct of its reviews, studies, and hearings for
2 purposes of equity and inclusion in procurement.

3 (e) Upon a three-fifths vote of its members, the
4 Commission on Equity and Inclusion shall review a proposal,
5 bid, or contract and issue a recommendation to void a contract
6 or reject a proposal or bid based on any ~~conflict of interest~~
7 ~~or~~ violation of this Code in regard to equity and inclusion. A
8 recommendation of the Commission shall be delivered to the
9 appropriate chief procurement officer ~~and Executive Ethics~~
10 ~~Commission~~ within 7 calendar days after the proposal due date,
11 bid opening date, or determination of a Code violation and
12 must be published in the next volume of the Procurement
13 Bulletin. The bidder, offeror, potential contractor,
14 contractor, or subcontractor shall have 15 calendar days to
15 provide a written response to the notice. A ~~, and a~~ hearing
16 before the Commission on the ~~alleged conflict of interest or~~
17 violation of the Code in regard to equity and inclusion shall
18 be held upon request by the bidder, offeror, potential
19 contractor, contractor, or subcontractor. The requested
20 hearing date and time shall be determined by the Commission on
21 Equity and Inclusion, but in no event shall the hearing occur
22 later than 15 calendar days after the date of the request.
23 Within 7 days after the hearing, the Commission shall deliver
24 a recommendation to the appropriate chief procurement officer
25 whether to void the contract or reject the proposal or bid.

26 (Source: P.A. 101-657, eff. 1-1-22.)

1 (30 ILCS 500/20-10)

2 (Text of Section before amendment by P.A. 101-657)

3 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
4 98-1076, 99-906, 100-43, and 101-31)

5 Sec. 20-10. Competitive sealed bidding; reverse auction.

6 (a) Conditions for use. All contracts shall be awarded by
7 competitive sealed bidding except as otherwise provided in
8 Section 20-5.

9 (b) Invitation for bids. An invitation for bids shall be
10 issued and shall include a purchase description and the
11 material contractual terms and conditions applicable to the
12 procurement.

13 (c) Public notice. Public notice of the invitation for
14 bids shall be published in the Illinois Procurement Bulletin
15 at least 14 calendar days before the date set in the invitation
16 for the opening of bids.

17 (d) Bid opening. Bids shall be opened publicly or through
18 an electronic procurement system in the presence of one or
19 more witnesses at the time and place designated in the
20 invitation for bids. The name of each bidder, including earned
21 and applied bid credit from the Illinois Works Jobs Program
22 Act, the amount of each bid, and other relevant information as
23 may be specified by rule shall be recorded. After the award of
24 the contract, the winning bid and the record of each
25 unsuccessful bid shall be open to public inspection.

1 (e) Bid acceptance and bid evaluation. Bids shall be
2 unconditionally accepted without alteration or correction,
3 except as authorized in this Code. Bids shall be evaluated
4 based on the requirements set forth in the invitation for
5 bids, which may include criteria to determine acceptability
6 such as inspection, testing, quality, workmanship, delivery,
7 and suitability for a particular purpose. Those criteria that
8 will affect the bid price and be considered in evaluation for
9 award, such as discounts, transportation costs, and total or
10 life cycle costs, shall be objectively measurable. The
11 invitation for bids shall set forth the evaluation criteria to
12 be used.

13 (f) Correction or withdrawal of bids. Correction or
14 withdrawal of inadvertently erroneous bids before or after
15 award, or cancellation of awards of contracts based on bid
16 mistakes, shall be permitted in accordance with rules. After
17 bid opening, no changes in bid prices or other provisions of
18 bids prejudicial to the interest of the State or fair
19 competition shall be permitted. All decisions to permit the
20 correction or withdrawal of bids based on bid mistakes shall
21 be supported by written determination made by a State
22 purchasing officer.

23 (g) Award. The contract shall be awarded with reasonable
24 promptness by written notice to the lowest responsible and
25 responsive bidder whose bid meets the requirements and
26 criteria set forth in the invitation for bids, except when a

1 State purchasing officer determines it is not in the best
2 interest of the State and by written explanation determines
3 another bidder shall receive the award. The explanation shall
4 appear in the appropriate volume of the Illinois Procurement
5 Bulletin. The written explanation must include:

6 (1) a description of the agency's needs;

7 (2) a determination that the anticipated cost will be
8 fair and reasonable;

9 (3) a listing of all responsible and responsive
10 bidders; and

11 (4) the name of the bidder selected, the total
12 contract price, and the reasons for selecting that bidder.

13 Each chief procurement officer may adopt guidelines to
14 implement the requirements of this subsection (g).

15 The written explanation shall be filed with the
16 Legislative Audit Commission and the Procurement Policy Board,
17 and be made available for inspection by the public, within 14
18 ~~30~~ calendar days after the agency's decision to award the
19 contract.

20 (h) Multi-step sealed bidding. When it is considered
21 impracticable to initially prepare a purchase description to
22 support an award based on price, an invitation for bids may be
23 issued requesting the submission of unpriced offers to be
24 followed by an invitation for bids limited to those bidders
25 whose offers have been qualified under the criteria set forth
26 in the first solicitation.

1 (i) Alternative procedures. Notwithstanding any other
2 provision of this Act to the contrary, the Director of the
3 Illinois Power Agency may create alternative bidding
4 procedures to be used in procuring professional services under
5 Section 1-56, subsections (a) and (c) of Section 1-75 and
6 subsection (d) of Section 1-78 of the Illinois Power Agency
7 Act and Section 16-111.5(c) of the Public Utilities Act and to
8 procure renewable energy resources under Section 1-56 of the
9 Illinois Power Agency Act. These alternative procedures shall
10 be set forth together with the other criteria contained in the
11 invitation for bids, and shall appear in the appropriate
12 volume of the Illinois Procurement Bulletin.

13 (j) Reverse auction. Notwithstanding any other provision
14 of this Section and in accordance with rules adopted by the
15 chief procurement officer, that chief procurement officer may
16 procure supplies or services through a competitive electronic
17 auction bidding process after the chief procurement officer
18 determines that the use of such a process will be in the best
19 interest of the State. The chief procurement officer shall
20 publish that determination in his or her next volume of the
21 Illinois Procurement Bulletin.

22 An invitation for bids shall be issued and shall include
23 (i) a procurement description, (ii) all contractual terms,
24 whenever practical, and (iii) conditions applicable to the
25 procurement, including a notice that bids will be received in
26 an electronic auction manner.

1 Public notice of the invitation for bids shall be given in
2 the same manner as provided in subsection (c).

3 Bids shall be accepted electronically at the time and in
4 the manner designated in the invitation for bids. During the
5 auction, a bidder's price shall be disclosed to other bidders.
6 Bidders shall have the opportunity to reduce their bid prices
7 during the auction. At the conclusion of the auction, the
8 record of the bid prices received and the name of each bidder
9 shall be open to public inspection.

10 After the auction period has terminated, withdrawal of
11 bids shall be permitted as provided in subsection (f).

12 The contract shall be awarded within 60 calendar days
13 after the auction by written notice to the lowest responsible
14 bidder, or all bids shall be rejected except as otherwise
15 provided in this Code. Extensions of the date for the award may
16 be made by mutual written consent of the State purchasing
17 officer and the lowest responsible bidder.

18 This subsection does not apply to (i) procurements of
19 professional and artistic services, (ii) telecommunications
20 services, communication services, and information services,
21 and (iii) contracts for construction projects, including
22 design professional services.

23 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

24 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
25 98-1076, 99-906, 100-43, and 101-31)

1 Sec. 20-10. Competitive sealed bidding; reverse auction.

2 (a) Conditions for use. All contracts shall be awarded by
3 competitive sealed bidding except as otherwise provided in
4 Section 20-5.

5 (b) Invitation for bids. An invitation for bids shall be
6 issued and shall include a purchase description and the
7 material contractual terms and conditions applicable to the
8 procurement.

9 (c) Public notice. Public notice of the invitation for
10 bids shall be published in the Illinois Procurement Bulletin
11 at least 14 calendar days before the date set in the invitation
12 for the opening of bids.

13 (d) Bid opening. Bids shall be opened publicly or through
14 an electronic procurement system in the presence of one or
15 more witnesses at the time and place designated in the
16 invitation for bids. The name of each bidder, including earned
17 and applied bid credit from the Illinois Works Jobs Program
18 Act, the amount of each bid, and other relevant information as
19 may be specified by rule shall be recorded. After the award of
20 the contract, the winning bid and the record of each
21 unsuccessful bid shall be open to public inspection.

22 (e) Bid acceptance and bid evaluation. Bids shall be
23 unconditionally accepted without alteration or correction,
24 except as authorized in this Code. Bids shall be evaluated
25 based on the requirements set forth in the invitation for
26 bids, which may include criteria to determine acceptability

1 such as inspection, testing, quality, workmanship, delivery,
2 and suitability for a particular purpose. Those criteria that
3 will affect the bid price and be considered in evaluation for
4 award, such as discounts, transportation costs, and total or
5 life cycle costs, shall be objectively measurable. The
6 invitation for bids shall set forth the evaluation criteria to
7 be used.

8 (f) Correction or withdrawal of bids. Correction or
9 withdrawal of inadvertently erroneous bids before or after
10 award, or cancellation of awards of contracts based on bid
11 mistakes, shall be permitted in accordance with rules. After
12 bid opening, no changes in bid prices or other provisions of
13 bids prejudicial to the interest of the State or fair
14 competition shall be permitted. All decisions to permit the
15 correction or withdrawal of bids based on bid mistakes shall
16 be supported by written determination made by a State
17 purchasing officer.

18 (g) Award. The contract shall be awarded with reasonable
19 promptness by written notice to the lowest responsible and
20 responsive bidder whose bid meets the requirements and
21 criteria set forth in the invitation for bids, except when a
22 State purchasing officer determines it is not in the best
23 interest of the State and by written explanation determines
24 another bidder shall receive the award. The explanation shall
25 appear in the appropriate volume of the Illinois Procurement
26 Bulletin. The written explanation must include:

- 1 (1) a description of the agency's needs;
- 2 (2) a determination that the anticipated cost will be
- 3 fair and reasonable;
- 4 (3) a listing of all responsible and responsive
- 5 bidders; and
- 6 (4) the name of the bidder selected, the total
- 7 contract price, and the reasons for selecting that bidder.
- 8 Each chief procurement officer may adopt guidelines to
- 9 implement the requirements of this subsection (g).

10 The written explanation shall be filed with the

11 Legislative Audit Commission and the Procurement Policy Board,

12 and be made available for inspection by the public, within 30

13 days after the agency's decision to award the contract.

14 (h) Multi-step sealed bidding. When it is considered

15 impracticable to initially prepare a purchase description to

16 support an award based on price, an invitation for bids may be

17 issued requesting the submission of unpriced offers to be

18 followed by an invitation for bids limited to those bidders

19 whose offers have been qualified under the criteria set forth

20 in the first solicitation.

21 (i) Alternative procedures. Notwithstanding any other

22 provision of this Act to the contrary, the Director of the

23 Illinois Power Agency may create alternative bidding

24 procedures to be used in procuring professional services under

25 subsections (a) and (c) of Section 1-75 and subsection (d) of

26 Section 1-78 of the Illinois Power Agency Act and Section

1 16-111.5(c) of the Public Utilities Act and to procure
2 renewable energy resources under Section 1-56 of the Illinois
3 Power Agency Act. These alternative procedures shall be set
4 forth together with the other criteria contained in the
5 invitation for bids, and shall appear in the appropriate
6 volume of the Illinois Procurement Bulletin.

7 (j) Reverse auction. Notwithstanding any other provision
8 of this Section and in accordance with rules adopted by the
9 chief procurement officer, that chief procurement officer may
10 procure supplies or services through a competitive electronic
11 auction bidding process after the chief procurement officer
12 determines that the use of such a process will be in the best
13 interest of the State. The chief procurement officer shall
14 publish that determination in his or her next volume of the
15 Illinois Procurement Bulletin.

16 An invitation for bids shall be issued and shall include
17 (i) a procurement description, (ii) all contractual terms,
18 whenever practical, and (iii) conditions applicable to the
19 procurement, including a notice that bids will be received in
20 an electronic auction manner.

21 Public notice of the invitation for bids shall be given in
22 the same manner as provided in subsection (c).

23 Bids shall be accepted electronically at the time and in
24 the manner designated in the invitation for bids. During the
25 auction, a bidder's price shall be disclosed to other bidders.
26 Bidders shall have the opportunity to reduce their bid prices

1 during the auction. At the conclusion of the auction, the
2 record of the bid prices received and the name of each bidder
3 shall be open to public inspection.

4 After the auction period has terminated, withdrawal of
5 bids shall be permitted as provided in subsection (f).

6 The contract shall be awarded within 60 calendar days
7 after the auction by written notice to the lowest responsible
8 bidder, or all bids shall be rejected except as otherwise
9 provided in this Code. Extensions of the date for the award may
10 be made by mutual written consent of the State purchasing
11 officer and the lowest responsible bidder.

12 This subsection does not apply to (i) procurements of
13 professional and artistic services, (ii) telecommunications
14 services, communication services, and information services,
15 and (iii) contracts for construction projects, including
16 design professional services.

17 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

18 (Text of Section after amendment by P.A. 101-657)

19 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
20 98-1076, 99-906, 100-43, 101-31, and 101-657)

21 Sec. 20-10. Competitive sealed bidding; reverse auction.

22 (a) Conditions for use. All contracts shall be awarded by
23 competitive sealed bidding except as otherwise provided in
24 Section 20-5.

25 (b) Invitation for bids. An invitation for bids shall be

1 issued and shall include a purchase description and the
2 material contractual terms and conditions applicable to the
3 procurement.

4 (c) Public notice. Public notice of the invitation for
5 bids shall be published in the Illinois Procurement Bulletin
6 at least 14 calendar days before the date set in the invitation
7 for the opening of bids.

8 (d) Bid opening. Bids shall be opened publicly or through
9 an electronic procurement system in the presence of one or
10 more witnesses at the time and place designated in the
11 invitation for bids. The name of each bidder, including earned
12 and applied bid credit from the Illinois Works Jobs Program
13 Act, the amount of each bid, and other relevant information as
14 may be specified by rule shall be recorded. After the award of
15 the contract, the winning bid and the record of each
16 unsuccessful bid shall be open to public inspection.

17 (e) Bid acceptance and bid evaluation. Bids shall be
18 unconditionally accepted without alteration or correction,
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3 Each chief procurement officer may adopt guidelines to
4 implement the requirements of this subsection (g).

5 The written explanation shall be filed with the
6 Legislative Audit Commission, and the Commission on Equity and
7 Inclusion, and the Procurement Policy Board, and be made
8 available for inspection by the public, within 14 ~~30~~ calendar
9 days after the agency's decision to award the contract.

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11 impracticable to initially prepare a purchase description to
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13 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19;
14 101-657, eff. 1-1-22.)

15 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
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15 except as authorized in this Code. Bids shall be evaluated
16 based on the requirements set forth in the invitation for
17 bids, which may include criteria to determine acceptability
18 such as inspection, testing, quality, workmanship, delivery,
19 and suitability for a particular purpose. Those criteria that
20 will affect the bid price and be considered in evaluation for
21 award, such as discounts, transportation costs, and total or
22 life cycle costs, shall be objectively measurable. The
23 invitation for bids shall set forth the evaluation criteria to
24 be used.

25 (f) Correction or withdrawal of bids. Correction or
26 withdrawal of inadvertently erroneous bids before or after

1 award, or cancellation of awards of contracts based on bid
2 mistakes, shall be permitted in accordance with rules. After
3 bid opening, no changes in bid prices or other provisions of
4 bids prejudicial to the interest of the State or fair
5 competition shall be permitted. All decisions to permit the
6 correction or withdrawal of bids based on bid mistakes shall
7 be supported by written determination made by a State
8 purchasing officer.

9 (g) Award. The contract shall be awarded with reasonable
10 promptness by written notice to the lowest responsible and
11 responsive bidder whose bid meets the requirements and
12 criteria set forth in the invitation for bids, except when a
13 State purchasing officer determines it is not in the best
14 interest of the State and by written explanation determines
15 another bidder shall receive the award. The explanation shall
16 appear in the appropriate volume of the Illinois Procurement
17 Bulletin. The written explanation must include:

18 (1) a description of the agency's needs;

19 (2) a determination that the anticipated cost will be
20 fair and reasonable;

21 (3) a listing of all responsible and responsive
22 bidders; and

23 (4) the name of the bidder selected, the total
24 contract price, and the reasons for selecting that bidder.

25 Each chief procurement officer may adopt guidelines to
26 implement the requirements of this subsection (g).

1 The written explanation shall be filed with the
2 Legislative Audit Commission, and the Commission on Equity and
3 Inclusion, and the Procurement Policy Board, and be made
4 available for inspection by the public, within 14 ~~30~~ days
5 after the agency's decision to award the contract.

6 (h) Multi-step sealed bidding. When it is considered
7 impracticable to initially prepare a purchase description to
8 support an award based on price, an invitation for bids may be
9 issued requesting the submission of unpriced offers to be
10 followed by an invitation for bids limited to those bidders
11 whose offers have been qualified under the criteria set forth
12 in the first solicitation.

13 (i) Alternative procedures. Notwithstanding any other
14 provision of this Act to the contrary, the Director of the
15 Illinois Power Agency may create alternative bidding
16 procedures to be used in procuring professional services under
17 subsections (a) and (c) of Section 1-75 and subsection (d) of
18 Section 1-78 of the Illinois Power Agency Act and Section
19 16-111.5(c) of the Public Utilities Act and to procure
20 renewable energy resources under Section 1-56 of the Illinois
21 Power Agency Act. These alternative procedures shall be set
22 forth together with the other criteria contained in the
23 invitation for bids, and shall appear in the appropriate
24 volume of the Illinois Procurement Bulletin.

25 (j) Reverse auction. Notwithstanding any other provision
26 of this Section and in accordance with rules adopted by the

1 chief procurement officer, that chief procurement officer may
2 procure supplies or services through a competitive electronic
3 auction bidding process after the chief procurement officer
4 determines that the use of such a process will be in the best
5 interest of the State. The chief procurement officer shall
6 publish that determination in his or her next volume of the
7 Illinois Procurement Bulletin.

8 An invitation for bids shall be issued and shall include
9 (i) a procurement description, (ii) all contractual terms,
10 whenever practical, and (iii) conditions applicable to the
11 procurement, including a notice that bids will be received in
12 an electronic auction manner.

13 Public notice of the invitation for bids shall be given in
14 the same manner as provided in subsection (c).

15 Bids shall be accepted electronically at the time and in
16 the manner designated in the invitation for bids. During the
17 auction, a bidder's price shall be disclosed to other bidders.
18 Bidders shall have the opportunity to reduce their bid prices
19 during the auction. At the conclusion of the auction, the
20 record of the bid prices received and the name of each bidder
21 shall be open to public inspection.

22 After the auction period has terminated, withdrawal of
23 bids shall be permitted as provided in subsection (f).

24 The contract shall be awarded within 60 calendar days
25 after the auction by written notice to the lowest responsible
26 bidder, or all bids shall be rejected except as otherwise

1 provided in this Code. Extensions of the date for the award may
2 be made by mutual written consent of the State purchasing
3 officer and the lowest responsible bidder.

4 This subsection does not apply to (i) procurements of
5 professional and artistic services, (ii) telecommunications
6 services, communication services, and information services,
7 and (iii) contracts for construction projects, including
8 design professional services.

9 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19;
10 101-657, eff. 1-1-22.)

11 (30 ILCS 500/20-15)

12 Sec. 20-15. Competitive sealed proposals.

13 (a) Conditions for use. When provided under this Code or
14 under rules, or when the purchasing agency determines in
15 writing that the use of competitive sealed bidding is either
16 not practicable or not advantageous to the State, a contract
17 may be entered into by competitive sealed proposals.

18 (b) Request for proposals. Proposals shall be solicited
19 through a request for proposals.

20 (c) Public notice. Public notice of the request for
21 proposals shall be published in the Illinois Procurement
22 Bulletin at least 14 calendar days before the date set in the
23 invitation for the opening of proposals.

24 (d) Receipt of proposals. Proposals shall be opened
25 publicly or via an electronic procurement system in the

1 presence of one or more witnesses at the time and place
2 designated in the request for proposals, but proposals shall
3 be opened in a manner to avoid disclosure of contents to
4 competing offerors during the process of negotiation. A record
5 of proposals shall be prepared and shall be open for public
6 inspection after contract award.

7 (e) Evaluation factors. The requests for proposals shall
8 state the relative importance of price and other evaluation
9 factors. Proposals shall be submitted in 3 parts: the first,
10 price; ~~and~~ the second, commitment to diversity; and the third,
11 all other items. Each part of all proposals shall be evaluated
12 and ranked independently of the other parts of all proposals.
13 The results of the evaluation of all 3 parts shall be used in
14 ranking of proposals.

15 (e-5) Method of scoring.

16 (1) The point scoring methodology for competitive
17 sealed proposals shall provide points for commitment to
18 diversity. Those points shall be equivalent to 20% of the
19 points assigned to the third part of the proposal, all
20 other items.

21 (2) Factors to be considered in the award of ~~these~~
22 points for the commitment to diversity component shall be
23 set by rule by the applicable chief procurement officer
24 and may include, but are not limited to:

25 (A) whether or how well the offeror ~~respondent~~, on
26 the solicitation being evaluated, met the goal of

1 contracting or subcontracting with businesses owned by
2 women, minorities, or persons with disabilities;

3 (B) whether the offeror ~~respondent~~, on the
4 solicitation being evaluated, assisted businesses
5 owned by women, minorities, or persons with
6 disabilities in obtaining lines of credit, insurance,
7 necessary equipment, supplies, materials, or related
8 assistance or services;

9 (C) the percentage of prior year revenues of the
10 offeror ~~respondent~~ that involve businesses owned by
11 women, minorities, or persons with disabilities;

12 (D) whether the offeror ~~respondent~~ has a written
13 supplier diversity program, including, but not limited
14 to, use of diverse ~~diversity~~ vendors in the supply
15 chain and a training or mentoring program with
16 businesses owned by women, minorities, or persons with
17 disabilities; and

18 (E) the percentage of members of the offeror's
19 ~~respondent's~~ governing board, senior executives, and
20 managers who are women, minorities, or persons with
21 disabilities.

22 (3) If any State agency or public institution of
23 higher education contract is eligible to be paid for or
24 reimbursed, in whole or in part, with federal-aid funds,
25 grants, or loans, and the provisions of this subsection
26 (e-5) would result in the loss of those federal-aid funds,

1 grants, or loans, then the contract is exempt from the
2 provisions of this Section in order to remain eligible for
3 those federal-aid funds, grants, or loans. For the
4 purposes of this subsection (e-5):

5 "Manager" means a person who controls or administers
6 all or part of a company or similar organization.

7 "Minorities" has the same meaning as "minority person"
8 under Section 2 of the Business Enterprise for Minorities,
9 Women, and Persons with Disabilities Act.

10 "Persons with disabilities" has the same meaning as
11 "person with a disability" under Section 2 of the Business
12 Enterprise for Minorities, Women, and Persons with
13 Disabilities Act.

14 "Senior executive" means the chief executive officer,
15 chief operating officer, chief financial officer, or
16 anyone else in charge of a principal business unit or
17 function.

18 "Women" has the same meaning as "woman" under Section
19 2 of the Business Enterprise for Minorities, Women, and
20 Persons with Disabilities Act.

21 (f) Discussion with responsible offerors and revisions of
22 offers or proposals. As provided in the request for proposals
23 and under rules, discussions may be conducted with responsible
24 offerors who submit offers or proposals determined to be
25 reasonably susceptible of being selected for award for the
26 purpose of clarifying and assuring full understanding of and

1 responsiveness to the solicitation requirements. Those
2 offerors shall be accorded fair and equal treatment with
3 respect to any opportunity for discussion and revision of
4 proposals. Revisions may be permitted after submission and
5 before award for the purpose of obtaining best and final
6 offers. In conducting discussions there shall be no disclosure
7 of any information derived from proposals submitted by
8 competing offerors. If information is disclosed to any
9 offeror, it shall be provided to all competing offerors.

10 (g) Award. Awards shall be made to the responsible offeror
11 whose proposal is determined in writing to be the most
12 advantageous to the State, taking into consideration price and
13 the evaluation factors set forth in the request for proposals.
14 The contract file shall contain the basis on which the award is
15 made.

16 (Source: P.A. 100-43, eff. 8-9-17; 101-657, eff. 3-23-21.)

17 (30 ILCS 500/20-30)

18 (Text of Section before amendment by P.A. 101-657)

19 Sec. 20-30. Emergency purchases.

20 (a) Conditions for use. In accordance with standards set
21 by rule, a purchasing agency may make emergency procurements
22 without competitive sealed bidding or prior notice when there
23 exists a threat to public health or public safety, or when
24 immediate expenditure is necessary for repairs to State
25 property in order to protect against further loss of or damage

1 to State property, to prevent or minimize serious disruption
2 in critical State services that affect health, safety, or
3 collection of substantial State revenues, or to ensure the
4 integrity of State records; provided, however, that the term
5 of the emergency purchase shall be limited to the time
6 reasonably needed for a competitive procurement, not to exceed
7 90 calendar days. A contract may be extended beyond 90
8 calendar days if the chief procurement officer determines
9 additional time is necessary and that the contract scope and
10 duration are limited to the emergency. Prior to execution of
11 the extension, the chief procurement officer must hold a
12 public hearing and provide written justification for all
13 emergency contracts. Members of the public may present
14 testimony. Emergency procurements shall be made with as much
15 competition as is practicable under the circumstances. A
16 written description of the basis for the emergency and reasons
17 for the selection of the particular contractor shall be
18 included in the contract file.

19 (b) Notice. Notice of all emergency procurements shall be
20 provided to the Procurement Policy Board and published in the
21 online electronic Bulletin no later than 5 calendar days after
22 the contract is awarded. Notice of intent to extend an
23 emergency contract shall be provided to the Procurement Policy
24 Board and published in the online electronic Bulletin at least
25 14 calendar days before the public hearing. Notice shall
26 include at least a description of the need for the emergency

1 purchase, the contractor, and if applicable, the date, time,
2 and location of the public hearing. A copy of this notice and
3 all documents provided at the hearing shall be included in the
4 subsequent Procurement Bulletin. Before the next appropriate
5 volume of the Illinois Procurement Bulletin, the purchasing
6 agency shall publish in the Illinois Procurement Bulletin a
7 copy of each written description and reasons and the total
8 cost of each emergency procurement made during the previous
9 month. When only an estimate of the total cost is known at the
10 time of publication, the estimate shall be identified as an
11 estimate and published. When the actual total cost is
12 determined, it shall also be published in like manner before
13 the 10th day of the next succeeding month.

14 (c) Statements. A chief procurement officer making a
15 procurement under this Section shall file statements with the
16 Procurement Policy Board and the Auditor General within 10
17 calendar days after the procurement setting forth the amount
18 expended, the name of the contractor involved, and the
19 conditions and circumstances requiring the emergency
20 procurement. When only an estimate of the cost is available
21 within 10 calendar days after the procurement, the actual cost
22 shall be reported immediately after it is determined. At the
23 end of each fiscal quarter, the Auditor General shall file
24 with the Legislative Audit Commission and the Governor a
25 complete listing of all emergency procurements reported during
26 that fiscal quarter. The Legislative Audit Commission shall

1 review the emergency procurements so reported and, in its
2 annual reports, advise the General Assembly of procurements
3 that appear to constitute an abuse of this Section.

4 (d) Quick purchases. The chief procurement officer may
5 promulgate rules extending the circumstances by which a
6 purchasing agency may make purchases under this Section,
7 including but not limited to the procurement of items
8 available at a discount for a limited period of time.

9 (e) The changes to this Section made by this amendatory
10 Act of the 96th General Assembly apply to procurements
11 executed on or after its effective date.

12 (Source: P.A. 100-43, eff. 8-9-17.)

13 (Text of Section after amendment by P.A. 101-657)

14 Sec. 20-30. Emergency purchases.

15 (a) Conditions for use. In accordance with standards set
16 by rule, a purchasing agency may make emergency procurements
17 without competitive sealed bidding or prior notice when there
18 exists a threat to public health or public safety, or when
19 immediate expenditure is necessary for repairs to State
20 property in order to protect against further loss of or damage
21 to State property, to prevent or minimize serious disruption
22 in critical State services that affect health, safety, or
23 collection of substantial State revenues, or to ensure the
24 integrity of State records; provided, however, that the term
25 of the emergency purchase shall be limited to the time

1 reasonably needed for a competitive procurement, not to exceed
2 90 calendar days. A contract may be extended beyond 90
3 calendar days if the chief procurement officer determines
4 additional time is necessary and that the contract scope and
5 duration are limited to the emergency. Prior to execution of
6 the extension, the chief procurement officer must hold a
7 public hearing and provide written justification for all
8 emergency contracts. Members of the public may present
9 testimony. Emergency procurements shall be made with as much
10 competition as is practicable under the circumstances, and
11 agencies shall utilize ~~shall include~~ best efforts to include
12 contractors certified under the Business Enterprise Program in
13 its emergency procurement process. A written description of
14 the basis for the emergency and reasons for the selection of
15 the particular contractor shall be included in the contract
16 file.

17 (b) Notice. Notice of all emergency procurements shall be
18 provided to the Procurement Policy Board and the Commission on
19 Equity and Inclusion and published in the online electronic
20 Bulletin no later than 5 calendar days after the contract is
21 awarded. Notice of intent to extend an emergency contract
22 shall be provided to the Procurement Policy Board and the
23 Commission on Equity and Inclusion and published in the online
24 electronic Bulletin at least 14 calendar days before the
25 public hearing. Notice shall include at least a description of
26 the need for the emergency purchase, the contractor, and if

1 applicable, the date, time, and location of the public
2 hearing. A copy of this notice and all documents provided at
3 the hearing shall be included in the subsequent Procurement
4 Bulletin. Before the next appropriate volume of the Illinois
5 Procurement Bulletin, the purchasing agency shall publish in
6 the Illinois Procurement Bulletin a copy of each written
7 description and reasons and the total cost of each emergency
8 procurement made during the previous month. When only an
9 estimate of the total cost is known at the time of publication,
10 the estimate shall be identified as an estimate and published.
11 When the actual total cost is determined, it shall also be
12 published in like manner before the 10th day of the next
13 succeeding month.

14 (c) Statements. A chief procurement officer making a
15 procurement under this Section shall file statements with the
16 Procurement Policy Board, the Commission on Equity and
17 Inclusion, and the Auditor General within 10 calendar days
18 after the procurement setting forth the amount expended, the
19 name of the contractor involved, and the conditions and
20 circumstances requiring the emergency procurement. When only
21 an estimate of the cost is available within 10 calendar days
22 after the procurement, the actual cost shall be reported
23 immediately after it is determined. At the end of each fiscal
24 quarter, the Auditor General shall file with the Legislative
25 Audit Commission and the Governor a complete listing of all
26 emergency procurements reported during that fiscal quarter.

1 The Legislative Audit Commission shall review the emergency
2 procurements so reported and, in its annual reports, advise
3 the General Assembly of procurements that appear to constitute
4 an abuse of this Section.

5 (d) Quick purchases. The chief procurement officer may
6 promulgate rules extending the circumstances by which a
7 purchasing agency may make purchases under this Section,
8 including but not limited to the procurement of items
9 available at a discount for a limited period of time. ~~The chief
10 procurement officer shall adopt rules regarding good faith and
11 best efforts from contractors and companies certified under
12 the Business Enterprise Program.~~

13 (d-5) The chief procurement officer shall adopt rules
14 regarding the use of contractors certified in the Business
15 Enterprise Program in emergency and quick purchase
16 procurements.

17 (e) The changes to this Section made by this amendatory
18 Act of the 96th General Assembly apply to procurements
19 executed on or after its effective date.

20 (Source: P.A. 100-43, eff. 8-9-17; 101-657, eff. 1-1-22.)

21 (30 ILCS 500/20-60)

22 (Text of Section before amendment by P.A. 101-657, Article
23 40, Section 40-125)

24 Sec. 20-60. Duration of contracts.

25 (a) Maximum duration. A contract may be entered into for

1 any period of time deemed to be in the best interests of the
2 State but not exceeding 10 years inclusive, beginning January
3 1, 2010, of proposed contract renewals. Third parties may
4 lease State-owned dark fiber networks for any period of time
5 deemed to be in the best interest of the State, but not
6 exceeding 20 years. The length of a lease for real property or
7 capital improvements shall be in accordance with the
8 provisions of Section 40-25. The length of energy conservation
9 program contracts or energy savings contracts or leases shall
10 be in accordance with the provisions of Section 25-45. A
11 contract for bond or mortgage insurance awarded by the
12 Illinois Housing Development Authority, however, may be
13 entered into for any period of time less than or equal to the
14 maximum period of time that the subject bond or mortgage may
15 remain outstanding.

16 (b) Subject to appropriation. All contracts made or
17 entered into shall recite that they are subject to termination
18 and cancellation in any year for which the General Assembly
19 fails to make an appropriation to make payments under the
20 terms of the contract.

21 (c) The chief procurement officer shall file a proposed
22 extension or renewal of a contract with the Procurement Policy
23 Board prior to entering into any extension or renewal if the
24 cost associated with the extension or renewal exceeds
25 \$249,999. The Procurement Policy Board may object to the
26 proposed extension or renewal within 30 calendar days and

1 require a hearing before the Board prior to entering into the
2 extension or renewal. If the Procurement Policy Board does not
3 object within 30 calendar days or takes affirmative action to
4 recommend the extension or renewal, the chief procurement
5 officer may enter into the extension or renewal of a contract.
6 This subsection does not apply to any emergency procurement,
7 any procurement under Article 40, or any procurement exempted
8 by Section 1-10(b) of this Code. If any State agency contract
9 is paid for in whole or in part with federal-aid funds, grants,
10 or loans and the provisions of this subsection would result in
11 the loss of those federal-aid funds, grants, or loans, then
12 the contract is exempt from the provisions of this subsection
13 in order to remain eligible for those federal-aid funds,
14 grants, or loans, and the State agency shall file notice of
15 this exemption with the Procurement Policy Board prior to
16 entering into the proposed extension or renewal. Nothing in
17 this subsection permits a chief procurement officer to enter
18 into an extension or renewal in violation of subsection (a).
19 By August 1 each year, the Procurement Policy Board shall file
20 a report with the General Assembly identifying for the
21 previous fiscal year (i) the proposed extensions or renewals
22 that were filed with the Board and whether the Board objected
23 and (ii) the contracts exempt from this subsection.

24 (d) Notwithstanding the provisions of subsection (a) of
25 this Section, the Department of Innovation and Technology may
26 enter into leases for dark fiber networks for any period of

1 time deemed to be in the best interests of the State but not
2 exceeding 20 years inclusive. The Department of Innovation and
3 Technology may lease dark fiber networks from third parties
4 only for the primary purpose of providing services (i) to the
5 offices of Governor, Lieutenant Governor, Attorney General,
6 Secretary of State, Comptroller, or Treasurer and State
7 agencies, as defined under Section 5-15 of the Civil
8 Administrative Code of Illinois or (ii) for anchor
9 institutions, as defined in Section 7 of the Illinois Century
10 Network Act. Dark fiber network lease contracts shall be
11 subject to all other provisions of this Code and any
12 applicable rules or requirements, including, but not limited
13 to, publication of lease solicitations, use of standard State
14 contracting terms and conditions, and approval of vendor
15 certifications and financial disclosures.

16 (e) As used in this Section, "dark fiber network" means a
17 network of fiber optic cables laid but currently unused by a
18 third party that the third party is leasing for use as network
19 infrastructure.

20 (f) No vendor shall be eligible for renewal of a contract
21 when that vendor has failed to meet the goals agreed to in the
22 vendor's utilization plan unless the State agency has
23 determined that the vendor made good faith efforts toward
24 meeting the contract goals and has issued a waiver or that
25 vendor is not otherwise excused from compliance by the chief
26 procurement officer in consultation with the purchasing State

1 agency. The form and content of the waiver shall be prescribed
2 by each chief procurement officer who shall maintain on his or
3 her official website a database of waivers granted under this
4 Section with respect to contracts under his or her
5 jurisdiction. The database shall be updated periodically and
6 shall be searchable by contractor name and by contracting
7 State agency or public institution of higher education.

8 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
9 101-81, eff. 7-12-19; 101-657, Article 5, Section 5-5, eff.
10 3-23-21.)

11 (Text of Section after amendment by P.A. 101-657, Article
12 40, Section 40-125)

13 Sec. 20-60. Duration of contracts.

14 (a) Maximum duration. A contract may be entered into for
15 any period of time deemed to be in the best interests of the
16 State but not exceeding 10 years inclusive, beginning January
17 1, 2010, of proposed contract renewals. Third parties may
18 lease State-owned dark fiber networks for any period of time
19 deemed to be in the best interest of the State, but not
20 exceeding 20 years. The length of a lease for real property or
21 capital improvements shall be in accordance with the
22 provisions of Section 40-25. The length of energy conservation
23 program contracts or energy savings contracts or leases shall
24 be in accordance with the provisions of Section 25-45. A
25 contract for bond or mortgage insurance awarded by the

1 Illinois Housing Development Authority, however, may be
2 entered into for any period of time less than or equal to the
3 maximum period of time that the subject bond or mortgage may
4 remain outstanding.

5 (b) Subject to appropriation. All contracts made or
6 entered into shall recite that they are subject to termination
7 and cancellation in any year for which the General Assembly
8 fails to make an appropriation to make payments under the
9 terms of the contract.

10 (c) The chief procurement officer shall file a proposed
11 extension or renewal of a contract with the Procurement Policy
12 Board and the Commission on Equity and Inclusion prior to
13 entering into any extension or renewal if the cost associated
14 with the extension or renewal exceeds \$249,999. The
15 Procurement Policy Board or the Commission on Equity and
16 Inclusion may object to the proposed extension or renewal
17 within 30 calendar days and require a hearing before the Board
18 or the Commission on Equity and Inclusion prior to entering
19 into the extension or renewal. If the Procurement Policy Board
20 or the Commission on Equity and Inclusion does not object
21 within 30 calendar days or takes affirmative action to
22 recommend the extension or renewal, the chief procurement
23 officer may enter into the extension or renewal of a contract.
24 This subsection does not apply to any emergency procurement,
25 any procurement under Article 40, or any procurement exempted
26 by Section 1-10(b) of this Code. If any State agency contract

1 is paid for in whole or in part with federal-aid funds, grants,
2 or loans and the provisions of this subsection would result in
3 the loss of those federal-aid funds, grants, or loans, then
4 the contract is exempt from the provisions of this subsection
5 in order to remain eligible for those federal-aid funds,
6 grants, or loans, and the State agency shall file notice of
7 this exemption with the Procurement Policy Board or the
8 Commission on Equity and Inclusion prior to entering into the
9 proposed extension or renewal. Nothing in this subsection
10 permits a chief procurement officer to enter into an extension
11 or renewal in violation of subsection (a). By August 1 each
12 year, the Procurement Policy Board and the Commission on
13 Equity and Inclusion shall each file a report with the General
14 Assembly identifying for the previous fiscal year (i) the
15 proposed extensions or renewals that were filed and whether
16 such extensions and renewals were objected to and (ii) the
17 contracts exempt from this subsection.

18 (d) Notwithstanding the provisions of subsection (a) of
19 this Section, the Department of Innovation and Technology may
20 enter into leases for dark fiber networks for any period of
21 time deemed to be in the best interests of the State but not
22 exceeding 20 years inclusive. The Department of Innovation and
23 Technology may lease dark fiber networks from third parties
24 only for the primary purpose of providing services (i) to the
25 offices of Governor, Lieutenant Governor, Attorney General,
26 Secretary of State, Comptroller, or Treasurer and State

1 agencies, as defined under Section 5-15 of the Civil
2 Administrative Code of Illinois or (ii) for anchor
3 institutions, as defined in Section 7 of the Illinois Century
4 Network Act. Dark fiber network lease contracts shall be
5 subject to all other provisions of this Code and any
6 applicable rules or requirements, including, but not limited
7 to, publication of lease solicitations, use of standard State
8 contracting terms and conditions, and approval of vendor
9 certifications and financial disclosures.

10 (e) As used in this Section, "dark fiber network" means a
11 network of fiber optic cables laid but currently unused by a
12 third party that the third party is leasing for use as network
13 infrastructure.

14 (f) No vendor shall be eligible for renewal of a contract
15 when that vendor has failed to meet the goals agreed to in the
16 vendor's utilization plan, as defined in Section 2 of the
17 Business Enterprise for Minorities, Women, and Persons with
18 Disabilities Act, unless the State agency has determined that
19 the vendor made good faith efforts toward meeting the contract
20 goals. If the State agency determines that the vendor made
21 good faith efforts, the agency may issue a waiver after
22 concurrence by the chief procurement officer ~~and has issued a~~
23 ~~waiver or that vendor is not otherwise excused from compliance~~
24 ~~by the chief procurement officer in consultation with the~~
25 ~~purchasing State agency.~~ The form and content of the waiver
26 shall be prescribed by each chief procurement officer who

1 shall maintain on his or her official website a database of
2 waivers granted under this Section with respect to contracts
3 under his or her jurisdiction. The database shall be updated
4 periodically and shall be searchable by contractor name and by
5 contracting State agency or public institution of higher
6 education.

7 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
8 101-81, eff. 7-12-19; 101-657, Article 5, Section 5-5, eff.
9 3-23-21; 101-657, Article 40, Section 40-125, eff. 1-1-22;
10 revised 5-18-21.)

11 (30 ILCS 500/40-20)

12 (Text of Section before amendment by P.A. 101-657)

13 Sec. 40-20. Request for information.

14 (a) Conditions for use. Leases shall be procured by
15 request for information except as otherwise provided in
16 Section 40-15.

17 (b) Form. A request for information shall be issued and
18 shall include:

19 (1) the type of property to be leased;

20 (2) the proposed uses of the property;

21 (3) the duration of the lease;

22 (4) the preferred location of the property; and

23 (5) a general description of the configuration
24 desired.

25 (c) Public notice. Public notice of the request for

1 information for the availability of real property to lease
2 shall be published in the appropriate volume of the Illinois
3 Procurement Bulletin at least 14 calendar days before the date
4 set forth in the request for receipt of responses and shall
5 also be published in similar manner in a newspaper of general
6 circulation in the community or communities where the using
7 agency is seeking space.

8 (d) Response. The request for information response shall
9 consist of written information sufficient to show that the
10 respondent can meet minimum criteria set forth in the request.
11 State purchasing officers may enter into discussions with
12 respondents for the purpose of clarifying State needs and the
13 information supplied by the respondents. On the basis of the
14 information supplied and discussions, if any, a State
15 purchasing officer shall make a written determination
16 identifying the responses that meet the minimum criteria set
17 forth in the request for information. Negotiations shall be
18 entered into with all qualified respondents for the purpose of
19 securing a lease that is in the best interest of the State. A
20 written report of the negotiations shall be retained in the
21 lease files and shall include the reasons for the final
22 selection. All leases shall be reduced to writing; one copy
23 shall be filed with the Comptroller in accordance with the
24 provisions of Section 20-80, and one copy shall be filed with
25 the Board.

26 When the lowest response by price is not selected, the

1 State purchasing officer shall forward to the chief
2 procurement officer, along with the lease, notice of the
3 identity of the lowest respondent by price and written reasons
4 for the selection of a different response. The chief
5 procurement officer shall publish the written reasons in the
6 next volume of the Illinois Procurement Bulletin.

7 (e) Board review. Upon receipt of (1) any proposed lease
8 of real property of 10,000 or more square feet or (2) any
9 proposed lease of real property with annual rent payments of
10 \$100,000 or more, the Procurement Policy Board shall have 30
11 calendar days to review the proposed lease. If the Board does
12 not object in writing within 30 calendar days, then the
13 proposed lease shall become effective according to its terms
14 as submitted. The leasing agency shall make any and all
15 materials available to the Board to assist in the review
16 process.

17 (Source: P.A. 98-1076, eff. 1-1-15.)

18 (Text of Section after amendment by P.A. 101-657)

19 Sec. 40-20. Request for information.

20 (a) Conditions for use. Leases shall be procured by
21 request for information except as otherwise provided in
22 Section 40-15.

23 (b) Form. A request for information shall be issued and
24 shall include:

25 (1) the type of property to be leased;

- 1 (2) the proposed uses of the property;
- 2 (3) the duration of the lease;
- 3 (4) the preferred location of the property; and
- 4 (5) a general description of the configuration
- 5 desired.

6 (c) Public notice. Public notice of the request for
7 information for the availability of real property to lease
8 shall be published in the appropriate volume of the Illinois
9 Procurement Bulletin at least 14 calendar days before the date
10 set forth in the request for receipt of responses and shall
11 also be published in similar manner in a newspaper of general
12 circulation in the community or communities where the using
13 agency is seeking space.

14 (d) Response. The request for information response shall
15 consist of written information sufficient to show that the
16 respondent can meet minimum criteria set forth in the request.
17 State purchasing officers may enter into discussions with
18 respondents for the purpose of clarifying State needs and the
19 information supplied by the respondents. On the basis of the
20 information supplied and discussions, if any, a State
21 purchasing officer shall make a written determination
22 identifying the responses that meet the minimum criteria set
23 forth in the request for information. Negotiations shall be
24 entered into with all qualified respondents for the purpose of
25 securing a lease that is in the best interest of the State. A
26 written report of the negotiations shall be retained in the

1 lease files and shall include the reasons for the final
2 selection. All leases shall be reduced to writing; one copy
3 shall be filed with the Comptroller in accordance with the
4 provisions of Section 20-80, and one copy each shall be filed
5 with the Board and the Commission on Equity and Inclusion.

6 When the lowest response by price is not selected, the
7 State purchasing officer shall forward to the chief
8 procurement officer, along with the lease, notice of the
9 identity of the lowest respondent by price and written reasons
10 for the selection of a different response. The chief
11 procurement officer shall publish the written reasons in the
12 next volume of the Illinois Procurement Bulletin.

13 (e) Board and Commission on Equity and Inclusion review.
14 Upon receipt of (1) any proposed lease of real property of
15 10,000 or more square feet or (2) any proposed lease of real
16 property with annual rent payments of \$100,000 or more, the
17 Procurement Policy Board and the Commission on Equity and
18 Inclusion shall jointly have 30 calendar days to review the
19 proposed lease. The Board and Commission have 30 calendar days
20 to submit a joint objection. If no joint objection is
21 submitted ~~If neither the Board nor the Commission on Equity~~
22 ~~and Inclusion object in writing within 30 calendar days,~~ then
23 the proposed lease shall become effective according to its
24 terms as submitted. The leasing agency shall make any and all
25 materials available to the Board and the Commission on Equity
26 and Inclusion to assist in the review process.

1 (Source: P.A. 101-657, eff. 1-1-22.)

2 Section 15. The Commission on Equity and Inclusion Act is
3 amended by changing Section 40-10 as follows:

4 (30 ILCS 574/40-10)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 Sec. 40-10. Powers and duties. In addition to the other
8 powers and duties which may be prescribed in this Act or
9 elsewhere, the Commission shall have the following powers and
10 duties:

11 (1) The Commission shall have a role in all State and
12 university procurement by facilitating and streamlining
13 communications between the Business Enterprise Council for
14 Minorities, Women, and Persons with Disabilities, the
15 purchasing entities, the Chief Procurement Officers, and
16 others.

17 (2) The Commission may create a scoring evaluation for
18 State agency directors, public university presidents and
19 chancellors, and public community college presidents. The
20 scoring shall be based on the following 3 principles: (i)
21 increasing capacity; (ii) growing revenue; and (iii)
22 enhancing credentials. These principles should be the
23 foundation of the agency compliance plan required under
24 Section 6 of the Business Enterprise for Minorities,

1 Women, and Persons with Disabilities Act.

2 (3) ~~(4)~~ The Commission shall exercise the authority
3 ~~oversight powers~~ and duties provided to it under Section
4 5-7 of the Illinois Procurement Code.

5 (4) ~~(5)~~ The Commission, working with State agencies,
6 shall provide support for diversity in State hiring.

7 (5) ~~(6)~~ The Commission shall oversee the
8 implementation of diversity training of the State
9 workforce.

10 (6) ~~(7)~~ Each January, and as otherwise frequently as
11 may be deemed necessary and appropriate by the Commission,
12 the Commission shall propose and submit to the Governor
13 and the General Assembly legislative changes to increase
14 inclusion and diversity in State government.

15 (7) ~~(8)~~ The Commission shall have oversight over the
16 following entities:

17 (A) the Illinois African-American Family
18 Commission;

19 (B) the Illinois Latino Family Commission;

20 (C) the Asian American Family Commission;

21 (D) the Illinois Muslim American Advisory Council;

22 (E) the Illinois African-American Fair Contracting
23 Commission created under Executive Order 2018-07; and

24 (F) the Business Enterprise Council for
25 Minorities, Women, and Persons with Disabilities.

26 (8) ~~(9)~~ The Commission shall adopt any rules necessary

1 for the implementation and administration of the
2 requirements of this Act.

3 (Source: P.A. 101-657, eff. 1-1-22.)

4 Section 20. The Business Enterprise for Minorities, Women,
5 and Persons with Disabilities Act is amended by changing
6 Sections 2, 4, 4f, 5, 5.5, 7, 8, and 8k as follows:

7 (30 ILCS 575/2)

8 (Text of Section before amendment by P.A. 101-657)

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

10 Sec. 2. Definitions.

11 (A) For the purpose of this Act, the following terms shall
12 have the following definitions:

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

16 (a) American Indian or Alaska Native (a person
17 having origins in any of the original peoples of North
18 and South America, including Central America, and who
19 maintains tribal affiliation or community attachment).

20 (b) Asian (a person having origins in any of the
21 original peoples of the Far East, Southeast Asia, or
22 the Indian subcontinent, including, but not limited
23 to, Cambodia, China, India, Japan, Korea, Malaysia,
24 Pakistan, the Philippine Islands, Thailand, and

1 Vietnam).

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

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

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

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

13 (2.05) "Person with a disability" means a person who
14 is a citizen or lawful resident of the United States and is
15 a person qualifying as a person with a disability under
16 subdivision (2.1) of this subsection (A).

17 (2.1) "Person with a disability" means a person with a
18 severe physical or mental disability that:

19 (a) results from:

20 amputation,

21 arthritis,

22 autism,

23 blindness,

24 burn injury,

25 cancer,

26 cerebral palsy,

1 Crohn's disease,
2 cystic fibrosis,
3 deafness,
4 head injury,
5 heart disease,
6 hemiplegia,
7 hemophilia,
8 respiratory or pulmonary dysfunction,
9 an intellectual disability,
10 mental illness,
11 multiple sclerosis,
12 muscular dystrophy,
13 musculoskeletal disorders,
14 neurological disorders, including stroke and
15 epilepsy,
16 paraplegia,
17 quadriplegia and other spinal cord conditions,
18 sickle cell anemia,
19 ulcerative colitis,
20 specific learning disabilities, or
21 end stage renal failure disease; and
22 (b) substantially limits one or more of the
23 person's major life activities.

24 Another disability or combination of disabilities may
25 also be considered as a severe disability for the purposes
26 of item (a) of this subdivision (2.1) if it is determined

1 by an evaluation of rehabilitation potential to cause a
2 comparable degree of substantial functional limitation
3 similar to the specific list of disabilities listed in
4 item (a) of this subdivision (2.1).

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

12 (4) "Women-owned business" means a business which is
13 at least 51% owned by one or more women, or, in the case of
14 a corporation, at least 51% of the stock in which is owned
15 by one or more women; and the management and daily
16 business operations of which are controlled by one or more
17 of the women who own it.

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

1 (4.2) "Council" means the Business Enterprise Council
2 for Minorities, Women, and Persons with Disabilities
3 created under Section 5 of this Act.

4 (5) "State contracts" means all contracts entered into
5 by the State, any agency or department thereof, or any
6 public institution of higher education, including
7 community college districts, regardless of the source of
8 the funds with which the contracts are paid, which are not
9 subject to federal reimbursement. "State contracts" does
10 not include contracts awarded by a retirement system,
11 pension fund, or investment board subject to Section
12 1-109.1 of the Illinois Pension Code. This definition
13 shall control over any existing definition under this Act
14 or applicable administrative rule.

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

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

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

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

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

1 women who are also minorities shall be certified as both a
2 "women-owned business" and a "minority-owned business".

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

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

1 persons with disabilities as suppliers or subcontractors
2 or in employment of minorities, women, or persons with
3 disabilities.

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

12 (12) "Business Enterprise Program" means the Business
13 Enterprise Program of the Department of Central Management
14 Services.

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

24 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20.)

25 (Text of Section after amendment by P.A. 101-657)

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

2 Sec. 2. Definitions.

3 (A) For the purpose of this Act, the following terms shall
4 have the following definitions:

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

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

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

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

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

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

26 (2) "Woman" shall mean a person who is a citizen or

1 lawful permanent resident of the United States and who is
2 of the female gender.

3 (2.05) "Person with a disability" means a person who
4 is a citizen or lawful resident of the United States and is
5 a person qualifying as a person with a disability under
6 subdivision (2.1) of this subsection (A).

7 (2.1) "Person with a disability" means a person with a
8 severe physical or mental disability that:

9 (a) results from:

10 amputation,

11 arthritis,

12 autism,

13 blindness,

14 burn injury,

15 cancer,

16 cerebral palsy,

17 Crohn's disease,

18 cystic fibrosis,

19 deafness,

20 head injury,

21 heart disease,

22 hemiplegia,

23 hemophilia,

24 respiratory or pulmonary dysfunction,

25 an intellectual disability,

26 mental illness,

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

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

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

21 (3) "Minority-owned business" means a business which
22 is at least 51% owned by one or more minority persons, or
23 in the case of a corporation, at least 51% of the stock in
24 which is owned by one or more minority persons; and the
25 management and daily business operations of which are
26 controlled by one or more of the minority individuals who

1 own it.

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

8 (4.1) "Business owned by a person with a disability"
9 means a business that is at least 51% owned by one or more
10 persons with a disability and the management and daily
11 business operations of which are controlled by one or more
12 of the persons with disabilities who own it. A
13 not-for-profit agency for persons with disabilities that
14 is exempt from taxation under Section 501 of the Internal
15 Revenue Code of 1986 is also considered a "business owned
16 by a person with a disability".

17 (4.2) "Council" means the Business Enterprise Council
18 for Minorities, Women, and Persons with Disabilities
19 created under Section 5 of this Act.

20 (4.3) "Commission" means, unless the context clearly
21 indicates otherwise, the Commission on Equity and
22 Inclusion created under the Commission on Equity and
23 Inclusion Act.

24 (5) "State contracts" means all contracts entered into
25 by the State, any agency or department thereof, or any
26 public institution of higher education, including

1 community college districts, regardless of the source of
2 the funds with which the contracts are paid, which are not
3 subject to federal reimbursement. "State contracts" does
4 not include contracts awarded by a retirement system,
5 pension fund, or investment board subject to Section
6 1-109.1 of the Illinois Pension Code. This definition
7 shall control over any existing definition under this Act
8 or applicable administrative rule.

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

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

1 other local governmental units, or other State
2 constitutional officers.

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

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

23 (9) "Control" means the exclusive or ultimate and sole
24 control of the business including, but not limited to,
25 capital investment and all other financial matters,
26 property, acquisitions, contract negotiations, legal

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

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

24 (11) "Utilization plan" means a form and additional
25 documentations included in all bids or proposals that
26 demonstrates a vendor's proposed utilization of vendors

1 certified by the Business Enterprise Program to meet the
2 targeted goal. The utilization plan shall demonstrate that
3 the Vendor has either: (1) met the entire contract goal or
4 (2) requested a full or partial waiver and made good faith
5 efforts towards meeting the goal.

6 (12) "Business Enterprise Program" means the Business
7 Enterprise Program of the Commission on Equity and
8 Inclusion ~~Department of Central Management Services.~~

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

19 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20;
20 101-657, eff. 1-1-22.)

21 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

22 (Text of Section before amendment by P.A. 101-657)

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

24 Sec. 4. Award of State contracts.

25 (a) Except as provided in subsection (b), not less than

1 20% of the total dollar amount of State contracts, as defined
2 by the Secretary of the Council and approved by the Council,
3 shall be established as an aspirational goal to be awarded to
4 businesses owned by minorities, women, and persons with
5 disabilities; provided, however, that of the total amount of
6 all State contracts awarded to businesses owned by minorities,
7 women, and persons with disabilities pursuant to this Section,
8 contracts representing at least 11% shall be awarded to
9 businesses owned by minorities, contracts representing at
10 least 7% shall be awarded to women-owned businesses, and
11 contracts representing at least 2% shall be awarded to
12 businesses owned by persons with disabilities.

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

1 26.55(c).

2 (b) Not less than 20% of the total dollar amount of State
3 construction contracts is established as an aspirational goal
4 to be awarded to businesses owned by minorities, women, and
5 persons with disabilities; provided that, contracts
6 representing at least 11% of the total dollar amount of State
7 construction contracts shall be awarded to businesses owned by
8 minorities; contracts representing at least 7% of the total
9 dollar amount of State construction contracts shall be awarded
10 to women-owned businesses; and contracts representing at least
11 2% of the total dollar amount of State construction contracts
12 shall be awarded to businesses owned by persons with
13 disabilities.

14 (c) (Blank).

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

26 By December 1, 2020, the Department of Central Management

1 Services shall conduct a new social scientific study that
2 measures the impact of discrimination on minority and women
3 business development in Illinois. By June 1, 2022, the
4 Department shall issue a report of its findings and any
5 recommendations on whether to adjust the goals for minority
6 and women participation established in this Act. Copies of
7 this report and the social scientific study shall be filed
8 with the Governor, the Advisory Board, and the General
9 Assembly. By December 1, 2022, the Department of Central
10 Management Services Business Enterprise Program shall develop
11 a model for social scientific disparity study sourcing for
12 local governmental units to adapt and implement to address
13 regional disparities in public procurement.

14 (e) Except as permitted under this Act or as otherwise
15 mandated by federal law or regulation, those who submit bids
16 or proposals for State contracts subject to the provisions of
17 this Act, whose bids or proposals are successful and include a
18 utilization plan but that fail to meet the goals set forth in
19 subsection (b) of this Section, shall be notified of that
20 deficiency and shall be afforded a period not to exceed 10
21 calendar days from the date of notification to cure that
22 deficiency in the bid or proposal. The deficiency in the bid or
23 proposal may only be cured by contracting with additional
24 subcontractors who are owned by minorities or women. Any
25 increase in cost to a contract for the addition of a
26 subcontractor to cure a bid's deficiency shall not affect the

1 bid price, shall not be used in the request for an exemption in
2 this Act, and in no case shall an identified subcontractor
3 with a certification made pursuant to this Act be terminated
4 from the contract without the written consent of the State
5 agency or public institution of higher education entering into
6 the contract.

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

14 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
15 101-601, eff. 1-1-20.)

16 (Text of Section after amendment by P.A. 101-657)

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

18 Sec. 4. Award of State contracts.

19 (a) Except as provided in subsection (b), not less than
20 30% of the total dollar amount of State contracts, as defined
21 by the Secretary of the Council and approved by the Council,
22 shall be established as an aspirational goal to be awarded to
23 businesses owned by minorities, women, and persons with
24 disabilities; provided, however, that of the total amount of
25 all State contracts awarded to businesses owned by minorities,

1 women, and persons with disabilities pursuant to this Section,
2 contracts representing at least 16% shall be awarded to
3 businesses owned by minorities, contracts representing at
4 least 10% shall be awarded to women-owned businesses, and
5 contracts representing at least 4% shall be awarded to
6 businesses owned by persons with disabilities.

7 (a-5) In addition to the aspirational goals in awarding
8 State contracts set under subsection (a), the Commission
9 ~~Department of Central Management Services~~ shall by rule
10 further establish targeted efforts to encourage the
11 participation of businesses owned by minorities, women, and
12 persons with disabilities on State contracts ~~committed~~
13 ~~diversity aspirational goals for State contracts awarded to~~
14 ~~businesses owned by minorities, women, and persons with~~
15 ~~disabilities~~. Such efforts shall include, but not be limited
16 to, further concerted outreach efforts to businesses owned by
17 minorities, women, and persons with disabilities.

18 The above percentage relates to the total dollar amount of
19 State contracts during each State fiscal year, calculated by
20 examining independently each type of contract for each agency
21 or public institutions of higher education which lets such
22 contracts. Only that percentage of arrangements which
23 represents the participation of businesses owned by
24 minorities, women, and persons with disabilities on such
25 contracts shall be included. State contracts subject to the
26 requirements of this Act shall include the requirement that

1 only expenditures to businesses owned by minorities, women,
2 and persons with disabilities that perform a commercially
3 useful function may be counted toward the goals set forth by
4 this Act. Contracts shall include a definition of
5 "commercially useful function" that is consistent with 49 CFR
6 26.55(c).

7 (b) Not less than 20% of the total dollar amount of State
8 construction contracts is established as an aspirational goal
9 to be awarded to businesses owned by minorities, women, and
10 persons with disabilities; provided that, contracts
11 representing at least 11% of the total dollar amount of State
12 construction contracts shall be awarded to businesses owned by
13 minorities; contracts representing at least 7% of the total
14 dollar amount of State construction contracts shall be awarded
15 to women-owned businesses; and contracts representing at least
16 2% of the total dollar amount of State construction contracts
17 shall be awarded to businesses owned by persons with
18 disabilities.

19 (c) (Blank).

20 (c-5) All goals established under this Section shall be
21 contingent upon the results of the most recent disparity study
22 conducted by the State.

23 (d) Within one year after April 28, 2009 (the effective
24 date of Public Act 96-8), the Department of Central Management
25 Services shall conduct a social scientific study that measures
26 the impact of discrimination on minority and women business

1 development in Illinois. Within 18 months after April 28, 2009
2 (the effective date of Public Act 96-8), the Department shall
3 issue a report of its findings and any recommendations on
4 whether to adjust the goals for minority and women
5 participation established in this Act. Copies of this report
6 and the social scientific study shall be filed with the
7 Governor and the General Assembly.

8 By December 1, 2020, the Department of Central Management
9 Services shall conduct a new social scientific study that
10 measures the impact of discrimination on minority and women
11 business development in Illinois. By June 1, 2022, the
12 Department shall issue a report of its findings and any
13 recommendations on whether to adjust the goals for minority
14 and women participation established in this Act. Copies of
15 this report and the social scientific study shall be filed
16 with the Governor and the General Assembly. By December 1,
17 2022, the Commission on Equity and Inclusion ~~Department of~~
18 ~~Central Management Services~~ Business Enterprise Program shall
19 develop a model for social scientific disparity study sourcing
20 for local governmental units to adapt and implement to address
21 regional disparities in public procurement.

22 (e) All State contract solicitations that include Business
23 Enterprise Program participation goals shall require bidders
24 or offerors to include utilization plans. Utilization plans
25 are due at the time of bid or offer submission. Failure to
26 complete and include a utilization plan, including

1 documentation demonstrating good faith efforts when requesting
2 a waiver, shall render the bid or offer non-responsive.

3 Except as permitted under this Act or as otherwise
4 mandated by federal law or regulation, in response those who
5 submit bids or proposals for State contracts subject to the
6 provisions of this Act, whose bids or proposals are successful
7 but ~~and~~ include a utilization plan ~~but~~ that fails to
8 demonstrate good faith efforts ~~fail~~ to meet the goals set
9 forth in the solicitation subsection (b) of this Section,
10 ~~shall be notified~~ of that deficiency and may allow the bidder
11 or offeror ~~shall be afforded~~ a period not to exceed 10 calendar
12 days from the date of notification to cure that deficiency in
13 the bid or proposal. The deficiency in the bid or proposal may
14 only be cured by contracting with additional subcontractors
15 who are certified by the Business Enterprise Program at the
16 time of bid submission ~~owned by minorities or women~~. Any
17 increase in cost to a contract for the addition of a
18 subcontractor to cure a bid's deficiency or to ensure
19 diversity participation on the contract shall not affect the
20 bid price, shall not be used in the request for an exemption in
21 this Act, and in no case shall an identified subcontractor
22 with a certification made pursuant to this Act be terminated
23 from the contract without the written consent of the State
24 agency or public institution of higher education entering into
25 the contract. Submission of a blank utilization plan renders a
26 bid or offer non-responsive and is not curable. The Commission

1 on Equity and Inclusion shall be notified of all bids or offers
2 that fail to include a utilization plan or that include a
3 utilization plan with deficiencies. ~~The Commission on Equity~~
4 ~~and Inclusion shall be notified of all utilization plan~~
5 ~~deficiencies on submitted bids or proposals for State~~
6 ~~contracts under this subsection (e).~~

7 (f) (Blank). ~~Non construction solicitations that include~~
8 ~~Business Enterprise Program participation goals shall require~~
9 ~~bidders and offerors to include utilization plans. Utilization~~
10 ~~plans are due at the time of bid or offer submission. Failure~~
11 ~~to complete and include a utilization plan, including~~
12 ~~documentation demonstrating good faith effort when requesting~~
13 ~~a waiver, shall render the bid or offer non responsive. The~~
14 ~~Commission on Equity and Inclusion shall be notified of all~~
15 ~~bids and offers that fail to include a utilization plan as~~
16 ~~required under this subsection (f).~~

17 (g) (Blank). ~~Bids or proposals for State contracts shall~~
18 ~~be examined to determine if the bid or proposal is~~
19 ~~responsible, competitive, and whether the services to be~~
20 ~~provided are likely to be completed based upon the pricing. If~~
21 ~~the bid or proposal is responsible, competitive, and the~~
22 ~~services to be provided are likely to be completed based on the~~
23 ~~prices listed, then the bid is deemed responsive. If the bid or~~
24 ~~proposal is not responsible, competitive, and the services to~~
25 ~~be provided are not likely to be completed based on the prices~~
26 ~~listed, then the entire bid is deemed non responsive. The~~

1 ~~Commission on Equity and Inclusion shall be notified of all~~
2 ~~non-responsive bids or proposals for State contracts under~~
3 ~~this subsection (g).~~

4 (h) State agencies and public institutions of higher
5 education shall notify the Commission on Equity and Inclusion
6 of all non-responsive bids or proposals for State contracts.

7 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
8 101-601, eff. 1-1-20; 101-657, Article 1, Section 1-5, eff.
9 1-1-22; 101-657, Article 40, Section 40-130, eff. 1-1-22;
10 revised 4-15-21.)

11 (30 ILCS 575/4f)

12 (Text of Section before amendment by P.A. 101-657, Article
13 40, Section 40-130)

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

15 Sec. 4f. Award of State contracts.

16 (1) It is hereby declared to be the public policy of the
17 State of Illinois to promote and encourage each State agency
18 and public institution of higher education to use businesses
19 owned by minorities, women, and persons with disabilities in
20 the area of goods and services, including, but not limited to,
21 insurance services, investment management services,
22 information technology services, accounting services,
23 architectural and engineering services, and legal services.
24 Furthermore, each State agency and public institution of
25 higher education shall utilize such firms to the greatest

1 extent feasible within the bounds of financial and fiduciary
2 prudence, and take affirmative steps to remove any barriers to
3 the full participation of such firms in the procurement and
4 contracting opportunities afforded.

5 (a) When a State agency or public institution of
6 higher education, other than a community college, awards a
7 contract for insurance services, for each State agency or
8 public institution of higher education, it shall be the
9 aspirational goal to use insurance brokers owned by
10 minorities, women, and persons with disabilities as
11 defined by this Act, for not less than 20% of the total
12 annual premiums or fees; provided that, contracts
13 representing at least 11% of the total annual premiums or
14 fees shall be awarded to businesses owned by minorities;
15 contracts representing at least 7% of the total annual
16 premiums or fees shall be awarded to women-owned
17 businesses; and contracts representing at least 2% of the
18 total annual premiums or fees shall be awarded to
19 businesses owned by persons with disabilities.

20 (b) When a State agency or public institution of
21 higher education, other than a community college, awards a
22 contract for investment services, for each State agency or
23 public institution of higher education, it shall be the
24 aspirational goal to use emerging investment managers
25 owned by minorities, women, and persons with disabilities
26 as defined by this Act, for not less than 20% of the total

1 funds under management; provided that, contracts
2 representing at least 11% of the total funds under
3 management shall be awarded to businesses owned by
4 minorities; contracts representing at least 7% of the
5 total funds under management shall be awarded to
6 women-owned businesses; and contracts representing at
7 least 2% of the total funds under management shall be
8 awarded to businesses owned by persons with disabilities.
9 Furthermore, it is the aspirational goal that not less
10 than 20% of the direct asset managers of the State funds be
11 minorities, women, and persons with disabilities.

12 (c) When a State agency or public institution of
13 higher education, other than a community college, awards
14 contracts for information technology services, accounting
15 services, architectural and engineering services, and
16 legal services, for each State agency and public
17 institution of higher education, it shall be the
18 aspirational goal to use such firms owned by minorities,
19 women, and persons with disabilities as defined by this
20 Act and lawyers who are minorities, women, and persons
21 with disabilities as defined by this Act, for not less
22 than 20% of the total dollar amount of State contracts;
23 provided that, contracts representing at least 11% of the
24 total dollar amount of State contracts shall be awarded to
25 businesses owned by minorities or minority lawyers;
26 contracts representing at least 7% of the total dollar

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

7 (d) When a community college awards a contract for
8 insurance services, investment services, information
9 technology services, accounting services, architectural
10 and engineering services, and legal services, it shall be
11 the aspirational goal of each community college to use
12 businesses owned by minorities, women, and persons with
13 disabilities as defined in this Act for not less than 20%
14 of the total amount spent on contracts for these services
15 collectively; provided that, contracts representing at
16 least 11% of the total amount spent on contracts for these
17 services shall be awarded to businesses owned by
18 minorities; contracts representing at least 7% of the
19 total amount spent on contracts for these services shall
20 be awarded to women-owned businesses; and contracts
21 representing at least 2% of the total amount spent on
22 contracts for these services shall be awarded to
23 businesses owned by persons with disabilities. When a
24 community college awards contracts for investment
25 services, contracts awarded to investment managers who are
26 not emerging investment managers as defined in this Act

1 shall not be considered businesses owned by minorities,
2 women, or persons with disabilities for the purposes of
3 this Section.

4 (e) When a State agency or public institution of
5 higher education issues competitive solicitations and the
6 award history for a service or supply category shows
7 awards to a class of business owners that are
8 underrepresented, the Council shall determine the reason
9 for the disparity and shall identify potential and
10 appropriate methods to minimize or eliminate the cause for
11 the disparity.

12 If any State agency or public institution of higher
13 education contract is eligible to be paid for or
14 reimbursed, in whole or in part, with federal-aid funds,
15 grants, or loans, and the provisions of this paragraph (e)
16 would result in the loss of those federal-aid funds,
17 grants, or loans, then the contract is exempt from the
18 provisions of this paragraph (e) in order to remain
19 eligible for those federal-aid funds, grants, or loans.

20 (2) As used in this Section:

21 "Accounting services" means the measurement,
22 processing and communication of financial information
23 about economic entities including, but is not limited to,
24 financial accounting, management accounting, auditing,
25 cost containment and auditing services, taxation and
26 accounting information systems.

1 "Architectural and engineering services" means
2 professional services of an architectural or engineering
3 nature, or incidental services, that members of the
4 architectural and engineering professions, and individuals
5 in their employ, may logically or justifiably perform,
6 including studies, investigations, surveying and mapping,
7 tests, evaluations, consultations, comprehensive
8 planning, program management, conceptual designs, plans
9 and specifications, value engineering, construction phase
10 services, soils engineering, drawing reviews, preparation
11 of operating and maintenance manuals, and other related
12 services.

13 "Emerging investment manager" means an investment
14 manager or claims consultant having assets under
15 management below \$10 billion or otherwise adjudicating
16 claims.

17 "Information technology services" means, but is not
18 limited to, specialized technology-oriented solutions by
19 combining the processes and functions of software,
20 hardware, networks, telecommunications, web designers,
21 cloud developing resellers, and electronics.

22 "Insurance broker" means an insurance brokerage firm,
23 claims administrator, or both, that procures, places all
24 lines of insurance, or administers claims with annual
25 premiums or fees of at least \$5,000,000 but not more than
26 \$10,000,000.

1 "Legal services" means work performed by a lawyer
2 including, but not limited to, contracts in anticipation
3 of litigation, enforcement actions, or investigations.

4 (3) Each State agency and public institution of higher
5 education shall adopt policies that identify its plan and
6 implementation procedures for increasing the use of service
7 firms owned by minorities, women, and persons with
8 disabilities.

9 (4) Except as provided in subsection (5), the Council
10 shall file no later than March 1 of each year an annual report
11 to the Governor, the Bureau on Apprenticeship Programs, and
12 the General Assembly. The report filed with the General
13 Assembly shall be filed as required in Section 3.1 of the
14 General Assembly Organization Act. This report shall: (i)
15 identify the service firms used by each State agency and
16 public institution of higher education, (ii) identify the
17 actions it has undertaken to increase the use of service firms
18 owned by minorities, women, and persons with disabilities,
19 including encouraging non-minority-owned firms to use other
20 service firms owned by minorities, women, and persons with
21 disabilities as subcontractors when the opportunities arise,
22 (iii) state any recommendations made by the Council to each
23 State agency and public institution of higher education to
24 increase participation by the use of service firms owned by
25 minorities, women, and persons with disabilities, and (iv)
26 include the following:

1 (A) For insurance services: the names of the insurance
2 brokers or claims consultants used, the total of risk
3 managed by each State agency and public institution of
4 higher education by insurance brokers, the total
5 commissions, fees paid, or both, the lines or insurance
6 policies placed, and the amount of premiums placed; and
7 the percentage of the risk managed by insurance brokers,
8 the percentage of total commission, fees paid, or both,
9 the lines or insurance policies placed, and the amount of
10 premiums placed with each by the insurance brokers owned
11 by minorities, women, and persons with disabilities by
12 each State agency and public institution of higher
13 education.

14 (B) For investment management services: the names of
15 the investment managers used, the total funds under
16 management of investment managers; the total commissions,
17 fees paid, or both; the total and percentage of funds
18 under management of emerging investment managers owned by
19 minorities, women, and persons with disabilities,
20 including the total and percentage of total commissions,
21 fees paid, or both by each State agency and public
22 institution of higher education.

23 (C) The names of service firms, the percentage and
24 total dollar amount paid for professional services by
25 category by each State agency and public institution of
26 higher education.

1 (D) The names of service firms, the percentage and
2 total dollar amount paid for services by category to firms
3 owned by minorities, women, and persons with disabilities
4 by each State agency and public institution of higher
5 education.

6 (E) The total number of contracts awarded for services
7 by category and the total number of contracts awarded to
8 firms owned by minorities, women, and persons with
9 disabilities by each State agency and public institution
10 of higher education.

11 (5) For community college districts, the Business
12 Enterprise Council shall only report the following information
13 for each community college district: (i) the name of the
14 community colleges in the district, (ii) the name and contact
15 information of a person at each community college appointed to
16 be the single point of contact for vendors owned by
17 minorities, women, or persons with disabilities, (iii) the
18 policy of the community college district concerning certified
19 vendors, (iv) the certifications recognized by the community
20 college district for determining whether a business is owned
21 or controlled by a minority, woman, or person with a
22 disability, (v) outreach efforts conducted by the community
23 college district to increase the use of certified vendors,
24 (vi) the total expenditures by the community college district
25 in the prior fiscal year in the divisions of work specified in
26 paragraphs (a), (b), and (c) of subsection (1) of this Section

1 and the amount paid to certified vendors in those divisions of
2 work, and (vii) the total number of contracts entered into for
3 the divisions of work specified in paragraphs (a), (b), and
4 (c) of subsection (1) of this Section and the total number of
5 contracts awarded to certified vendors providing these
6 services to the community college district. The Business
7 Enterprise Council shall not make any utilization reports
8 under this Act for community college districts for Fiscal Year
9 2015 and Fiscal Year 2016, but shall make the report required
10 by this subsection for Fiscal Year 2017 and for each fiscal
11 year thereafter. The Business Enterprise Council shall report
12 the information in items (i), (ii), (iii), and (iv) of this
13 subsection beginning in September of 2016. The Business
14 Enterprise Council may collect the data needed to make its
15 report from the Illinois Community College Board.

16 (6) The status of the utilization of services shall be
17 discussed at each of the regularly scheduled Business
18 Enterprise Council meetings. Time shall be allotted for the
19 Council to receive, review, and discuss the progress of the
20 use of service firms owned by minorities, women, and persons
21 with disabilities by each State agency and public institution
22 of higher education; and any evidence regarding past or
23 present racial, ethnic, or gender-based discrimination which
24 directly impacts a State agency or public institution of
25 higher education contracting with such firms. If after
26 reviewing such evidence the Council finds that there is or has

1 been such discrimination against a specific group, race or
2 sex, the Council shall establish sheltered markets or adjust
3 existing sheltered markets tailored to address the Council's
4 specific findings for the divisions of work specified in
5 paragraphs (a), (b), and (c) of subsection (1) of this
6 Section.

7 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
8 101-657, Article 5, Section 5-10, eff. 3-23-21.)

9 (Text of Section after amendment by P.A. 101-657, Article
10 40, Section 40-130)

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

12 Sec. 4f. Award of State contracts.

13 (1) It is hereby declared to be the public policy of the
14 State of Illinois to promote and encourage each State agency
15 and public institution of higher education to use businesses
16 owned by minorities, women, and persons with disabilities in
17 the area of goods and services, including, but not limited to,
18 insurance services, investment management services,
19 information technology services, accounting services,
20 architectural and engineering services, and legal services.
21 Furthermore, each State agency and public institution of
22 higher education shall utilize such firms to the greatest
23 extent feasible within the bounds of financial and fiduciary
24 prudence, and take affirmative steps to remove any barriers to
25 the full participation of such firms in the procurement and

1 contracting opportunities afforded.

2 (a) When a State agency or public institution of
3 higher education, other than a community college, awards a
4 contract for insurance services, for each State agency or
5 public institution of higher education, it shall be the
6 aspirational goal to use insurance brokers owned by
7 minorities, women, and persons with disabilities as
8 defined by this Act, for not less than 20% of the total
9 annual premiums or fees; provided that, contracts
10 representing at least 11% of the total annual premiums or
11 fees shall be awarded to businesses owned by minorities;
12 contracts representing at least 7% of the total annual
13 premiums or fees shall be awarded to women-owned
14 businesses; and contracts representing at least 2% of the
15 total annual premiums or fees shall be awarded to
16 businesses owned by persons with disabilities.

17 (b) When a State agency or public institution of
18 higher education, other than a community college, awards a
19 contract for investment services, for each State agency or
20 public institution of higher education, it shall be the
21 aspirational goal to use emerging investment managers
22 owned by minorities, women, and persons with disabilities
23 as defined by this Act, for not less than 20% of the total
24 funds under management; provided that, contracts
25 representing at least 11% of the total funds under
26 management shall be awarded to businesses owned by

1 minorities; contracts representing at least 7% of the
2 total funds under management shall be awarded to
3 women-owned businesses; and contracts representing at
4 least 2% of the total funds under management shall be
5 awarded to businesses owned by persons with disabilities.
6 Furthermore, it is the aspirational goal that not less
7 than 20% of the direct asset managers of the State funds be
8 minorities, women, and persons with disabilities.

9 (c) When a State agency or public institution of
10 higher education, other than a community college, awards
11 contracts for information technology services, accounting
12 services, architectural and engineering services, and
13 legal services, for each State agency and public
14 institution of higher education, it shall be the
15 aspirational goal to use such firms owned by minorities,
16 women, and persons with disabilities as defined by this
17 Act and lawyers who are minorities, women, and persons
18 with disabilities as defined by this Act, for not less
19 than 20% of the total dollar amount of State contracts;
20 provided that, contracts representing at least 11% of the
21 total dollar amount of State contracts shall be awarded to
22 businesses owned by minorities or minority lawyers;
23 contracts representing at least 7% of the total dollar
24 amount of State contracts shall be awarded to women-owned
25 businesses or women who are lawyers; and contracts
26 representing at least 2% of the total dollar amount of

1 State contracts shall be awarded to businesses owned by
2 persons with disabilities or persons with disabilities who
3 are lawyers.

4 (d) When a community college awards a contract for
5 insurance services, investment services, information
6 technology services, accounting services, architectural
7 and engineering services, and legal services, it shall be
8 the aspirational goal of each community college to use
9 businesses owned by minorities, women, and persons with
10 disabilities as defined in this Act for not less than 20%
11 of the total amount spent on contracts for these services
12 collectively; provided that, contracts representing at
13 least 11% of the total amount spent on contracts for these
14 services shall be awarded to businesses owned by
15 minorities; contracts representing at least 7% of the
16 total amount spent on contracts for these services shall
17 be awarded to women-owned businesses; and contracts
18 representing at least 2% of the total amount spent on
19 contracts for these services shall be awarded to
20 businesses owned by persons with disabilities. When a
21 community college awards contracts for investment
22 services, contracts awarded to investment managers who are
23 not emerging investment managers as defined in this Act
24 shall not be considered businesses owned by minorities,
25 women, or persons with disabilities for the purposes of
26 this Section.

1 ~~(e) When a State agency or public institution of~~
2 ~~higher education issues competitive solicitations and the~~
3 ~~award history for a service or supply category shows~~
4 ~~awards to a class of business owners that are~~
5 ~~underrepresented, the Council shall determine the reason~~
6 ~~for the disparity and shall identify potential and~~
7 ~~appropriate methods to minimize or eliminate the cause for~~
8 ~~the disparity.~~

9 ~~If any State agency or public institution of higher~~
10 ~~education contract is eligible to be paid for or~~
11 ~~reimbursed, in whole or in part, with federal aid funds,~~
12 ~~grants, or loans, and the provisions of this paragraph (e)~~
13 ~~would result in the loss of those federal aid funds,~~
14 ~~grants, or loans, then the contract is exempt from the~~
15 ~~provisions of this paragraph (e) in order to remain~~
16 ~~eligible for those federal aid funds, grants, or loans.~~

17 (2) As used in this Section:

18 "Accounting services" means the measurement,
19 processing and communication of financial information
20 about economic entities including, but is not limited to,
21 financial accounting, management accounting, auditing,
22 cost containment and auditing services, taxation and
23 accounting information systems.

24 "Architectural and engineering services" means
25 professional services of an architectural or engineering
26 nature, or incidental services, that members of the

1 architectural and engineering professions, and individuals
2 in their employ, may logically or justifiably perform,
3 including studies, investigations, surveying and mapping,
4 tests, evaluations, consultations, comprehensive
5 planning, program management, conceptual designs, plans
6 and specifications, value engineering, construction phase
7 services, soils engineering, drawing reviews, preparation
8 of operating and maintenance manuals, and other related
9 services.

10 "Emerging investment manager" means an investment
11 manager or claims consultant having assets under
12 management below \$10 billion or otherwise adjudicating
13 claims.

14 "Information technology services" means, but is not
15 limited to, specialized technology-oriented solutions by
16 combining the processes and functions of software,
17 hardware, networks, telecommunications, web designers,
18 cloud developing resellers, and electronics.

19 "Insurance broker" means an insurance brokerage firm,
20 claims administrator, or both, that procures, places all
21 lines of insurance, or administers claims with annual
22 premiums or fees of at least \$5,000,000 but not more than
23 \$10,000,000.

24 "Legal services" means work performed by a lawyer
25 including, but not limited to, contracts in anticipation
26 of litigation, enforcement actions, or investigations.

1 (3) Each State agency and public institution of higher
2 education shall adopt policies that identify its plan and
3 implementation procedures for increasing the use of service
4 firms owned by minorities, women, and persons with
5 disabilities. All plan and implementation procedures for
6 increasing the use of service firms owned by minorities,
7 women, and persons with disabilities must be submitted to and
8 approved by the Commission on Equity and Inclusion on an
9 annual basis.

10 (4) Except as provided in subsection (5), the Council
11 shall file no later than March 1 of each year an annual report
12 to the Governor, the Bureau on Apprenticeship Programs, and
13 the General Assembly. The report filed with the General
14 Assembly shall be filed as required in Section 3.1 of the
15 General Assembly Organization Act. This report shall: (i)
16 identify the service firms used by each State agency and
17 public institution of higher education, (ii) identify the
18 actions it has undertaken to increase the use of service firms
19 owned by minorities, women, and persons with disabilities,
20 including encouraging non-minority-owned firms to use other
21 service firms owned by minorities, women, and persons with
22 disabilities as subcontractors when the opportunities arise,
23 (iii) state any recommendations made by the Council to each
24 State agency and public institution of higher education to
25 increase participation by the use of service firms owned by
26 minorities, women, and persons with disabilities, and (iv)

1 include the following:

2 (A) For insurance services: the names of the insurance
3 brokers or claims consultants used, the total of risk
4 managed by each State agency and public institution of
5 higher education by insurance brokers, the total
6 commissions, fees paid, or both, the lines or insurance
7 policies placed, and the amount of premiums placed; and
8 the percentage of the risk managed by insurance brokers,
9 the percentage of total commission, fees paid, or both,
10 the lines or insurance policies placed, and the amount of
11 premiums placed with each by the insurance brokers owned
12 by minorities, women, and persons with disabilities by
13 each State agency and public institution of higher
14 education.

15 (B) For investment management services: the names of
16 the investment managers used, the total funds under
17 management of investment managers; the total commissions,
18 fees paid, or both; the total and percentage of funds
19 under management of emerging investment managers owned by
20 minorities, women, and persons with disabilities,
21 including the total and percentage of total commissions,
22 fees paid, or both by each State agency and public
23 institution of higher education.

24 (C) The names of service firms, the percentage and
25 total dollar amount paid for professional services by
26 category by each State agency and public institution of

1 higher education.

2 (D) The names of service firms, the percentage and
3 total dollar amount paid for services by category to firms
4 owned by minorities, women, and persons with disabilities
5 by each State agency and public institution of higher
6 education.

7 (E) The total number of contracts awarded for services
8 by category and the total number of contracts awarded to
9 firms owned by minorities, women, and persons with
10 disabilities by each State agency and public institution
11 of higher education.

12 (5) For community college districts, the Business
13 Enterprise Council shall only report the following information
14 for each community college district: (i) the name of the
15 community colleges in the district, (ii) the name and contact
16 information of a person at each community college appointed to
17 be the single point of contact for vendors owned by
18 minorities, women, or persons with disabilities, (iii) the
19 policy of the community college district concerning certified
20 vendors, (iv) the certifications recognized by the community
21 college district for determining whether a business is owned
22 or controlled by a minority, woman, or person with a
23 disability, (v) outreach efforts conducted by the community
24 college district to increase the use of certified vendors,
25 (vi) the total expenditures by the community college district
26 in the prior fiscal year in the divisions of work specified in

1 paragraphs (a), (b), and (c) of subsection (1) of this Section
2 and the amount paid to certified vendors in those divisions of
3 work, and (vii) the total number of contracts entered into for
4 the divisions of work specified in paragraphs (a), (b), and
5 (c) of subsection (1) of this Section and the total number of
6 contracts awarded to certified vendors providing these
7 services to the community college district. The Business
8 Enterprise Council shall not make any utilization reports
9 under this Act for community college districts for Fiscal Year
10 2015 and Fiscal Year 2016, but shall make the report required
11 by this subsection for Fiscal Year 2017 and for each fiscal
12 year thereafter. The Business Enterprise Council shall report
13 the information in items (i), (ii), (iii), and (iv) of this
14 subsection beginning in September of 2016. The Business
15 Enterprise Council may collect the data needed to make its
16 report from the Illinois Community College Board.

17 (6) The status of the utilization of services shall be
18 discussed at each of the regularly scheduled Business
19 Enterprise Council meetings. Time shall be allotted for the
20 Council to receive, review, and discuss the progress of the
21 use of service firms owned by minorities, women, and persons
22 with disabilities by each State agency and public institution
23 of higher education; and any evidence regarding past or
24 present racial, ethnic, or gender-based discrimination which
25 directly impacts a State agency or public institution of
26 higher education contracting with such firms. If after

1 reviewing such evidence the Council finds that there is or has
2 been such discrimination against a specific group, race or
3 sex, the Council shall establish sheltered markets or adjust
4 existing sheltered markets tailored to address the Council's
5 specific findings for the divisions of work specified in
6 paragraphs (a), (b), and (c) of subsection (1) of this
7 Section.

8 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
9 101-657, Article 5, Section 5-10, eff. 3-23-21; 101-657,
10 Article 40, Section 40-130, eff. 1-1-22; revised 5-18-21.)

11 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

12 (Text of Section before amendment by P.A. 101-657)

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

14 Sec. 5. Business Enterprise Council.

15 (1) To help implement, monitor and enforce the goals of
16 this Act, there is created the Business Enterprise Council for
17 Minorities, Women, and Persons with Disabilities, hereinafter
18 referred to as the Council, composed of the Secretary of Human
19 Services and the Directors of the Department of Human Rights,
20 the Department of Commerce and Economic Opportunity, the
21 Department of Central Management Services, the Department of
22 Transportation and the Capital Development Board, or their
23 duly appointed representatives, with the Comptroller, or his
24 or her designee, serving as an advisory member of the Council.
25 Ten individuals representing businesses that are

1 minority-owned or women-owned or owned by persons with
2 disabilities, 2 individuals representing the business
3 community, and a representative of public institutions of
4 higher education shall be appointed by the Governor. These
5 members shall serve 2 year terms and shall be eligible for
6 reappointment. Any vacancy occurring on the Council shall also
7 be filled by the Governor. Any member appointed to fill a
8 vacancy occurring prior to the expiration of the term for
9 which his predecessor was appointed shall be appointed for the
10 remainder of such term. Members of the Council shall serve
11 without compensation but shall be reimbursed for any ordinary
12 and necessary expenses incurred in the performance of their
13 duties.

14 The Director of the Department of Central Management
15 Services shall serve as the Council chairperson and shall
16 select, subject to approval of the council, a Secretary
17 responsible for the operation of the program who shall serve
18 as the Division Manager of the Business Enterprise for
19 Minorities, Women, and Persons with Disabilities Division of
20 the Department of Central Management Services.

21 The Director of each State agency and the chief executive
22 officer of each public institutions of higher education shall
23 appoint a liaison to the Council. The liaison shall be
24 responsible for submitting to the Council any reports and
25 documents necessary under this Act.

26 (2) The Council's authority and responsibility shall be

1 to:

2 (a) Devise a certification procedure to assure that
3 businesses taking advantage of this Act are legitimately
4 classified as businesses owned by minorities, women, or
5 persons with disabilities and a registration procedure to
6 recognize, without additional evidence of Business
7 Enterprise Program eligibility, the certification of
8 businesses owned by minorities, women, or persons with
9 disabilities certified by the City of Chicago, Cook
10 County, or other jurisdictional programs with requirements
11 and procedures equaling or exceeding those in this Act.

12 (b) Maintain a list of all businesses legitimately
13 classified as businesses owned by minorities, women, or
14 persons with disabilities to provide to State agencies and
15 public institutions of higher education.

16 (c) Review rules and regulations for the
17 implementation of the program for businesses owned by
18 minorities, women, and persons with disabilities.

19 (d) Review compliance plans submitted by each State
20 agency and public institutions of higher education
21 pursuant to this Act.

22 (e) Make annual reports as provided in Section 8f to
23 the Governor and the General Assembly on the status of the
24 program.

25 (f) Serve as a central clearinghouse for information
26 on State contracts, including the maintenance of a list of

1 all pending State contracts upon which businesses owned by
2 minorities, women, and persons with disabilities may bid.
3 At the Council's discretion, maintenance of the list may
4 include 24-hour electronic access to the list along with
5 the bid and application information.

6 (g) Establish a toll free telephone number to
7 facilitate information requests concerning the
8 certification process and pending contracts.

9 (3) No premium bond rate of a surety company for a bond
10 required of a business owned by a minority, woman, or person
11 with a disability bidding for a State contract shall be higher
12 than the lowest rate charged by that surety company for a
13 similar bond in the same classification of work that would be
14 written for a business not owned by a minority, woman, or
15 person with a disability.

16 (4) Any Council member who has direct financial or
17 personal interest in any measure pending before the Council
18 shall disclose this fact to the Council and refrain from
19 participating in the determination upon such measure.

20 (5) The Secretary shall have the following duties and
21 responsibilities:

22 (a) To be responsible for the day-to-day operation of
23 the Council.

24 (b) To serve as a coordinator for all of the State's
25 programs for businesses owned by minorities, women, and
26 persons with disabilities and as the information and

1 referral center for all State initiatives for businesses
2 owned by minorities, women, and persons with disabilities.

3 (c) To establish an enforcement procedure whereby the
4 Council may recommend to the appropriate State legal
5 officer that the State exercise its legal remedies which
6 shall include (1) termination of the contract involved,
7 (2) prohibition of participation by the respondent in
8 public contracts for a period not to exceed 3 years, (3)
9 imposition of a penalty not to exceed any profit acquired
10 as a result of violation, or (4) any combination thereof.
11 Such procedures shall require prior approval by Council.
12 All funds collected as penalties under this subsection
13 shall be used exclusively for maintenance and further
14 development of the Business Enterprise Program and
15 encouragement of participation in State procurement by
16 minorities, women, and persons with disabilities.

17 (d) To devise appropriate policies, regulations and
18 procedures for including participation by businesses owned
19 by minorities, women, and persons with disabilities as
20 prime contractors including, but not limited to, (i)
21 encouraging the inclusions of qualified businesses owned
22 by minorities, women, and persons with disabilities on
23 solicitation lists, (ii) investigating the potential of
24 blanket bonding programs for small construction jobs,
25 (iii) investigating and making recommendations concerning
26 the use of the sheltered market process.

1 (e) To devise procedures for the waiver of the
2 participation goals in appropriate circumstances.

3 (f) To accept donations and, with the approval of the
4 Council or the Director of Central Management Services,
5 grants related to the purposes of this Act; to conduct
6 seminars related to the purpose of this Act and to charge
7 reasonable registration fees; and to sell directories,
8 vendor lists and other such information to interested
9 parties, except that forms necessary to become eligible
10 for the program shall be provided free of charge to a
11 business or individual applying for the program.

12 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
13 101-601, eff. 1-1-20.)

14 (Text of Section after amendment by P.A. 101-657)

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

16 Sec. 5. Business Enterprise Council.

17 (1) To help implement, monitor, and enforce the goals of
18 this Act, there is created the Business Enterprise Council for
19 Minorities, Women, and Persons with Disabilities, hereinafter
20 referred to as the Council, composed of the Chairperson of the
21 Commission on Equity and Inclusion, the Secretary of Human
22 Services and the Directors of the Department of Human Rights,
23 the Department of Commerce and Economic Opportunity, the
24 Department of Central Management Services, the Department of
25 Transportation and the Capital Development Board, or their

1 duly appointed representatives, with the Comptroller, or his
2 or her designee, serving as an advisory member of the Council.
3 Ten individuals representing businesses that are
4 minority-owned, women-owned, or owned by persons with
5 disabilities, 2 individuals representing the business
6 community, and a representative of public institutions of
7 higher education shall be appointed by the Governor. These
8 members shall serve 2-year terms and shall be eligible for
9 reappointment. Any vacancy occurring on the Council shall also
10 be filled by the Governor. Any member appointed to fill a
11 vacancy occurring prior to the expiration of the term for
12 which his or her predecessor was appointed shall be appointed
13 for the remainder of such term. Members of the Council shall
14 serve without compensation but shall be reimbursed for any
15 ordinary and necessary expenses incurred in the performance of
16 their duties.

17 The Chairperson of the Commission shall serve as the
18 Council chairperson and shall select, subject to approval of
19 the Council ~~council~~, a Secretary responsible for the operation
20 of the program who shall serve as the Division Manager of the
21 Business Enterprise for Minorities, Women, and Persons with
22 Disabilities Division of the Commission on Equity and
23 Inclusion ~~Department of Central Management Services~~.

24 The Director of each State agency and the chief executive
25 officer of each public institution of higher education shall
26 appoint a liaison to the Council. The liaison shall be

1 responsible for submitting to the Council any reports and
2 documents necessary under this Act.

3 (2) The Council's authority and responsibility shall be
4 to:

5 (a) Devise a certification procedure to assure that
6 businesses taking advantage of this Act are legitimately
7 classified as businesses owned by minorities, women, or
8 persons with disabilities and a registration procedure to
9 recognize, without additional evidence of Business
10 Enterprise Program eligibility, the certification of
11 businesses owned by minorities, women, or persons with
12 disabilities certified by the City of Chicago, Cook
13 County, or other jurisdictional programs with requirements
14 and procedures equaling or exceeding those in this Act.

15 (b) Maintain a list of all businesses legitimately
16 classified as businesses owned by minorities, women, or
17 persons with disabilities to provide to State agencies and
18 public institutions of higher education.

19 (c) Review rules and regulations for the
20 implementation of the program for businesses owned by
21 minorities, women, and persons with disabilities.

22 (d) Review compliance plans submitted by each State
23 agency and public institution of higher education pursuant
24 to this Act.

25 (e) Make annual reports as provided in Section 8f to
26 the Governor and the General Assembly on the status of the

1 program.

2 (f) Serve as a central clearinghouse for information
3 on State contracts, including the maintenance of a list of
4 all pending State contracts upon which businesses owned by
5 minorities, women, and persons with disabilities may bid.
6 At the Council's discretion, maintenance of the list may
7 include 24-hour electronic access to the list along with
8 the bid and application information.

9 (g) Establish a toll-free telephone number to
10 facilitate information requests concerning the
11 certification process and pending contracts.

12 (3) No premium bond rate of a surety company for a bond
13 required of a business owned by a minority, woman, or person
14 with a disability bidding for a State contract shall be higher
15 than the lowest rate charged by that surety company for a
16 similar bond in the same classification of work that would be
17 written for a business not owned by a minority, woman, or
18 person with a disability.

19 (4) Any Council member who has direct financial or
20 personal interest in any measure pending before the Council
21 shall disclose this fact to the Council and refrain from
22 participating in the determination upon such measure.

23 (5) The Secretary shall have the following duties and
24 responsibilities:

25 (a) To be responsible for the day-to-day operation of
26 the Council.

1 (b) To serve as a coordinator for all of the State's
2 programs for businesses owned by minorities, women, and
3 persons with disabilities and as the information and
4 referral center for all State initiatives for businesses
5 owned by minorities, women, and persons with disabilities.

6 (c) To establish an enforcement procedure whereby the
7 Council may recommend to the appropriate State legal
8 officer that the State exercise its legal remedies which
9 shall include (1) termination of the contract involved,
10 (2) prohibition of participation by the respondent in
11 public contracts for a period not to exceed 3 years, (3)
12 imposition of a penalty not to exceed any profit acquired
13 as a result of violation, or (4) any combination thereof.
14 Such procedures shall require prior approval by Council.
15 All funds collected as penalties under this subsection
16 shall be used exclusively for maintenance and further
17 development of the Business Enterprise Program and
18 encouragement of participation in State procurement by
19 minorities, women, and persons with disabilities.

20 (d) To devise appropriate policies, regulations, and
21 procedures for including participation by businesses owned
22 by minorities, women, and persons with disabilities as
23 prime contractors, including, but not limited to: (i)
24 encouraging the inclusions of qualified businesses owned
25 by minorities, women, and persons with disabilities on
26 solicitation lists, (ii) investigating the potential of

1 blanket bonding programs for small construction jobs, and
2 (iii) investigating and making recommendations concerning
3 the use of the sheltered market process.

4 (e) To devise procedures for the waiver of the
5 participation goals in appropriate circumstances.

6 (f) To accept donations and, with the approval of the
7 Council or the Chairperson of the Commission on Equity and
8 Inclusion, grants related to the purposes of this Act; to
9 conduct seminars related to the purpose of this Act and to
10 charge reasonable registration fees; and to sell
11 directories, vendor lists, and other such information to
12 interested parties, except that forms necessary to become
13 eligible for the program shall be provided free of charge
14 to a business or individual applying for the Business
15 Enterprise Program ~~program~~.

16 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
17 101-601, eff. 1-1-20; 101-657, eff. 1-1-22.)

18 (30 ILCS 575/5.5)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 Sec. 5.5. Transfer of Council and Business Enterprise
22 Program functions.

23 (a) Notwithstanding any provision of law to the contrary,
24 beginning on and after the effective date of this amendatory
25 Act of the 101st General Assembly, the Commission on Equity

1 and Inclusion shall have jurisdiction over the functions of
2 the Business Enterprise Council and the Business Enterprise
3 Program.

4 (b) All powers, duties, rights, and responsibilities of
5 the Department of Central Management Services relating to
6 jurisdiction over the Council and the Business Enterprise
7 Program are transferred to the Commission.

8 (c) All books, records, papers, documents, property,
9 contracts, causes of action, and pending business pertaining
10 to the powers, duties, rights, and responsibilities of the
11 Department of Central Management Services relating to
12 jurisdiction over the Council and the Business Enterprise
13 Program are transferred to the Commission.

14 (d) On the effective date of this amendatory Act of the
15 102nd General Assembly, the personnel of the Department of
16 Central Management Services Business Enterprise Program are
17 transferred to the Commission on Equity and Inclusion. The
18 status and rights of such personnel under the Personnel Code
19 are not affected by the transfer. The rights of the employees
20 and the State of Illinois and its agencies under the Personnel
21 Code and applicable collective bargaining agreements or under
22 any pension, retirement, or annuity plan are not affected by
23 this amendatory Act of the 102nd General Assembly.

24 (e) Whenever reports or notices are required to be made or
25 given or papers or documents furnished or served by any person
26 to or upon the Business Enterprise Program in connection with

1 any of the powers, duties, rights, and responsibilities
2 transferred by Public Act 101-0657, the Commission on Equity
3 and Inclusion shall make, give, furnish, or serve them.

4 (f) The changes made to this Section by this amendatory
5 Act of the 102nd General Assembly do not affect any act done,
6 ratified, or canceled, any right occurring or established, or
7 any action or proceeding had or commenced in an
8 administrative, civil, or criminal cause by the Business
9 Enterprise Program before the effective date of this
10 amendatory Act of the 102nd General Assembly. Such actions or
11 proceedings may be prosecuted and continued by the Commission
12 on Equity and Inclusion.

13 (g) Any rules that relate to the powers, duties, rights,
14 and responsibilities of the Business Enterprise Program and
15 are in force on the effective date of this amendatory Act of
16 the 102nd General Assembly become the rules of the Commission
17 on Equity and Inclusion. The changes made to this Section by
18 this amendatory Act of the 102nd General Assembly do not
19 affect the legality of any such rules.

20 (h) Any proposed rules filed with the Secretary of State
21 by the Business Enterprise Program that are pending in the
22 rulemaking process on the effective date of this amendatory
23 Act of the 102nd General Assembly and pertain to the
24 transferred powers, duties, rights, and responsibilities under
25 Public Act 101-0657 are deemed to have been filed by the
26 Commission on Equity and Inclusion. As soon as practicable,

1 the Commission on Equity and Inclusion shall revise and
2 clarify the rules transferred to it under this amendatory Act
3 of the 102nd General Assembly to reflect the reorganization of
4 powers, duties, rights, and responsibilities affected by
5 Public Act 101-0657, using the procedures for recodification
6 of rules available under the Illinois Administrative Procedure
7 Act, except that existing title, part, and Section numbering
8 for the affected rules may be retained. The Commission on
9 Equity and Inclusion may propose and adopt under the Illinois
10 Administrative Procedure Act other rules of the Business
11 Enterprise Program pertaining to Public Act 101-0657 that are
12 administered by the Department of Central Management Services.

13 (Source: P.A. 101-657, eff. 1-1-22.)

14 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

15 (Text of Section before amendment by P.A. 101-657)

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

17 Sec. 7. Exemptions; waivers; publication of data.

18 (1) Individual contract exemptions. The Council, at the
19 written request of the affected agency, public institution of
20 higher education, or recipient of a grant or loan of State
21 funds of \$250,000 or more complying with Section 45 of the
22 State Finance Act, may permit an individual contract or
23 contract package, (related contracts being bid or awarded
24 simultaneously for the same project or improvements) be made
25 wholly or partially exempt from State contracting goals for

1 businesses owned by minorities, women, and persons with
2 disabilities prior to the advertisement for bids or
3 solicitation of proposals whenever there has been a
4 determination, reduced to writing and based on the best
5 information available at the time of the determination, that
6 there is an insufficient number of businesses owned by
7 minorities, women, and persons with disabilities to ensure
8 adequate competition and an expectation of reasonable prices
9 on bids or proposals solicited for the individual contract or
10 contract package in question. Any such exemptions shall be
11 given by the Council to the Bureau on Apprenticeship Programs.

12 (a) Written request for contract exemption. A written
13 request for an individual contract exemption must include,
14 but is not limited to, the following:

15 (i) a list of eligible businesses owned by
16 minorities, women, and persons with disabilities;

17 (ii) a clear demonstration that the number of
18 eligible businesses identified in subparagraph (i)
19 above is insufficient to ensure adequate competition;

20 (iii) the difference in cost between the contract
21 proposals being offered by businesses owned by
22 minorities, women, and persons with disabilities and
23 the agency or public institution of higher education's
24 expectations of reasonable prices on bids or proposals
25 within that class; and

26 (iv) a list of eligible businesses owned by

1 minorities, women, and persons with disabilities that
2 the contractor has used in the current and prior
3 fiscal years.

4 (b) Determination. The Council's determination
5 concerning an individual contract exemption must consider,
6 at a minimum, the following:

7 (i) the justification for the requested exemption,
8 including whether diligent efforts were undertaken to
9 identify and solicit eligible businesses owned by
10 minorities, women, and persons with disabilities;

11 (ii) the total number of exemptions granted to the
12 affected agency, public institution of higher
13 education, or recipient of a grant or loan of State
14 funds of \$250,000 or more complying with Section 45 of
15 the State Finance Act that have been granted by the
16 Council in the current and prior fiscal years; and

17 (iii) the percentage of contracts awarded by the
18 agency or public institution of higher education to
19 eligible businesses owned by minorities, women, and
20 persons with disabilities in the current and prior
21 fiscal years.

22 (2) Class exemptions.

23 (a) Creation. The Council, at the written request of
24 the affected agency or public institution of higher
25 education, may permit an entire class of contracts be made
26 exempt from State contracting goals for businesses owned

1 by minorities, women, and persons with disabilities
2 whenever there has been a determination, reduced to
3 writing and based on the best information available at the
4 time of the determination, that there is an insufficient
5 number of qualified businesses owned by minorities, women,
6 and persons with disabilities to ensure adequate
7 competition and an expectation of reasonable prices on
8 bids or proposals within that class. Any such exemption
9 shall be given by the Council to the Bureau on
10 Apprenticeship Programs.

11 (a-1) Written request for class exemption. A written
12 request for a class exemption must include, but is not
13 limited to, the following:

14 (i) a list of eligible businesses owned by
15 minorities, women, and persons with disabilities;

16 (ii) a clear demonstration that the number of
17 eligible businesses identified in subparagraph (i)
18 above is insufficient to ensure adequate competition;

19 (iii) the difference in cost between the contract
20 proposals being offered by eligible businesses owned
21 by minorities, women, and persons with disabilities
22 and the agency or public institution of higher
23 education's expectations of reasonable prices on bids
24 or proposals within that class; and

25 (iv) the number of class exemptions the affected
26 agency or public institution of higher education

1 requested in the current and prior fiscal years.

2 (a-2) Determination. The Council's determination
3 concerning class exemptions must consider, at a minimum,
4 the following:

5 (i) the justification for the requested exemption,
6 including whether diligent efforts were undertaken to
7 identify and solicit eligible businesses owned by
8 minorities, women, and persons with disabilities;

9 (ii) the total number of class exemptions granted
10 to the requesting agency or public institution of
11 higher education that have been granted by the Council
12 in the current and prior fiscal years; and

13 (iii) the percentage of contracts awarded by the
14 agency or public institution of higher education to
15 eligible businesses owned by minorities, women, and
16 persons with disabilities the current and prior fiscal
17 years.

18 (b) Limitation. Any such class exemption shall not be
19 permitted for a period of more than one year at a time.

20 (3) Waivers. Where a particular contract requires a
21 contractor to meet a goal established pursuant to this Act,
22 the contractor shall have the right to request a waiver from
23 such requirements. The Council shall grant the waiver where
24 the contractor demonstrates that there has been made a good
25 faith effort to comply with the goals for participation by
26 businesses owned by minorities, women, and persons with

1 disabilities. Any such waiver shall also be transmitted in
2 writing to the Bureau on Apprenticeship Programs.

3 (a) Request for waiver. A contractor's request for a
4 waiver under this subsection (3) must include, but is not
5 limited to, the following, if available:

6 (i) a list of eligible businesses owned by
7 minorities, women, and persons with disabilities that
8 pertain to the class of contracts in the requested
9 waiver;

10 (ii) a clear demonstration that the number of
11 eligible businesses identified in subparagraph (i)
12 above is insufficient to ensure competition;

13 (iii) the difference in cost between the contract
14 proposals being offered by businesses owned by
15 minorities, women, and persons with disabilities and
16 the agency or the public institution of higher
17 education's expectations of reasonable prices on bids
18 or proposals within that class; and

19 (iv) a list of businesses owned by minorities,
20 women, and persons with disabilities that the
21 contractor has used in the current and prior fiscal
22 years.

23 (b) Determination. The Council's determination
24 concerning waivers must include following:

25 (i) the justification for the requested waiver,
26 including whether the requesting contractor made a

1 good faith effort to identify and solicit eligible
2 businesses owned by minorities, women, and persons
3 with disabilities;

4 (ii) the total number of waivers the contractor
5 has been granted by the Council in the current and
6 prior fiscal years;

7 (iii) the percentage of contracts awarded by the
8 agency or public institution of higher education to
9 eligible businesses owned by minorities, women, and
10 persons with disabilities in the current and prior
11 fiscal years; and

12 (iv) the contractor's use of businesses owned by
13 minorities, women, and persons with disabilities in
14 the current and prior fiscal years.

15 (3.5) (Blank).

16 (4) Conflict with other laws. In the event that any State
17 contract, which otherwise would be subject to the provisions
18 of this Act, is or becomes subject to federal laws or
19 regulations which conflict with the provisions of this Act or
20 actions of the State taken pursuant hereto, the provisions of
21 the federal laws or regulations shall apply and the contract
22 shall be interpreted and enforced accordingly.

23 (5) Each chief procurement officer, as defined in the
24 Illinois Procurement Code, shall maintain on his or her
25 official Internet website a database of the following: (i)
26 waivers granted under this Section with respect to contracts

1 under his or her jurisdiction; (ii) a State agency or public
2 institution of higher education's written request for an
3 exemption of an individual contract or an entire class of
4 contracts; and (iii) the Council's written determination
5 granting or denying a request for an exemption of an
6 individual contract or an entire class of contracts. The
7 database, which shall be updated periodically as necessary,
8 shall be searchable by contractor name and by contracting
9 State agency.

10 (6) Each chief procurement officer, as defined by the
11 Illinois Procurement Code, shall maintain on its website a
12 list of all firms that have been prohibited from bidding,
13 offering, or entering into a contract with the State of
14 Illinois as a result of violations of this Act.

15 Each public notice required by law of the award of a State
16 contract shall include for each bid or offer submitted for
17 that contract the following: (i) the bidder's or offeror's
18 name, (ii) the bid amount, (iii) the name or names of the
19 certified firms identified in the bidder's or offeror's
20 submitted utilization plan, and (iv) the bid's amount and
21 percentage of the contract awarded to businesses owned by
22 minorities, women, and persons with disabilities identified in
23 the utilization plan.

24 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
25 101-601, eff. 1-1-20.)

1 (Text of Section after amendment by P.A. 101-657)

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

3 Sec. 7. Exemptions; waivers; publication of data.

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6 higher education, or recipient of a grant or loan of State
7 funds of \$250,000 or more complying with Section 45 of the
8 State Finance Act, may permit an individual contract or
9 contract package, (related contracts being bid or awarded
10 simultaneously for the same project or improvements) be made
11 wholly or partially exempt from State contracting goals for
12 businesses owned by minorities, women, and persons with
13 disabilities prior to the advertisement for bids or
14 solicitation of proposals whenever there has been a
15 determination, reduced to writing and based on the best
16 information available at the time of the determination, that
17 there is an insufficient number of businesses owned by
18 minorities, women, and persons with disabilities to ensure
19 adequate competition and an expectation of reasonable prices
20 on bids or proposals solicited for the individual contract or
21 contract package in question. Any such exemptions shall be
22 given by the Council to the Bureau on Apprenticeship Programs.

23 (a) Written request for contract exemption. A written
24 request for an individual contract exemption must include,
25 but is not limited to, the following:

26 (i) a list of eligible businesses owned by

1 minorities, women, and persons with disabilities;

2 (ii) a clear demonstration that the number of
3 eligible businesses identified in subparagraph (i)
4 above is insufficient to ensure adequate competition;

5 (iii) the difference in cost between the contract
6 proposals being offered by businesses owned by
7 minorities, women, and persons with disabilities and
8 the agency or public institution of higher education's
9 expectations of reasonable prices on bids or proposals
10 within that class; and

11 (iv) a list of eligible businesses owned by
12 minorities, women, and persons with disabilities that
13 the contractor has used in the current and prior
14 fiscal years.

15 (b) Determination. The Council's determination
16 concerning an individual contract exemption must consider,
17 at a minimum, the following:

18 (i) the justification for the requested exemption,
19 including whether diligent efforts were undertaken to
20 identify and solicit eligible businesses owned by
21 minorities, women, and persons with disabilities;

22 (ii) the total number of exemptions granted to the
23 affected agency, public institution of higher
24 education, or recipient of a grant or loan of State
25 funds of \$250,000 or more complying with Section 45 of
26 the State Finance Act that have been granted by the

1 Council in the current and prior fiscal years; and
2 (iii) the percentage of contracts awarded by the
3 agency or public institution of higher education to
4 eligible businesses owned by minorities, women, and
5 persons with disabilities in the current and prior
6 fiscal years.

7 (2) Class exemptions.

8 (a) Creation. The Council, at the written request of
9 the affected agency or public institution of higher
10 education, may permit an entire class of contracts be made
11 exempt from State contracting goals for businesses owned
12 by minorities, women, and persons with disabilities
13 whenever there has been a determination, reduced to
14 writing and based on the best information available at the
15 time of the determination, that there is an insufficient
16 number of qualified businesses owned by minorities, women,
17 and persons with disabilities to ensure adequate
18 competition and an expectation of reasonable prices on
19 bids or proposals within that class. Any such exemption
20 shall be given by the Council to the Bureau on
21 Apprenticeship Programs.

22 (a-1) Written request for class exemption. A written
23 request for a class exemption must include, but is not
24 limited to, the following:

25 (i) a list of eligible businesses owned by
26 minorities, women, and persons with disabilities;

1 (ii) a clear demonstration that the number of
2 eligible businesses identified in subparagraph (i)
3 above is insufficient to ensure adequate competition;

4 (iii) the difference in cost between the contract
5 proposals being offered by eligible businesses owned
6 by minorities, women, and persons with disabilities
7 and the agency or public institution of higher
8 education's expectations of reasonable prices on bids
9 or proposals within that class; and

10 (iv) the number of class exemptions the affected
11 agency or public institution of higher education
12 requested in the current and prior fiscal years.

13 (a-2) Determination. The Council's determination
14 concerning class exemptions must consider, at a minimum,
15 the following:

16 (i) the justification for the requested exemption,
17 including whether diligent efforts were undertaken to
18 identify and solicit eligible businesses owned by
19 minorities, women, and persons with disabilities;

20 (ii) the total number of class exemptions granted
21 to the requesting agency or public institution of
22 higher education that have been granted by the Council
23 in the current and prior fiscal years; and

24 (iii) the percentage of contracts awarded by the
25 agency or public institution of higher education to
26 eligible businesses owned by minorities, women, and

1 persons with disabilities the current and prior fiscal
2 years.

3 (b) Limitation. Any such class exemption shall not be
4 permitted for a period of more than one year at a time.

5 (3) Waivers. Where a particular contract requires a
6 contractor to meet a goal established pursuant to this Act,
7 the contractor shall have the right to request ~~from the~~
8 ~~Council, in consultation with the Commission,~~ a waiver from
9 such requirements prior to the contract award. The Council
10 shall grant the waiver when the contractor demonstrates that
11 there has been made a good faith effort to comply with the
12 goals for participation by businesses owned by minorities,
13 women, and persons with disabilities ~~may grant the waiver only~~
14 ~~upon a demonstration by the contractor of unreasonable~~
15 ~~responses to the request for proposals given the class of~~
16 ~~contract~~. Any such waiver shall also be transmitted in writing
17 to the Bureau on Apprenticeship Programs.

18 (a) Request for waiver. A contractor's request for a
19 waiver under this subsection (3) must include, but is not
20 limited to, the following, if available:

21 (i) a list of eligible businesses owned by
22 minorities, women, and persons with disabilities that
23 pertain to the scope of work of the contract ~~class of~~
24 ~~contracts in the requested waiver~~. Eligible businesses
25 are only eligible if the business is certified for the
26 products or work advertised in the solicitation;

1 (ii) (blank);

2 (iia) a clear demonstration that the contractor
3 selected portions of the work to be performed by
4 eligible businesses owned by minorities, women, and
5 persons with disabilities, solicited through all
6 reasonable and available means eligible businesses,
7 and negotiated in good faith with interested eligible
8 businesses;

9 (iib) documentation demonstrating that businesses
10 owned by minorities, women, and persons with
11 disabilities are not rejected as being unqualified
12 without sound reasons based on a thorough
13 investigation of their capabilities;

14 (iii) documentation demonstrating that ~~the~~
15 ~~difference in cost between~~ the contract proposals
16 being offered by businesses owned by minorities,
17 women, and persons with disabilities are excessive or
18 unreasonable ~~and the agency or the public institution~~
19 ~~of higher education's expectations of reasonable~~
20 ~~prices on bids or proposals within that class; and~~

21 (iv) a list of businesses owned by minorities,
22 women, and persons with disabilities that the
23 contractor has used in the current and prior fiscal
24 years.

25 (b) Determination. The Council's determination, ~~in~~
26 ~~consultation with the Commission,~~ concerning waivers must

1 include following:

2 (i) the justification for the requested waiver,
3 including whether the requesting contractor made a
4 good faith effort to identify and solicit eligible
5 businesses owned by minorities, women, and persons
6 with disabilities ~~proper demonstration of unreasonable~~
7 ~~responses to the request for proposals given the class~~
8 ~~of contract;~~

9 (ii) the total number of waivers the contractor
10 has been granted by the Council in the current and
11 prior fiscal years;

12 (iii) (blank); and ~~the percentage of contracts~~
13 ~~awarded by the agency or public institution of higher~~
14 ~~education to eligible businesses owned by minorities,~~
15 ~~women, and persons with disabilities in the current~~
16 ~~and prior fiscal years; and~~

17 (iv) the contractor's use of businesses owned by
18 minorities, women, and persons with disabilities in
19 the current and prior fiscal years.

20 (3.5) (Blank).

21 (4) Conflict with other laws. In the event that any State
22 contract, which otherwise would be subject to the provisions
23 of this Act, is or becomes subject to federal laws or
24 regulations which conflict with the provisions of this Act or
25 actions of the State taken pursuant hereto, the provisions of
26 the federal laws or regulations shall apply and the contract

1 shall be interpreted and enforced accordingly.

2 (5) Each chief procurement officer, as defined in the
3 Illinois Procurement Code, shall maintain on his or her
4 official Internet website a database of the following: (i)
5 waivers granted under this Section with respect to contracts
6 under his or her jurisdiction; (ii) a State agency or public
7 institution of higher education's written request for an
8 exemption of an individual contract or an entire class of
9 contracts; and (iii) the Council's written determination
10 granting or denying a request for an exemption of an
11 individual contract or an entire class of contracts. The
12 database, which shall be updated periodically as necessary,
13 shall be searchable by contractor name and by contracting
14 State agency.

15 (6) Each chief procurement officer, as defined by the
16 Illinois Procurement Code, shall maintain on its website a
17 list of all firms that have been prohibited from bidding,
18 offering, or entering into a contract with the State of
19 Illinois as a result of violations of this Act.

20 Each public notice required by law of the award of a State
21 contract shall include for each bid or offer submitted for
22 that contract the following: (i) the bidder's or offeror's
23 name, (ii) the bid amount, (iii) the name or names of the
24 certified firms identified in the bidder's or offeror's
25 submitted utilization plan, and (iv) the bid's amount and
26 percentage of the contract awarded to businesses owned by

1 minorities, women, and persons with disabilities identified in
2 the utilization plan.

3 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
4 101-601, eff. 1-1-20; 101-657, eff. 1-1-22.)

5 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

6 (Text of Section before amendment by P.A. 101-657)

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

8 Sec. 8. Enforcement.

9 (1) The Council shall make such findings, recommendations
10 and proposals to the Governor as are necessary and appropriate
11 to enforce this Act. If, as a result of its monitoring
12 activities, the Council determines that its goals and policies
13 are not being met by any State agency or public institution of
14 higher education, the Council may recommend any or all of the
15 following actions:

16 (a) Establish enforcement procedures whereby the
17 Council may recommend to the appropriate State agency,
18 public institutions of higher education, or law
19 enforcement officer that legal or administrative remedies
20 be initiated for violations of contract provisions or
21 rules issued hereunder or by a contracting State agency or
22 public institutions of higher education. State agencies
23 and public institutions of higher education shall be
24 authorized to adopt remedies for such violations which
25 shall include (1) termination of the contract involved,

1 (2) prohibition of participation of the respondents in
2 public contracts for a period not to exceed one year, (3)
3 imposition of a penalty not to exceed any profit acquired
4 as a result of violation, or (4) any combination thereof.

5 (b) If the Council concludes that a compliance plan
6 submitted under Section 6 is unlikely to produce the
7 participation goals for businesses owned by minorities,
8 women, and persons with disabilities within the then
9 current fiscal year, the Council may recommend that the
10 State agency or public institution of higher education
11 revise its plan to provide additional opportunities for
12 participation by businesses owned by minorities, women,
13 and persons with disabilities. Such recommended revisions
14 may include, but shall not be limited to, the following:

15 (i) assurances of stronger and better focused
16 solicitation efforts to obtain more businesses owned
17 by minorities, women, and persons with disabilities as
18 potential sources of supply;

19 (ii) division of job or project requirements, when
20 economically feasible, into tasks or quantities to
21 permit participation of businesses owned by
22 minorities, women, and persons with disabilities;

23 (iii) elimination of extended experience or
24 capitalization requirements, when programmatically
25 feasible, to permit participation of businesses owned
26 by minorities, women, and persons with disabilities;

1 (iv) identification of specific proposed contracts
2 as particularly attractive or appropriate for
3 participation by businesses owned by minorities,
4 women, and persons with disabilities, such
5 identification to result from and be coupled with the
6 efforts of subparagraphs (i) through (iii);

7 (v) implementation of those regulations
8 established for the use of the sheltered market
9 process.

10 (2) State agencies and public institutions of higher
11 education shall review a vendor's compliance with its
12 utilization plan and the terms of its contract. Without
13 limitation, a vendor's failure to comply with its contractual
14 commitments as contained in the utilization plan; failure to
15 cooperate in providing information regarding its compliance
16 with its utilization plan; or the provision of false or
17 misleading information or statements concerning compliance,
18 certification status, or eligibility of the Business
19 Enterprise Program-certified vendor, good faith efforts, or
20 any other material fact or representation shall constitute a
21 material breach of the contract and entitle the State agency
22 or public institution of higher education to declare a
23 default, terminate the contract, or exercise those remedies
24 provided for in the contract, at law, or in equity.

25 (3) A vendor shall be in breach of the contract and may be
26 subject to penalties for failure to meet contract goals

1 established under this Act, unless the vendor can show that it
2 made good faith efforts to meet the contract goals.

3 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

4 (Text of Section after amendment by P.A. 101-657)

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

6 Sec. 8. Enforcement.

7 (1) The Commission on Equity and Inclusion shall make such
8 findings, recommendations and proposals to the Governor as are
9 necessary and appropriate to enforce this Act. If, as a result
10 of its monitoring activities, the Commission determines that
11 its goals and policies are not being met by any State agency or
12 public institution of higher education, the Commission may
13 recommend any or all of the following actions:

14 (a) Establish enforcement procedures whereby the
15 Commission may recommend to the appropriate State agency,
16 public institutions of higher education, or law
17 enforcement officer that legal or administrative remedies
18 be initiated for violations of contract provisions or
19 rules issued hereunder or by a contracting State agency or
20 public institutions of higher education. State agencies
21 and public institutions of higher education shall be
22 authorized to adopt remedies for such violations which
23 shall include (1) termination of the contract involved,
24 (2) prohibition of participation of the respondents in
25 public contracts for a period not to exceed one year, (3)

1 imposition of a penalty not to exceed any profit acquired
2 as a result of violation, or (4) any combination thereof.

3 (b) If the Commission concludes that a compliance plan
4 submitted under Section 6 is unlikely to produce the
5 participation goals for businesses owned by minorities,
6 women, and persons with disabilities within the then
7 current fiscal year, the Commission may recommend that the
8 State agency or public institution of higher education
9 revise its plan to provide additional opportunities for
10 participation by businesses owned by minorities, women,
11 and persons with disabilities. Such recommended revisions
12 may include, but shall not be limited to, the following:

13 (i) assurances of stronger and better focused
14 solicitation efforts to obtain more businesses owned
15 by minorities, women, and persons with disabilities as
16 potential sources of supply;

17 (ii) division of job or project requirements, when
18 economically feasible, into tasks or quantities to
19 permit participation of businesses owned by
20 minorities, women, and persons with disabilities;

21 (iii) elimination of extended experience or
22 capitalization requirements, when programmatically
23 feasible, to permit participation of businesses owned
24 by minorities, women, and persons with disabilities;

25 (iv) identification of specific proposed contracts
26 as particularly attractive or appropriate for

1 participation by businesses owned by minorities,
2 women, and persons with disabilities, such
3 identification to result from and be coupled with the
4 efforts of subparagraphs (i) through (iii);

5 (v) implementation of those regulations
6 established for the use of the sheltered market
7 process.

8 (2) State agencies and public institutions of higher
9 education shall monitor ~~review~~ a vendor's compliance with its
10 utilization plan and the terms of its contract. Without
11 limitation, a vendor's failure to comply with its contractual
12 commitments as contained in the utilization plan; failure to
13 cooperate in providing information regarding its compliance
14 with its utilization plan; or the provision of false or
15 misleading information or statements concerning compliance,
16 certification status, or eligibility of the Business
17 Enterprise Program-certified vendor, good faith efforts, or
18 any other material fact or representation shall constitute a
19 material breach of the contract and entitle the State agency
20 or public institution of higher education to declare a
21 default, terminate the contract, or exercise those remedies
22 provided for in the contract, at law, or in equity.

23 (3) Prior to the expiration or termination of a contract,
24 State agencies and public institutions of higher education
25 shall evaluate the contractor's fulfillment of the contract
26 goals for participation by businesses owned by minorities,

1 women, and persons with disabilities. The agency or public
2 institution of higher education shall prepare a report of the
3 vendor's compliance with the contract goals and file it with
4 the Secretary. If the Secretary determines that the vendor did
5 not fulfill the contract goals, the A vendor shall be in breach
6 of the contract and may be subject to remedies or sanctions
7 ~~penalties for failure to meet contract goals established under~~
8 ~~this Act~~, unless the vendor can show that it made good faith
9 efforts to meet the contract goals. Such remedies or sanctions
10 for failing to make good faith efforts may include (i)
11 disqualification of the contractor from doing business with
12 the State for a period of no more than one year or (ii)
13 cancellation, without any penalty to the State, of any
14 contract entered into by the vendor. The Business Enterprise
15 Program shall develop procedures for determining whether a
16 vendor has made good faith efforts to meet the contract goals
17 upon the expiration or termination of a contract.

18 (Source: P.A. 100-391, eff. 8-25-17; 101-657, eff. 1-1-22.)

19 (30 ILCS 575/8k)

20 Sec. 8k. Race and gender wage report. The Commission on
21 Equity and Inclusion ~~Department of Central Management Services~~
22 shall annually compile ~~submit~~ a report ~~to the Council~~,
23 categorized by both race and gender, specifying the respective
24 wage earnings of State employees ~~as compiled under Section~~
25 ~~405 535 of the Department of Central Management Services Law~~

1 ~~of the Civil Administrative Code of Illinois.~~

2 (Source: P.A. 101-657, eff. 3-23-21.)

3 Section 25. "An Act concerning State government", approved
4 March 3, 2021, Public Act 101-657, is amended by changing
5 Section 99-99 as follows:

6 (P.A. 101-657, Sec. 99-99)

7 Sec. 99-99. Effective date. This Act takes effect upon
8 becoming law, except that Article 5 takes effect July 1, 2021,
9 and Articles 1 and 40 take effect January 1, 2022.

10 (Source: P.A. 101-657, eff. 3-23-21.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

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