



Rep. Sonya M. Harper

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10200SB0166ham002

LRB102 04339 RJF 27360 a

1 AMENDMENT TO SENATE BILL 166

2 AMENDMENT NO. _____. Amend Senate Bill 166, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

9 (20 ILCS 405/405-535)

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

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

1 (b) The Commission ~~Department~~ shall compile the
2 information submitted under this Section and make that
3 information available to the public on the Internet website of
4 the Commission ~~Department~~.

5 (c) The Commission ~~Department~~ shall annually submit a
6 report of the information compiled under this Section to the
7 Governor and, the General Assembly, ~~and the Business~~
8 ~~Enterprise Council for Minorities, Women, and Persons with~~
9 ~~Disabilities~~.

10 (d) As used in this Section:

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

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

15 (Source: P.A. 101-657, Article 25, Section 25-5, eff.
16 3-23-21.)

17 (20 ILCS 405/405-540)

18 Sec. 405-540 ~~405-535~~. African Descent-Citizens Reparations
19 Commission.

20 (a) The African Descent-Citizens Reparations Commission is
21 hereby established within the Department of Central Management
22 Services.

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

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

25 (2) one member of the House of Representatives

1 appointed by the Speaker of the House of Representatives;

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

4 (4) one member of the House of Representatives
5 appointed by the Minority Leader of the House of
6 Representatives;

7 (5) one member of the Senate appointed by the Minority
8 Leader of the Senate;

9 (6) three representatives of a national coalition that
10 supports reparations for African Americans appointed by
11 the Governor; and

12 (7) ten members of the public appointed by the
13 Governor, at least 8 of whom are African American
14 descendants of slavery.

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

26 (d) Administrative support and staffing for the Commission

1 shall be provided by the Department of Central Management
2 Services. Any State agency under the jurisdiction of the
3 Governor shall provide testimony and documents as directed by
4 the Department.

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

6 (1) develop and implement measures to ensure equity,
7 equality, and parity for African American descendants of
8 slavery;

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

12 (3) educate the public on reparations for African
13 American descendants of slavery;

14 (4) report to the General Assembly information and
15 findings regarding the work of the Commission under this
16 Section and the feasibility of reparations for Illinois
17 African American descendants of slavery, including any
18 recommendations on the subject; and

19 (5) discuss and perform actions regarding the
20 following issues:

21 (i) Preservation of African American neighborhoods
22 and communities through investment in business
23 development, home ownership, and affordable housing at
24 the median income of each neighborhood, with a full
25 range of housing services and strengthening of
26 institutions, which shall include, without limitation,

1 schools, parks, and community centers.

2 (ii) Building and development of a Vocational
3 Training Center for People of African
4 Descent-Citizens, with satellite centers throughout
5 the State, to address the racial disparity in the
6 building trades and the de-skilling of African
7 American labor through the historic discrimination in
8 the building trade unions. The Center shall also have
9 departments for legitimate activities in the informal
10 economy and apprenticeship.

11 (iii) Ensuring proportional economic
12 representation in all State contracts, including
13 reviews and recommendations for changes to ~~updates of~~
14 the State procurement and contracting requirements and
15 procedures with the express goal of increasing the
16 number of African American vendors and contracts for
17 services to an equitable level reflecting their
18 population in the State.

19 (iv) Creation and enforcement of an Illinois
20 Slavery Era Disclosure Bill mandating that in addition
21 to disclosure, an affidavit must be submitted entitled
22 "Statement of Financial Reparations" that has been
23 negotiated between the Commission established under
24 this Section and a corporation or institution that
25 disclosed ties to the enslavement or injury of people
26 of African descent in the United States of America.

1 (f) Beginning January 1, 2022, and for each year
2 thereafter, the Commission shall submit a report regarding its
3 actions and any information as required under this Section to
4 the Governor and the General Assembly. The report of the
5 Commission shall also be made available to the public on the
6 Internet website of the Department of Central Management
7 Services.

8 (Source: P.A. 101-657, Article 15, Section 15-5, eff. 3-23-21;
9 revised 4-21-21.)

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

13 (30 ILCS 500/5-7)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 Sec. 5-7. Commission on Equity and Inclusion; powers and
17 duties.

18 (a) The Commission on Equity and Inclusion, as created
19 under the Commission on Equity and Inclusion Act, shall have
20 the powers and duties provided under this Section with respect
21 to this Code. Nothing in this Section shall be construed as
22 overriding the authority and duties of the Procurement Policy
23 Board as provided under Section 5-5. The powers and duties of
24 the Commission as provided under this Section shall be

1 exercised alongside, but independent of, that of the
2 Procurement Policy Board.

3 (b) The Commission on Equity and Inclusion shall have the
4 authority and responsibility to review, comment upon, and
5 recommend, consistent with this Code, rules and practices
6 governing the procurement, management, control, and disposal
7 of supplies, services, professional or artistic services,
8 construction, and real property and capital improvement leases
9 procured by the State for the purpose of diversity, equity,
10 and inclusion. The Commission on Equity and Inclusion shall
11 also have the authority to recommend a program for
12 professional development and provide opportunities for
13 training in equity and inclusion in procurement practices and
14 policies to chief procurement officers and their staffs in
15 order to ensure that all procurement is conducted in an
16 efficient, professional, and appropriately transparent manner.

17 (c) Upon a majority vote of its members, the Commission on
18 Equity and Inclusion may review a contract for purposes of
19 equity and inclusion. Upon a three-fifths vote of its members,
20 the Commission may propose equity and inclusion in procurement
21 rules for consideration by chief procurement officers. These
22 proposals of equity and inclusion rules shall be published in
23 each volume of the Procurement Bulletin. Except as otherwise
24 provided by law, the Commission on Equity and Inclusion shall
25 act upon the vote of a majority of its members who have been
26 appointed and are serving.

1 (d) The Commission on Equity and Inclusion may review,
2 study, and hold public hearings concerning the implementation
3 and administration of this Code in regard to equity and
4 inclusion in procurement. Each chief procurement officer,
5 State purchasing officer, procurement compliance monitor, and
6 State agency shall cooperate with ~~the Commission~~, provide
7 information to ~~the Commission on Equity and Inclusion~~, and be
8 responsive to the Commission on Equity and Inclusion in the
9 ~~Commission's~~ conduct of its reviews, studies, and hearings for
10 purposes of equity and inclusion in procurement.

11 (e) Upon a three-fifths vote of its members, the
12 Commission on Equity and Inclusion shall review a proposal,
13 bid, or contract and issue a recommendation to void a contract
14 or reject a proposal or bid based on any ~~conflict of interest~~
15 ~~or~~ violation of this Code in regard to equity and inclusion. A
16 recommendation of the Commission shall be delivered to the
17 appropriate chief procurement officer ~~and Executive Ethics~~
18 ~~Commission~~ within 7 calendar days after the proposal due date,
19 bid opening date, or determination of a Code violation and
20 must be published in the next volume of the Procurement
21 Bulletin. The bidder, offeror, potential contractor,
22 contractor, or subcontractor shall have 15 calendar days to
23 provide a written response to the notice. A ~~, and a~~ hearing
24 before the Commission on the ~~alleged conflict of interest or~~
25 violation of the Code in regard to equity and inclusion shall
26 be held upon request by the bidder, offeror, potential

1 contractor, contractor, or subcontractor. The requested
2 hearing date and time shall be determined by the Commission on
3 Equity and Inclusion, but in no event shall the hearing occur
4 later than 15 calendar days after the date of the request.
5 Within 7 days after the hearing, the Commission shall deliver
6 a recommendation to the appropriate chief procurement officer
7 whether to void the contract or reject the proposal or bid.

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

9 (30 ILCS 500/20-10)

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

11 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
12 98-1076, 99-906, 100-43, and 101-31)

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

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

17 (b) Invitation for bids. An invitation for bids shall be
18 issued and shall include a purchase description and the
19 material contractual terms and conditions applicable to the
20 procurement.

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

25 (d) Bid opening. Bids shall be opened publicly or through

1 an electronic procurement system in the presence of one or
2 more witnesses at the time and place designated in the
3 invitation for bids. The name of each bidder, including earned
4 and applied bid credit from the Illinois Works Jobs Program
5 Act, the amount of each bid, and other relevant information as
6 may be specified by rule shall be recorded. After the award of
7 the contract, the winning bid and the record of each
8 unsuccessful bid shall be open to public inspection.

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

21 (f) Correction or withdrawal of bids. Correction or
22 withdrawal of inadvertently erroneous bids before or after
23 award, or cancellation of awards of contracts based on bid
24 mistakes, shall be permitted in accordance with rules. After
25 bid opening, no changes in bid prices or other provisions of
26 bids prejudicial to the interest of the State or fair

1 competition shall be permitted. All decisions to permit the
2 correction or withdrawal of bids based on bid mistakes shall
3 be supported by written determination made by a State
4 purchasing officer.

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

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

15 (2) a determination that the anticipated cost will be
16 fair and reasonable;

17 (3) a listing of all responsible and responsive
18 bidders; and

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

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

23 The written explanation shall be filed with the
24 Legislative Audit Commission and the Procurement Policy Board,
25 and be made available for inspection by the public, within 14
26 ~~30~~ calendar days after the agency's decision to award the

1 contract.

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

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

21 (j) Reverse auction. Notwithstanding any other provision
22 of this Section and in accordance with rules adopted by the
23 chief procurement officer, that chief procurement officer may
24 procure supplies or services through a competitive electronic
25 auction bidding process after the chief procurement officer
26 determines that the use of such a process will be in the best

1 interest of the State. The chief procurement officer shall
2 publish that determination in his or her next volume of the
3 Illinois Procurement Bulletin.

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

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

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

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

20 The contract shall be awarded within 60 calendar days
21 after the auction by written notice to the lowest responsible
22 bidder, or all bids shall be rejected except as otherwise
23 provided in this Code. Extensions of the date for the award may
24 be made by mutual written consent of the State purchasing
25 officer and the lowest responsible bidder.

26 This subsection does not apply to (i) procurements of

1 professional and artistic services, (ii) telecommunications
2 services, communication services, and information services,
3 and (iii) contracts for construction projects, including
4 design professional services.

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

6 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
7 98-1076, 99-906, 100-43, and 101-31)

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

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

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

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

20 (d) Bid opening. Bids shall be opened publicly or through
21 an electronic procurement system in the presence of one or
22 more witnesses at the time and place designated in the
23 invitation for bids. The name of each bidder, including earned
24 and applied bid credit from the Illinois Works Jobs Program
25 Act, the amount of each bid, and other relevant information as

1 may be specified by rule shall be recorded. After the award of
2 the contract, the winning bid and the record of each
3 unsuccessful bid shall be open to public inspection.

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

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

26 (g) Award. The contract shall be awarded with reasonable

1 promptness by written notice to the lowest responsible and
2 responsive bidder whose bid meets the requirements and
3 criteria set forth in the invitation for bids, except when a
4 State purchasing officer determines it is not in the best
5 interest of the State and by written explanation determines
6 another bidder shall receive the award. The explanation shall
7 appear in the appropriate volume of the Illinois Procurement
8 Bulletin. The written explanation must include:

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

10 (2) a determination that the anticipated cost will be
11 fair and reasonable;

12 (3) a listing of all responsible and responsive
13 bidders; and

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

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

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

22 (h) Multi-step sealed bidding. When it is considered
23 impracticable to initially prepare a purchase description to
24 support an award based on price, an invitation for bids may be
25 issued requesting the submission of unpriced offers to be
26 followed by an invitation for bids limited to those bidders

1 whose offers have been qualified under the criteria set forth
2 in the first solicitation.

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

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

24 An invitation for bids shall be issued and shall include
25 (i) a procurement description, (ii) all contractual terms,
26 whenever practical, and (iii) conditions applicable to the

1 procurement, including a notice that bids will be received in
2 an electronic auction manner.

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

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

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

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

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

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

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

2 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
3 98-1076, 99-906, 100-43, 101-31, and 101-657)

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

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

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

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

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

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13 The written explanation shall be filed with the
14 Legislative Audit Commission, and the Commission on Equity and
15 Inclusion, and the Procurement Policy Board, and be made
16 available for inspection by the public, within 14 ~~30~~ calendar
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22 101-657, eff. 1-1-22.)

23 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
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19 the contract, the winning bid and the record of each
20 unsuccessful bid shall be open to public inspection.

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

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

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

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

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

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

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

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

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

9 The written explanation shall be filed with the
10 Legislative Audit Commission, and the Commission on Equity and
11 Inclusion, and the Procurement Policy Board, and be made
12 available for inspection by the public, within 14 ~~30~~ days
13 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;
18 101-657, eff. 1-1-22.)

19 (30 ILCS 500/20-15)

20 Sec. 20-15. Competitive sealed proposals.

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

1 (b) Request for proposals. Proposals shall be solicited
2 through a request for proposals.

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

7 (d) Receipt of proposals. Proposals shall be opened
8 publicly or via an electronic procurement system in the
9 presence of one or more witnesses at the time and place
10 designated in the request for proposals, but proposals shall
11 be opened in a manner to avoid disclosure of contents to
12 competing offerors during the process of negotiation. A record
13 of proposals shall be prepared and shall be open for public
14 inspection after contract award.

15 (e) Evaluation factors. The requests for proposals shall
16 state the relative importance of price and other evaluation
17 factors. Proposals shall be submitted in 3 parts: the first,
18 price; ~~and~~ the second, commitment to diversity; and the third,
19 all other items. Each part of all proposals shall be evaluated
20 and ranked independently of the other parts of all proposals.
21 The results of the evaluation of all 3 parts shall be used in
22 ranking of proposals.

23 (e-5) Method of scoring.

24 (1) The point scoring methodology for competitive
25 sealed proposals shall provide points for commitment to
26 diversity. Those points shall be equivalent to 20% of the

1 points assigned to the third part of the proposal, all
2 other items.

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

7 (A) whether or how well the offeror ~~respondent~~, on
8 the solicitation being evaluated, met the goal of
9 contracting or subcontracting with businesses owned by
10 women, minorities, or persons with disabilities;

11 (B) whether the offeror ~~respondent~~, on the
12 solicitation being evaluated, assisted businesses
13 owned by women, minorities, or persons with
14 disabilities in obtaining lines of credit, insurance,
15 necessary equipment, supplies, materials, or related
16 assistance or services;

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

20 (D) whether the offeror ~~respondent~~ has a written
21 supplier diversity program, including, but not limited
22 to, use of diverse ~~diversity~~ vendors in the supply
23 chain and a training or mentoring program with
24 businesses owned by women, minorities, or persons with
25 disabilities; and

26 (E) the percentage of members of the offeror's

1 ~~respondent's~~ governing board, senior executives, and
2 managers who are women, minorities, or persons with
3 disabilities.

4 (3) If any State agency or public institution of
5 higher education contract is eligible to be paid for or
6 reimbursed, in whole or in part, with federal-aid funds,
7 grants, or loans, and the provisions of this subsection
8 (e-5) would result in the loss of those federal-aid funds,
9 grants, or loans, then the contract is exempt from the
10 provisions of this Section in order to remain eligible for
11 those federal-aid funds, grants, or loans. For the
12 purposes of this subsection (e-5):

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

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

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

22 "Senior executive" means the chief executive officer,
23 chief operating officer, chief financial officer, or
24 anyone else in charge of a principal business unit or
25 function.

26 "Women" has the same meaning as "woman" under Section

1 2 of the Business Enterprise for Minorities, Women, and
2 Persons with Disabilities Act.

3 (f) Discussion with responsible offerors and revisions of
4 offers or proposals. As provided in the request for proposals
5 and under rules, discussions may be conducted with responsible
6 offerors who submit offers or proposals determined to be
7 reasonably susceptible of being selected for award for the
8 purpose of clarifying and assuring full understanding of and
9 responsiveness to the solicitation requirements. Those
10 offerors shall be accorded fair and equal treatment with
11 respect to any opportunity for discussion and revision of
12 proposals. Revisions may be permitted after submission and
13 before award for the purpose of obtaining best and final
14 offers. In conducting discussions there shall be no disclosure
15 of any information derived from proposals submitted by
16 competing offerors. If information is disclosed to any
17 offeror, it shall be provided to all competing offerors.

18 (g) Award. Awards shall be made to the responsible offeror
19 whose proposal is determined in writing to be the most
20 advantageous to the State, taking into consideration price and
21 the evaluation factors set forth in the request for proposals.
22 The contract file shall contain the basis on which the award is
23 made.

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

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

2 Sec. 20-30. Emergency purchases.

3 (a) Conditions for use. In accordance with standards set
4 by rule, a purchasing agency may make emergency procurements
5 without competitive sealed bidding or prior notice when there
6 exists a threat to public health or public safety, or when
7 immediate expenditure is necessary for repairs to State
8 property in order to protect against further loss of or damage
9 to State property, to prevent or minimize serious disruption
10 in critical State services that affect health, safety, or
11 collection of substantial State revenues, or to ensure the
12 integrity of State records; provided, however, that the term
13 of the emergency purchase shall be limited to the time
14 reasonably needed for a competitive procurement, not to exceed
15 90 calendar days. A contract may be extended beyond 90
16 calendar days if the chief procurement officer determines
17 additional time is necessary and that the contract scope and
18 duration are limited to the emergency. Prior to execution of
19 the extension, the chief procurement officer must hold a
20 public hearing and provide written justification for all
21 emergency contracts. Members of the public may present
22 testimony. Emergency procurements shall be made with as much
23 competition as is practicable under the circumstances. A
24 written description of the basis for the emergency and reasons
25 for the selection of the particular contractor shall be
26 included in the contract file.

1 (b) Notice. Notice of all emergency procurements shall be
2 provided to the Procurement Policy Board and published in the
3 online electronic Bulletin no later than 5 calendar days after
4 the contract is awarded. Notice of intent to extend an
5 emergency contract shall be provided to the Procurement Policy
6 Board and published in the online electronic Bulletin at least
7 14 calendar days before the public hearing. Notice shall
8 include at least a description of the need for the emergency
9 purchase, the contractor, and if applicable, the date, time,
10 and location of the public hearing. A copy of this notice and
11 all documents provided at the hearing shall be included in the
12 subsequent Procurement Bulletin. Before the next appropriate
13 volume of the Illinois Procurement Bulletin, the purchasing
14 agency shall publish in the Illinois Procurement Bulletin a
15 copy of each written description and reasons and the total
16 cost of each emergency procurement made during the previous
17 month. When only an estimate of the total cost is known at the
18 time of publication, the estimate shall be identified as an
19 estimate and published. When the actual total cost is
20 determined, it shall also be published in like manner before
21 the 10th day of the next succeeding month.

22 (c) Statements. A chief procurement officer making a
23 procurement under this Section shall file statements with the
24 Procurement Policy Board and the Auditor General within 10
25 calendar days after the procurement setting forth the amount
26 expended, the name of the contractor involved, and the

1 conditions and circumstances requiring the emergency
2 procurement. When only an estimate of the cost is available
3 within 10 calendar days after the procurement, the actual cost
4 shall be reported immediately after it is determined. At the
5 end of each fiscal quarter, the Auditor General shall file
6 with the Legislative Audit Commission and the Governor a
7 complete listing of all emergency procurements reported during
8 that fiscal quarter. The Legislative Audit Commission shall
9 review the emergency procurements so reported and, in its
10 annual reports, advise the General Assembly of procurements
11 that appear to constitute an abuse of this Section.

12 (d) Quick purchases. The chief procurement officer may
13 promulgate rules extending the circumstances by which a
14 purchasing agency may make purchases under this Section,
15 including but not limited to the procurement of items
16 available at a discount for a limited period of time.

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.)

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

22 Sec. 20-30. Emergency purchases.

23 (a) Conditions for use. In accordance with standards set
24 by rule, a purchasing agency may make emergency procurements
25 without competitive sealed bidding or prior notice when there

1 exists a threat to public health or public safety, or when
2 immediate expenditure is necessary for repairs to State
3 property in order to protect against further loss of or damage
4 to State property, to prevent or minimize serious disruption
5 in critical State services that affect health, safety, or
6 collection of substantial State revenues, or to ensure the
7 integrity of State records; provided, however, that the term
8 of the emergency purchase shall be limited to the time
9 reasonably needed for a competitive procurement, not to exceed
10 90 calendar days. A contract may be extended beyond 90
11 calendar days if the chief procurement officer determines
12 additional time is necessary and that the contract scope and
13 duration are limited to the emergency. Prior to execution of
14 the extension, the chief procurement officer must hold a
15 public hearing and provide written justification for all
16 emergency contracts. Members of the public may present
17 testimony. Emergency procurements shall be made with as much
18 competition as is practicable under the circumstances, and
19 agencies shall utilize ~~shall include~~ best efforts to include
20 contractors certified under the Business Enterprise Program in
21 its emergency procurement process. A written description of
22 the basis for the emergency and reasons for the selection of
23 the particular contractor shall be included in the contract
24 file.

25 (b) Notice. Notice of all emergency procurements shall be
26 provided to the Procurement Policy Board and the Commission on

1 Equity and Inclusion and published in the online electronic
2 Bulletin no later than 5 calendar days after the contract is
3 awarded. Notice of intent to extend an emergency contract
4 shall be provided to the Procurement Policy Board and the
5 Commission on Equity and Inclusion and published in the online
6 electronic Bulletin at least 14 calendar days before the
7 public hearing. Notice shall include at least a description of
8 the need for the emergency purchase, the contractor, and if
9 applicable, the date, time, and location of the public
10 hearing. A copy of this notice and all documents provided at
11 the hearing shall be included in the subsequent Procurement
12 Bulletin. Before the next appropriate volume of the Illinois
13 Procurement Bulletin, the purchasing agency shall publish in
14 the Illinois Procurement Bulletin a copy of each written
15 description and reasons and the total cost of each emergency
16 procurement made during the previous month. When only an
17 estimate of the total cost is known at the time of publication,
18 the estimate shall be identified as an estimate and published.
19 When the actual total cost is determined, it shall also be
20 published in like manner before the 10th day of the next
21 succeeding month.

22 (c) Statements. A chief procurement officer making a
23 procurement under this Section shall file statements with the
24 Procurement Policy Board, the Commission on Equity and
25 Inclusion, and the Auditor General within 10 calendar days
26 after the procurement setting forth the amount expended, the

1 name of the contractor involved, and the conditions and
2 circumstances requiring the emergency procurement. When only
3 an estimate of the cost is available within 10 calendar days
4 after the procurement, the actual cost shall be reported
5 immediately after it is determined. At the end of each fiscal
6 quarter, the Auditor General shall file with the Legislative
7 Audit Commission and the Governor a complete listing of all
8 emergency procurements reported during that fiscal quarter.
9 The Legislative Audit Commission shall review the emergency
10 procurements so reported and, in its annual reports, advise
11 the General Assembly of procurements that appear to constitute
12 an abuse of this Section.

13 (d) Quick purchases. The chief procurement officer may
14 promulgate rules extending the circumstances by which a
15 purchasing agency may make purchases under this Section,
16 including but not limited to the procurement of items
17 available at a discount for a limited period of time. ~~The chief
18 procurement officer shall adopt rules regarding good faith and
19 best efforts from contractors and companies certified under
20 the Business Enterprise Program.~~

21 (d-5) The chief procurement officer shall adopt rules
22 regarding the use of contractors certified in the Business
23 Enterprise Program in emergency and quick purchase
24 procurements.

25 (e) The changes to this Section made by this amendatory
26 Act of the 96th General Assembly apply to procurements

1 executed on or after its effective date.

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

3 (30 ILCS 500/20-60)

4 (Text of Section before amendment by P.A. 101-657, Article
5 40, Section 40-125)

6 Sec. 20-60. Duration of contracts.

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

23 (b) Subject to appropriation. All contracts made or
24 entered into shall recite that they are subject to termination
25 and cancellation in any year for which the General Assembly

1 fails to make an appropriation to make payments under the
2 terms of the contract.

3 (c) The chief procurement officer shall file a proposed
4 extension or renewal of a contract with the Procurement Policy
5 Board prior to entering into any extension or renewal if the
6 cost associated with the extension or renewal exceeds
7 \$249,999. The Procurement Policy Board may object to the
8 proposed extension or renewal within 30 calendar days and
9 require a hearing before the Board prior to entering into the
10 extension or renewal. If the Procurement Policy Board does not
11 object within 30 calendar days or takes affirmative action to
12 recommend the extension or renewal, the chief procurement
13 officer may enter into the extension or renewal of a contract.
14 This subsection does not apply to any emergency procurement,
15 any procurement under Article 40, or any procurement exempted
16 by Section 1-10(b) of this Code. If any State agency contract
17 is paid for in whole or in part with federal-aid funds, grants,
18 or loans and the provisions of this subsection would result in
19 the loss of those federal-aid funds, grants, or loans, then
20 the contract is exempt from the provisions of this subsection
21 in order to remain eligible for those federal-aid funds,
22 grants, or loans, and the State agency shall file notice of
23 this exemption with the Procurement Policy Board prior to
24 entering into the proposed extension or renewal. Nothing in
25 this subsection permits a chief procurement officer to enter
26 into an extension or renewal in violation of subsection (a).

1 By August 1 each year, the Procurement Policy Board shall file
2 a report with the General Assembly identifying for the
3 previous fiscal year (i) the proposed extensions or renewals
4 that were filed with the Board and whether the Board objected
5 and (ii) the contracts exempt from this subsection.

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

24 (e) As used in this Section, "dark fiber network" means a
25 network of fiber optic cables laid but currently unused by a
26 third party that the third party is leasing for use as network

1 infrastructure.

2 (f) No vendor shall be eligible for renewal of a contract
3 when that vendor has failed to meet the goals agreed to in the
4 vendor's utilization plan unless the State agency has
5 determined that the vendor made good faith efforts toward
6 meeting the contract goals and has issued a waiver or that
7 vendor is not otherwise excused from compliance by the chief
8 procurement officer in consultation with the purchasing State
9 agency. The form and content of the waiver shall be prescribed
10 by each chief procurement officer who shall maintain on his or
11 her official website a database of waivers granted under this
12 Section with respect to contracts under his or her
13 jurisdiction. The database shall be updated periodically and
14 shall be searchable by contractor name and by contracting
15 State agency or public institution of higher education.

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

19 (Text of Section after amendment by P.A. 101-657, Article
20 40, Section 40-125)

21 Sec. 20-60. Duration of contracts.

22 (a) Maximum duration. A contract may be entered into for
23 any period of time deemed to be in the best interests of the
24 State but not exceeding 10 years inclusive, beginning January
25 1, 2010, of proposed contract renewals. Third parties may

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

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

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

1 into the extension or renewal. If the Procurement Policy Board
2 or the Commission on Equity and Inclusion does not object
3 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 or the
16 Commission on Equity and Inclusion prior to entering into the
17 proposed extension or renewal. Nothing in this subsection
18 permits a chief procurement officer to enter into an extension
19 or renewal in violation of subsection (a). By August 1 each
20 year, the Procurement Policy Board and the Commission on
21 Equity and Inclusion shall each file a report with the General
22 Assembly identifying for the previous fiscal year (i) the
23 proposed extensions or renewals that were filed and whether
24 such extensions and renewals were objected to and (ii) the
25 contracts exempt from this subsection.

26 (d) Notwithstanding the provisions of subsection (a) of

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

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

22 (f) No vendor shall be eligible for renewal of a contract
23 when that vendor has failed to meet the goals agreed to in the
24 vendor's utilization plan, as defined in Section 2 of the
25 Business Enterprise for Minorities, Women, and Persons with
26 Disabilities Act, unless the State agency has determined that

1 the vendor made good faith efforts toward meeting the contract
2 goals. If the State agency determines that the vendor made
3 good faith efforts, the agency may issue a waiver after
4 concurrence by the chief procurement officer ~~and has issued a~~
5 ~~waiver or that vendor is not otherwise excused from compliance~~
6 ~~by the chief procurement officer in consultation with the~~
7 ~~purchasing State agency.~~ The form and content of the waiver
8 shall be prescribed by each chief procurement officer who
9 shall maintain on his or her official website a database of
10 waivers granted under this Section with respect to contracts
11 under his or her jurisdiction. The database shall be updated
12 periodically and shall be searchable by contractor name and by
13 contracting State agency or public institution of higher
14 education.

15 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
16 101-81, eff. 7-12-19; 101-657, Article 5, Section 5-5, eff.
17 3-23-21; 101-657, Article 40, Section 40-125, eff. 1-1-22;
18 revised 5-18-21.)

19 (30 ILCS 500/40-20)

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

21 Sec. 40-20. Request for information.

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

25 (b) Form. A request for information shall be issued and

1 shall include:

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

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

9 information for the availability of real property to lease

10 shall be published in the appropriate volume of the Illinois

11 Procurement Bulletin at least 14 calendar days before the date

12 set forth in the request for receipt of responses and shall

13 also be published in similar manner in a newspaper of general

14 circulation in the community or communities where the using

15 agency is seeking space.

16 (d) Response. The request for information response shall

17 consist of written information sufficient to show that the

18 respondent can meet minimum criteria set forth in the request.

19 State purchasing officers may enter into discussions with

20 respondents for the purpose of clarifying State needs and the

21 information supplied by the respondents. On the basis of the

22 information supplied and discussions, if any, a State

23 purchasing officer shall make a written determination

24 identifying the responses that meet the minimum criteria set

25 forth in the request for information. Negotiations shall be

26 entered into with all qualified respondents for the purpose of

1 securing a lease that is in the best interest of the State. A
2 written report of the negotiations shall be retained in the
3 lease files and shall include the reasons for the final
4 selection. All leases shall be reduced to writing; one copy
5 shall be filed with the Comptroller in accordance with the
6 provisions of Section 20-80, and one copy shall be filed with
7 the Board.

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

15 (e) Board review. Upon receipt of (1) any proposed lease
16 of real property of 10,000 or more square feet or (2) any
17 proposed lease of real property with annual rent payments of
18 \$100,000 or more, the Procurement Policy Board shall have 30
19 calendar days to review the proposed lease. If the Board does
20 not object in writing within 30 calendar days, then the
21 proposed lease shall become effective according to its terms
22 as submitted. The leasing agency shall make any and all
23 materials available to the Board to assist in the review
24 process.

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

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

2 Sec. 40-20. Request for information.

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

6 (b) Form. A request for information shall be issued and
7 shall include:

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

9 (2) the proposed uses of the property;

10 (3) the duration of the lease;

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

12 (5) a general description of the configuration
13 desired.

14 (c) Public notice. Public notice of the request for
15 information for the availability of real property to lease
16 shall be published in the appropriate volume of the Illinois
17 Procurement Bulletin at least 14 calendar days before the date
18 set forth in the request for receipt of responses and shall
19 also be published in similar manner in a newspaper of general
20 circulation in the community or communities where the using
21 agency is seeking space.

22 (d) Response. The request for information response shall
23 consist of written information sufficient to show that the
24 respondent can meet minimum criteria set forth in the request.
25 State purchasing officers may enter into discussions with
26 respondents for the purpose of clarifying State needs and the

1 information supplied by the respondents. On the basis of the
2 information supplied and discussions, if any, a State
3 purchasing officer shall make a written determination
4 identifying the responses that meet the minimum criteria set
5 forth in the request for information. Negotiations shall be
6 entered into with all qualified respondents for the purpose of
7 securing a lease that is in the best interest of the State. A
8 written report of the negotiations shall be retained in the
9 lease files and shall include the reasons for the final
10 selection. All leases shall be reduced to writing; one copy
11 shall be filed with the Comptroller in accordance with the
12 provisions of Section 20-80, and one copy each shall be filed
13 with the Board and the Commission on Equity and Inclusion.

14 When the lowest response by price is not selected, the
15 State purchasing officer shall forward to the chief
16 procurement officer, along with the lease, notice of the
17 identity of the lowest respondent by price and written reasons
18 for the selection of a different response. The chief
19 procurement officer shall publish the written reasons in the
20 next volume of the Illinois Procurement Bulletin.

21 (e) Board and Commission on Equity and Inclusion review.
22 Upon receipt of (1) any proposed lease of real property of
23 10,000 or more square feet or (2) any proposed lease of real
24 property with annual rent payments of \$100,000 or more, the
25 Procurement Policy Board and the Commission on Equity and
26 Inclusion shall jointly have 30 calendar days to review the

1 proposed lease. The Board and Commission have 30 calendar days
2 to submit a joint objection. If no joint objection is
3 submitted ~~If neither the Board nor the Commission on Equity~~
4 ~~and Inclusion object in writing within 30 calendar days,~~ then
5 the proposed lease shall become effective according to its
6 terms as submitted. The leasing agency shall make any and all
7 materials available to the Board and the Commission on Equity
8 and Inclusion to assist in the review process.

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

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

12 (30 ILCS 574/40-10)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

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

19 (1) The Commission shall have a role in all State and
20 university procurement by facilitating and streamlining
21 communications between the Business Enterprise Council for
22 Minorities, Women, and Persons with Disabilities, the
23 purchasing entities, the Chief Procurement Officers, and
24 others.

1 (2) The Commission may create a scoring evaluation for
2 State agency directors, public university presidents and
3 chancellors, and public community college presidents. The
4 scoring shall be based on the following 3 principles: (i)
5 increasing capacity; (ii) growing revenue; and (iii)
6 enhancing credentials. These principles should be the
7 foundation of the agency compliance plan required under
8 Section 6 of the Business Enterprise for Minorities,
9 Women, and Persons with Disabilities Act.

10 (3) ~~(4)~~ The Commission shall exercise the authority
11 ~~oversight powers~~ and duties provided to it under Section
12 5-7 of the Illinois Procurement Code.

13 (4) ~~(5)~~ The Commission, working with State agencies,
14 shall provide support for diversity in State hiring.

15 (5) ~~(6)~~ The Commission shall oversee the
16 implementation of diversity training of the State
17 workforce.

18 (6) ~~(7)~~ Each January, and as otherwise frequently as
19 may be deemed necessary and appropriate by the Commission,
20 the Commission shall propose and submit to the Governor
21 and the General Assembly legislative changes to increase
22 inclusion and diversity in State government.

23 (7) ~~(8)~~ The Commission shall have oversight over the
24 following entities:

25 (A) the Illinois African-American Family
26 Commission;

1 (B) the Illinois Latino Family Commission;
2 (C) the Asian American Family Commission;
3 (D) the Illinois Muslim American Advisory Council;
4 (E) the Illinois African-American Fair Contracting
5 Commission created under Executive Order 2018-07; and
6 (F) the Business Enterprise Council for
7 Minorities, Women, and Persons with Disabilities.
8 (8) ~~(9)~~ The Commission shall adopt any rules necessary
9 for the implementation and administration of the
10 requirements of this Act.

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

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

15 (30 ILCS 575/2)

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

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

18 Sec. 2. Definitions.

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

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

24 (a) American Indian or Alaska Native (a person

1 having origins in any of the original peoples of North
2 and South America, including Central America, and who
3 maintains tribal affiliation or community attachment).

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

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

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

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

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

21 (2.05) "Person with a disability" means a person who
22 is a citizen or lawful resident of the United States and is
23 a person qualifying as a person with a disability under
24 subdivision (2.1) of this subsection (A).

25 (2.1) "Person with a disability" means a person with a
26 severe physical or mental disability that:

1 (a) results from:
2 amputation,
3 arthritis,
4 autism,
5 blindness,
6 burn injury,
7 cancer,
8 cerebral palsy,
9 Crohn's disease,
10 cystic fibrosis,
11 deafness,
12 head injury,
13 heart disease,
14 hemiplegia,
15 hemophilia,
16 respiratory or pulmonary dysfunction,
17 an intellectual disability,
18 mental illness,
19 multiple sclerosis,
20 muscular dystrophy,
21 musculoskeletal disorders,
22 neurological disorders, including stroke and
23 epilepsy,
24 paraplegia,
25 quadriplegia and other spinal cord conditions,
26 sickle cell anemia,

1 ulcerative colitis,
2 specific learning disabilities, or
3 end stage renal failure disease; and

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

6 Another disability or combination of disabilities may
7 also be considered as a severe disability for the purposes
8 of item (a) of this subdivision (2.1) if it is determined
9 by an evaluation of rehabilitation potential to cause a
10 comparable degree of substantial functional limitation
11 similar to the specific list of disabilities listed in
12 item (a) of this subdivision (2.1).

13 (3) "Minority-owned business" means a business which
14 is at least 51% owned by one or more minority persons, or
15 in the case of a corporation, at least 51% of the stock in
16 which is owned by one or more minority persons; and the
17 management and daily business operations of which are
18 controlled by one or more of the minority individuals who
19 own it.

20 (4) "Women-owned business" means a business which is
21 at least 51% owned by one or more women, or, in the case of
22 a corporation, at least 51% of the stock in which is owned
23 by one or more women; and the management and daily
24 business operations of which are controlled by one or more
25 of the women who own it.

26 (4.1) "Business owned by a person with a disability"

1 means a business that is at least 51% owned by one or more
2 persons with a disability and the management and daily
3 business operations of which are controlled by one or more
4 of the persons with disabilities who own it. A
5 not-for-profit agency for persons with disabilities that
6 is exempt from taxation under Section 501 of the Internal
7 Revenue Code of 1986 is also considered a "business owned
8 by a person with a disability".

9 (4.2) "Council" means the Business Enterprise Council
10 for Minorities, Women, and Persons with Disabilities
11 created under Section 5 of this Act.

12 (5) "State contracts" means all contracts entered into
13 by the State, any agency or department thereof, or any
14 public institution of higher education, including
15 community college districts, regardless of the source of
16 the funds with which the contracts are paid, which are not
17 subject to federal reimbursement. "State contracts" does
18 not include contracts awarded by a retirement system,
19 pension fund, or investment board subject to Section
20 1-109.1 of the Illinois Pension Code. This definition
21 shall control over any existing definition under this Act
22 or applicable administrative rule.

23 "State construction contracts" means all State
24 contracts entered into by a State agency or public
25 institution of higher education for the repair,
26 remodeling, renovation or construction of a building or

1 structure, or for the construction or maintenance of a
2 highway defined in Article 2 of the Illinois Highway Code.

3 (6) "State agencies" shall mean all departments,
4 officers, boards, commissions, institutions and bodies
5 politic and corporate of the State, but does not include
6 the Board of Trustees of the University of Illinois, the
7 Board of Trustees of Southern Illinois University, the
8 Board of Trustees of Chicago State University, the Board
9 of Trustees of Eastern Illinois University, the Board of
10 Trustees of Governors State University, the Board of
11 Trustees of Illinois State University, the Board of
12 Trustees of Northeastern Illinois University, the Board of
13 Trustees of Northern Illinois University, the Board of
14 Trustees of Western Illinois University, municipalities or
15 other local governmental units, or other State
16 constitutional officers.

17 (7) "Public institutions of higher education" means
18 the University of Illinois, Southern Illinois University,
19 Chicago State University, Eastern Illinois University,
20 Governors State University, Illinois State University,
21 Northeastern Illinois University, Northern Illinois
22 University, Western Illinois University, the public
23 community colleges of the State, and any other public
24 universities, colleges, and community colleges now or
25 hereafter established or authorized by the General
26 Assembly.

1 (8) "Certification" means a determination made by the
2 Council or by one delegated authority from the Council to
3 make certifications, or by a State agency with statutory
4 authority to make such a certification, that a business
5 entity is a business owned by a minority, woman, or person
6 with a disability for whatever purpose. A business owned
7 and controlled by women shall be certified as a
8 "woman-owned business". A business owned and controlled by
9 women who are also minorities shall be certified as both a
10 "women-owned business" and a "minority-owned business".

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

1 majority or absentee ownership.

2 (10) "Business" means a business that has annual gross
3 sales of less than \$75,000,000 as evidenced by the federal
4 income tax return of the business. A firm with gross sales
5 in excess of this cap may apply to the Council for
6 certification for a particular contract if the firm can
7 demonstrate that the contract would have significant
8 impact on businesses owned by minorities, women, or
9 persons with disabilities as suppliers or subcontractors
10 or in employment of minorities, women, or persons with
11 disabilities.

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

20 (12) "Business Enterprise Program" means the Business
21 Enterprise Program of the Department of Central Management
22 Services.

23 (B) When a business is owned at least 51% by any
24 combination of minority persons, women, or persons with
25 disabilities, even though none of the 3 classes alone holds at
26 least a 51% interest, the ownership requirement for purposes

1 of this Act is considered to be met. The certification
2 category for the business is that of the class holding the
3 largest ownership interest in the business. If 2 or more
4 classes have equal ownership interests, the certification
5 category shall be determined by the business.

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

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

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

9 Sec. 2. Definitions.

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

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

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

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

25 (c) Black or African American (a person having

1 origins in any of the black racial groups of Africa).

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

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

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

11 (2.05) "Person with a disability" means a person who
12 is a citizen or lawful resident of the United States and is
13 a person qualifying as a person with a disability under
14 subdivision (2.1) of this subsection (A).

15 (2.1) "Person with a disability" means a person with a
16 severe physical or mental disability that:

17 (a) results from:

18 amputation,

19 arthritis,

20 autism,

21 blindness,

22 burn injury,

23 cancer,

24 cerebral palsy,

25 Crohn's disease,

26 cystic fibrosis,

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

22 Another disability or combination of disabilities may
23 also be considered as a severe disability for the purposes
24 of item (a) of this subdivision (2.1) if it is determined
25 by an evaluation of rehabilitation potential to cause a
26 comparable degree of substantial functional limitation

1 similar to the specific list of disabilities listed in
2 item (a) of this subdivision (2.1).

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

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

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

25 (4.2) "Council" means the Business Enterprise Council
26 for Minorities, Women, and Persons with Disabilities

1 created under Section 5 of this Act.

2 (4.3) "Commission" means, unless the context clearly
3 indicates otherwise, the Commission on Equity and
4 Inclusion created under the Commission on Equity and
5 Inclusion Act.

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

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

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

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

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

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

1 and controlled by women shall be certified as a
2 "woman-owned business". A business owned and controlled by
3 women who are also minorities shall be certified as both a
4 "women-owned business" and a "minority-owned business".

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

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

1 demonstrate that the contract would have significant
2 impact on businesses owned by minorities, women, or
3 persons with disabilities as suppliers or subcontractors
4 or in employment of minorities, women, or persons with
5 disabilities.

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

14 (12) "Business Enterprise Program" means the Business
15 Enterprise Program of the Commission on Equity and
16 Inclusion ~~Department of Central Management Services.~~

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

1 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20;
2 101-657, eff. 1-1-22.)

3 (30 ILCS 575/4) (from Ch. 127, par. 132.604)
4 (Text of Section before amendment by P.A. 101-657)
5 (Section scheduled to be repealed on June 30, 2024)
6 Sec. 4. Award of State contracts.

7 (a) Except as provided in subsection (b), not less than
8 20% of the total dollar amount of State contracts, as defined
9 by the Secretary of the Council and approved by the Council,
10 shall be established as an aspirational goal to be awarded to
11 businesses owned by minorities, women, and persons with
12 disabilities; provided, however, that of the total amount of
13 all State contracts awarded to businesses owned by minorities,
14 women, and persons with disabilities pursuant to this Section,
15 contracts representing at least 11% shall be awarded to
16 businesses owned by minorities, contracts representing at
17 least 7% shall be awarded to women-owned businesses, and
18 contracts representing at least 2% shall be awarded to
19 businesses owned by persons with disabilities.

20 The above percentage relates to the total dollar amount of
21 State contracts during each State fiscal year, calculated by
22 examining independently each type of contract for each agency
23 or public institutions of higher education which lets such
24 contracts. Only that percentage of arrangements which
25 represents the participation of businesses owned by

1 minorities, women, and persons with disabilities on such
2 contracts shall be included. State contracts subject to the
3 requirements of this Act shall include the requirement that
4 only expenditures to businesses owned by minorities, women,
5 and persons with disabilities that perform a commercially
6 useful function may be counted toward the goals set forth by
7 this Act. Contracts shall include a definition of
8 "commercially useful function" that is consistent with 49 CFR
9 26.55(c).

10 (b) Not less than 20% of the total dollar amount of State
11 construction contracts is established as an aspirational goal
12 to be awarded to businesses owned by minorities, women, and
13 persons with disabilities; provided that, contracts
14 representing at least 11% of the total dollar amount of State
15 construction contracts shall be awarded to businesses owned by
16 minorities; contracts representing at least 7% of the total
17 dollar amount of State construction contracts shall be awarded
18 to women-owned businesses; and contracts representing at least
19 2% of the total dollar amount of State construction contracts
20 shall be awarded to businesses owned by persons with
21 disabilities.

22 (c) (Blank).

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, the Advisory Board, and the General
17 Assembly. By December 1, 2022, the Department of Central
18 Management Services Business Enterprise Program shall develop
19 a model for social scientific disparity study sourcing for
20 local governmental units to adapt and implement to address
21 regional disparities in public procurement.

22 (e) Except as permitted under this Act or as otherwise
23 mandated by federal law or regulation, those who submit bids
24 or proposals for State contracts subject to the provisions of
25 this Act, whose bids or proposals are successful and include a
26 utilization plan but that fail to meet the goals set forth in

1 subsection (b) of this Section, shall be notified of that
2 deficiency and shall be afforded a period not to exceed 10
3 calendar days from the date of notification to cure that
4 deficiency in the bid or proposal. The deficiency in the bid or
5 proposal may only be cured by contracting with additional
6 subcontractors who are owned by minorities or women. Any
7 increase in cost to a contract for the addition of a
8 subcontractor to cure a bid's deficiency shall not affect the
9 bid price, shall not be used in the request for an exemption in
10 this Act, and in no case shall an identified subcontractor
11 with a certification made pursuant to this Act be terminated
12 from the contract without the written consent of the State
13 agency or public institution of higher education entering into
14 the contract.

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

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

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

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

1 Sec. 4. Award of State contracts.

2 (a) Except as provided in subsection (b), not less than
3 30% of the total dollar amount of State contracts, as defined
4 by the Secretary of the Council and approved by the Council,
5 shall be established as an aspirational goal to be awarded to
6 businesses owned by minorities, women, and persons with
7 disabilities; provided, however, that of the total amount of
8 all State contracts awarded to businesses owned by minorities,
9 women, and persons with disabilities pursuant to this Section,
10 contracts representing at least 16% shall be awarded to
11 businesses owned by minorities, contracts representing at
12 least 10% shall be awarded to women-owned businesses, and
13 contracts representing at least 4% shall be awarded to
14 businesses owned by persons with disabilities.

15 (a-5) In addition to the aspirational goals in awarding
16 State contracts set under subsection (a), the Commission
17 ~~Department of Central Management Services~~ shall by rule
18 further establish targeted efforts to encourage the
19 participation of businesses owned by minorities, women, and
20 persons with disabilities on State contracts ~~committed~~
21 ~~diversity aspirational goals for State contracts awarded to~~
22 ~~businesses owned by minorities, women, and persons with~~
23 ~~disabilities~~. Such efforts shall include, but not be limited
24 to, further concerted outreach efforts to businesses owned by
25 minorities, women, and persons with disabilities.

26 The above percentage relates to the total dollar amount of

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

15 (b) Not less than 20% of the total dollar amount of State
16 construction contracts is established as an aspirational goal
17 to be awarded to businesses owned by minorities, women, and
18 persons with disabilities; provided that, contracts
19 representing at least 11% of the total dollar amount of State
20 construction contracts shall be awarded to businesses owned by
21 minorities; contracts representing at least 7% of the total
22 dollar amount of State construction contracts shall be awarded
23 to women-owned businesses; and contracts representing at least
24 2% of the total dollar amount of State construction contracts
25 shall be awarded to businesses owned by persons with
26 disabilities.

1 (c) (Blank).

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

5 (d) Within one year after April 28, 2009 (the effective
6 date of Public Act 96-8), the Department of Central Management
7 Services shall conduct a social scientific study that measures
8 the impact of discrimination on minority and women business
9 development in Illinois. Within 18 months after April 28, 2009
10 (the effective date of Public Act 96-8), the Department shall
11 issue a report of its findings and any recommendations on
12 whether to adjust the goals for minority and women
13 participation established in this Act. Copies of this report
14 and the social scientific study shall be filed with the
15 Governor and the General Assembly.

16 By December 1, 2020, the Department of Central Management
17 Services shall conduct a new social scientific study that
18 measures the impact of discrimination on minority and women
19 business development in Illinois. By June 1, 2022, the
20 Department shall issue a report of its findings and any
21 recommendations on whether to adjust the goals for minority
22 and women participation established in this Act. Copies of
23 this report and the social scientific study shall be filed
24 with the Governor and the General Assembly. By December 1,
25 2022, the Commission on Equity and Inclusion ~~Department of~~
26 ~~Central Management Services~~ Business Enterprise Program shall

1 develop a model for social scientific disparity study sourcing
2 for local governmental units to adapt and implement to address
3 regional disparities in public procurement.

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

11 Except as permitted under this Act or as otherwise
12 mandated by federal law or regulation, in response those who
13 submit bids or proposals for State contracts subject to the
14 provisions of this Act, whose bids or proposals are successful
15 but and include a utilization plan ~~but~~ that fails to
16 demonstrate good faith efforts ~~fail~~ to meet the goals set
17 forth in the solicitation ~~subsection (b) of this Section,~~
18 ~~shall be notified~~ of that deficiency and may allow the bidder
19 or offeror ~~shall be afforded~~ a period not to exceed 10 calendar
20 days from the date of notification to cure that deficiency in
21 the bid or proposal. The deficiency in the bid or proposal may
22 only be cured by contracting with additional subcontractors
23 who are certified by the Business Enterprise Program at the
24 time of bid submission ~~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 or to ensure

1 diversity participation on the contract shall not affect the
2 bid price, shall not be used in the request for an exemption in
3 this Act, and in no case shall an identified subcontractor
4 with a certification made pursuant to this Act be terminated
5 from the contract without the written consent of the State
6 agency or public institution of higher education entering into
7 the contract. Submission of a blank utilization plan renders a
8 bid or offer non-responsive and is not curable. The Commission
9 on Equity and Inclusion shall be notified of all bids or offers
10 that fail to include a utilization plan or that include a
11 utilization plan with deficiencies. The Commission on Equity
12 ~~and Inclusion shall be notified of all utilization plan~~
13 ~~deficiencies on submitted bids or proposals for State~~
14 ~~contracts under this subsection (e).~~

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

25 (g) (Blank). ~~Bids or proposals for State contracts shall~~
26 ~~be examined to determine if the bid or proposal is~~

1 ~~responsible, competitive, and whether the services to be~~
2 ~~provided are likely to be completed based upon the pricing. If~~
3 ~~the bid or proposal is responsible, competitive, and the~~
4 ~~services to be provided are likely to be completed based on the~~
5 ~~prices listed, then the bid is deemed responsive. If the bid or~~
6 ~~proposal is not responsible, competitive, and the services to~~
7 ~~be provided are not likely to be completed based on the prices~~
8 ~~listed, then the entire bid is deemed non responsive. The~~
9 ~~Commission on Equity and Inclusion shall be notified of all~~
10 ~~non-responsive bids or proposals for State contracts under~~
11 ~~this subsection (g).~~

12 (h) State Agencies and public institutions of higher
13 education shall notify the Commission on Equity and Inclusion
14 of all non-responsive bids or proposals for State contracts.

15 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
16 101-601, eff. 1-1-20; 101-657, Article 1, Section 1-5, eff.
17 1-1-22; 101-657, Article 40, Section 40-130, eff. 1-1-22;
18 revised 4-15-21.)

19 (30 ILCS 575/4f)

20 (Text of Section before amendment by P.A. 101-657, Article
21 40, Section 40-130)

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

23 Sec. 4f. Award of State contracts.

24 (1) It is hereby declared to be the public policy of the
25 State of Illinois to promote and encourage each State agency

1 and public institution of higher education to use businesses
2 owned by minorities, women, and persons with disabilities in
3 the area of goods and services, including, but not limited to,
4 insurance services, investment management services,
5 information technology services, accounting services,
6 architectural and engineering services, and legal services.
7 Furthermore, each State agency and public institution of
8 higher education shall utilize such firms to the greatest
9 extent feasible within the bounds of financial and fiduciary
10 prudence, and take affirmative steps to remove any barriers to
11 the full participation of such firms in the procurement and
12 contracting opportunities afforded.

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

1 businesses owned by persons with disabilities.

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

20 (c) When a State agency or public institution of
21 higher education, other than a community college, awards
22 contracts for information technology services, accounting
23 services, architectural and engineering services, and
24 legal services, for each State agency and public
25 institution of higher education, it shall be the
26 aspirational goal to use such firms owned by minorities,

1 women, and persons with disabilities as defined by this
2 Act and lawyers who are minorities, women, and persons
3 with disabilities as defined by this Act, for not less
4 than 20% of the total dollar amount of State contracts;
5 provided that, contracts representing at least 11% of the
6 total dollar amount of State contracts shall be awarded to
7 businesses owned by minorities or minority lawyers;
8 contracts representing at least 7% of the total dollar
9 amount of State contracts shall be awarded to women-owned
10 businesses or women who are lawyers; and contracts
11 representing at least 2% of the total dollar amount of
12 State contracts shall be awarded to businesses owned by
13 persons with disabilities or persons with disabilities who
14 are lawyers.

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

1 total amount spent on contracts for these services shall
2 be awarded to women-owned businesses; and contracts
3 representing at least 2% of the total amount spent on
4 contracts for these services shall be awarded to
5 businesses owned by persons with disabilities. When a
6 community college awards contracts for investment
7 services, contracts awarded to investment managers who are
8 not emerging investment managers as defined in this Act
9 shall not be considered businesses owned by minorities,
10 women, or persons with disabilities for the purposes of
11 this Section.

12 (e) When a State agency or public institution of
13 higher education issues competitive solicitations and the
14 award history for a service or supply category shows
15 awards to a class of business owners that are
16 underrepresented, the Council shall determine the reason
17 for the disparity and shall identify potential and
18 appropriate methods to minimize or eliminate the cause for
19 the disparity.

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

1 eligible for those federal-aid funds, grants, or loans.

2 (2) As used in this Section:

3 "Accounting services" means the measurement,
4 processing and communication of financial information
5 about economic entities including, but is not limited to,
6 financial accounting, management accounting, auditing,
7 cost containment and auditing services, taxation and
8 accounting information systems.

9 "Architectural and engineering services" means
10 professional services of an architectural or engineering
11 nature, or incidental services, that members of the
12 architectural and engineering professions, and individuals
13 in their employ, may logically or justifiably perform,
14 including studies, investigations, surveying and mapping,
15 tests, evaluations, consultations, comprehensive
16 planning, program management, conceptual designs, plans
17 and specifications, value engineering, construction phase
18 services, soils engineering, drawing reviews, preparation
19 of operating and maintenance manuals, and other related
20 services.

21 "Emerging investment manager" means an investment
22 manager or claims consultant having assets under
23 management below \$10 billion or otherwise adjudicating
24 claims.

25 "Information technology services" means, but is not
26 limited to, specialized technology-oriented solutions by

1 combining the processes and functions of software,
2 hardware, networks, telecommunications, web designers,
3 cloud developing resellers, and electronics.

4 "Insurance broker" means an insurance brokerage firm,
5 claims administrator, or both, that procures, places all
6 lines of insurance, or administers claims with annual
7 premiums or fees of at least \$5,000,000 but not more than
8 \$10,000,000.

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

12 (3) Each State agency and public institution of higher
13 education shall adopt policies that identify its plan and
14 implementation procedures for increasing the use of service
15 firms owned by minorities, women, and persons with
16 disabilities.

17 (4) Except as provided in subsection (5), the Council
18 shall file no later than March 1 of each year an annual report
19 to the Governor, the Bureau on Apprenticeship Programs, and
20 the General Assembly. The report filed with the General
21 Assembly shall be filed as required in Section 3.1 of the
22 General Assembly Organization Act. This report shall: (i)
23 identify the service firms used by each State agency and
24 public institution of higher education, (ii) identify the
25 actions it has undertaken to increase the use of service firms
26 owned by minorities, women, and persons with disabilities,

1 including encouraging non-minority-owned firms to use other
2 service firms owned by minorities, women, and persons with
3 disabilities as subcontractors when the opportunities arise,
4 (iii) state any recommendations made by the Council to each
5 State agency and public institution of higher education to
6 increase participation by the use of service firms owned by
7 minorities, women, and persons with disabilities, and (iv)
8 include the following:

9 (A) For insurance services: the names of the insurance
10 brokers or claims consultants used, the total of risk
11 managed by each State agency and public institution of
12 higher education by insurance brokers, the total
13 commissions, fees paid, or both, the lines or insurance
14 policies placed, and the amount of premiums placed; and
15 the percentage of the risk managed by insurance brokers,
16 the percentage of total commission, fees paid, or both,
17 the lines or insurance policies placed, and the amount of
18 premiums placed with each by the insurance brokers owned
19 by minorities, women, and persons with disabilities by
20 each State agency and public institution of higher
21 education.

22 (B) For investment management services: the names of
23 the investment managers used, the total funds under
24 management of investment managers; the total commissions,
25 fees paid, or both; the total and percentage of funds
26 under management of emerging investment managers owned by

1 minorities, women, and persons with disabilities,
2 including the total and percentage of total commissions,
3 fees paid, or both by each State agency and public
4 institution of higher education.

5 (C) The names of service firms, the percentage and
6 total dollar amount paid for professional services by
7 category by each State agency and public institution of
8 higher education.

9 (D) The names of service firms, the percentage and
10 total dollar amount paid for services by category to firms
11 owned by minorities, women, and persons with disabilities
12 by each State agency and public institution of higher
13 education.

14 (E) The total number of contracts awarded for services
15 by category and the total number of contracts awarded to
16 firms owned by minorities, women, and persons with
17 disabilities by each State agency and public institution
18 of higher education.

19 (5) For community college districts, the Business
20 Enterprise Council shall only report the following information
21 for each community college district: (i) the name of the
22 community colleges in the district, (ii) the name and contact
23 information of a person at each community college appointed to
24 be the single point of contact for vendors owned by
25 minorities, women, or persons with disabilities, (iii) the
26 policy of the community college district concerning certified

1 vendors, (iv) the certifications recognized by the community
2 college district for determining whether a business is owned
3 or controlled by a minority, woman, or person with a
4 disability, (v) outreach efforts conducted by the community
5 college district to increase the use of certified vendors,
6 (vi) the total expenditures by the community college district
7 in the prior fiscal year in the divisions of work specified in
8 paragraphs (a), (b), and (c) of subsection (1) of this Section
9 and the amount paid to certified vendors in those divisions of
10 work, and (vii) the total number of contracts entered into for
11 the divisions of work specified in paragraphs (a), (b), and
12 (c) of subsection (1) of this Section and the total number of
13 contracts awarded to certified vendors providing these
14 services to the community college district. The Business
15 Enterprise Council shall not make any utilization reports
16 under this Act for community college districts for Fiscal Year
17 2015 and Fiscal Year 2016, but shall make the report required
18 by this subsection for Fiscal Year 2017 and for each fiscal
19 year thereafter. The Business Enterprise Council shall report
20 the information in items (i), (ii), (iii), and (iv) of this
21 subsection beginning in September of 2016. The Business
22 Enterprise Council may collect the data needed to make its
23 report from the Illinois Community College Board.

24 (6) The status of the utilization of services shall be
25 discussed at each of the regularly scheduled Business
26 Enterprise Council meetings. Time shall be allotted for the

1 Council to receive, review, and discuss the progress of the
2 use of service firms owned by minorities, women, and persons
3 with disabilities by each State agency and public institution
4 of higher education; and any evidence regarding past or
5 present racial, ethnic, or gender-based discrimination which
6 directly impacts a State agency or public institution of
7 higher education contracting with such firms. If after
8 reviewing such evidence the Council finds that there is or has
9 been such discrimination against a specific group, race or
10 sex, the Council shall establish sheltered markets or adjust
11 existing sheltered markets tailored to address the Council's
12 specific findings for the divisions of work specified in
13 paragraphs (a), (b), and (c) of subsection (1) of this
14 Section.

15 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
16 101-657, Article 5, Section 5-10, eff. 3-23-21.)

17 (Text of Section after amendment by P.A. 101-657, Article
18 40, Section 40-130)

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

20 Sec. 4f. Award of State contracts.

21 (1) It is hereby declared to be the public policy of the
22 State of Illinois to promote and encourage each State agency
23 and public institution of higher education to use businesses
24 owned by minorities, women, and persons with disabilities in
25 the area of goods and services, including, but not limited to,

1 insurance services, investment management services,
2 information technology services, accounting services,
3 architectural and engineering services, and legal services.
4 Furthermore, each State agency and public institution of
5 higher education shall utilize such firms to the greatest
6 extent feasible within the bounds of financial and fiduciary
7 prudence, and take affirmative steps to remove any barriers to
8 the full participation of such firms in the procurement and
9 contracting opportunities afforded.

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

25 (b) When a State agency or public institution of
26 higher education, other than a community college, awards a

1 contract for investment services, for each State agency or
2 public institution of higher education, it shall be the
3 aspirational goal to use emerging investment managers
4 owned by minorities, women, and persons with disabilities
5 as defined by this Act, for not less than 20% of the total
6 funds under management; provided that, contracts
7 representing at least 11% of the total funds under
8 management shall be awarded to businesses owned by
9 minorities; contracts representing at least 7% of the
10 total funds under management shall be awarded to
11 women-owned businesses; and contracts representing at
12 least 2% of the total funds under management shall be
13 awarded to businesses owned by persons with disabilities.
14 Furthermore, it is the aspirational goal that not less
15 than 20% of the direct asset managers of the State funds be
16 minorities, women, and persons with disabilities.

17 (c) When a State agency or public institution of
18 higher education, other than a community college, awards
19 contracts for information technology services, accounting
20 services, architectural and engineering services, and
21 legal services, for each State agency and public
22 institution of higher education, it shall be the
23 aspirational goal to use such firms owned by minorities,
24 women, and persons with disabilities as defined by this
25 Act and lawyers who are minorities, women, and persons
26 with disabilities as defined by this Act, for not less

1 than 20% of the total dollar amount of State contracts;
2 provided that, contracts representing at least 11% of the
3 total dollar amount of State contracts shall be awarded to
4 businesses owned by minorities or minority lawyers;
5 contracts representing at least 7% of the total dollar
6 amount of State contracts shall be awarded to women-owned
7 businesses or women who are lawyers; and contracts
8 representing at least 2% of the total dollar amount of
9 State contracts shall be awarded to businesses owned by
10 persons with disabilities or persons with disabilities who
11 are lawyers.

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

1 contracts for these services shall be awarded to
2 businesses owned by persons with disabilities. When a
3 community college awards contracts for investment
4 services, contracts awarded to investment managers who are
5 not emerging investment managers as defined in this Act
6 shall not be considered businesses owned by minorities,
7 women, or persons with disabilities for the purposes of
8 this Section.

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

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

25 (2) As used in this Section:

26 "Accounting services" means the measurement,

1 processing and communication of financial information
2 about economic entities including, but is not limited to,
3 financial accounting, management accounting, auditing,
4 cost containment and auditing services, taxation and
5 accounting information systems.

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

18 "Emerging investment manager" means an investment
19 manager or claims consultant having assets under
20 management below \$10 billion or otherwise adjudicating
21 claims.

22 "Information technology services" means, but is not
23 limited to, specialized technology-oriented solutions by
24 combining the processes and functions of software,
25 hardware, networks, telecommunications, web designers,
26 cloud developing resellers, and electronics.

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

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

9 (3) Each State agency and public institution of higher
10 education shall adopt policies that identify its plan and
11 implementation procedures for increasing the use of service
12 firms owned by minorities, women, and persons with
13 disabilities. All plan and implementation procedures for
14 increasing the use of service firms owned by minorities,
15 women, and persons with disabilities must be submitted to and
16 approved by the Commission on Equity and Inclusion on an
17 annual basis.

18 (4) Except as provided in subsection (5), the Council
19 shall file no later than March 1 of each year an annual report
20 to the Governor, the Bureau on Apprenticeship Programs, and
21 the General Assembly. The report filed with the General
22 Assembly shall be filed as required in Section 3.1 of the
23 General Assembly Organization Act. This report shall: (i)
24 identify the service firms used by each State agency and
25 public institution of higher education, (ii) identify the
26 actions it has undertaken to increase the use of service firms

1 owned by minorities, women, and persons with disabilities,
2 including encouraging non-minority-owned firms to use other
3 service firms owned by minorities, women, and persons with
4 disabilities as subcontractors when the opportunities arise,
5 (iii) state any recommendations made by the Council to each
6 State agency and public institution of higher education to
7 increase participation by the use of service firms owned by
8 minorities, women, and persons with disabilities, and (iv)
9 include the following:

10 (A) For insurance services: the names of the insurance
11 brokers or claims consultants used, the total of risk
12 managed by each State agency and public institution of
13 higher education by insurance brokers, the total
14 commissions, fees paid, or both, the lines or insurance
15 policies placed, and the amount of premiums placed; and
16 the percentage of the risk managed by insurance brokers,
17 the percentage of total commission, fees paid, or both,
18 the lines or insurance policies placed, and the amount of
19 premiums placed with each by the insurance brokers owned
20 by minorities, women, and persons with disabilities by
21 each State agency and public institution of higher
22 education.

23 (B) For investment management services: the names of
24 the investment managers used, the total funds under
25 management of investment managers; the total commissions,
26 fees paid, or both; the total and percentage of funds

1 under management of emerging investment managers owned by
2 minorities, women, and persons with disabilities,
3 including the total and percentage of total commissions,
4 fees paid, or both by each State agency and public
5 institution of higher education.

6 (C) The names of service firms, the percentage and
7 total dollar amount paid for professional services by
8 category by each State agency and public institution of
9 higher education.

10 (D) The names of service firms, the percentage and
11 total dollar amount paid for services by category to firms
12 owned by minorities, women, and persons with disabilities
13 by each State agency and public institution of higher
14 education.

15 (E) The total number of contracts awarded for services
16 by category and the total number of contracts awarded to
17 firms owned by minorities, women, and persons with
18 disabilities by each State agency and public institution
19 of higher education.

20 (5) For community college districts, the Business
21 Enterprise Council shall only report the following information
22 for each community college district: (i) the name of the
23 community colleges in the district, (ii) the name and contact
24 information of a person at each community college appointed to
25 be the single point of contact for vendors owned by
26 minorities, women, or persons with disabilities, (iii) the

1 policy of the community college district concerning certified
2 vendors, (iv) the certifications recognized by the community
3 college district for determining whether a business is owned
4 or controlled by a minority, woman, or person with a
5 disability, (v) outreach efforts conducted by the community
6 college district to increase the use of certified vendors,
7 (vi) the total expenditures by the community college district
8 in the prior fiscal year in the divisions of work specified in
9 paragraphs (a), (b), and (c) of subsection (1) of this Section
10 and the amount paid to certified vendors in those divisions of
11 work, and (vii) the total number of contracts entered into for
12 the divisions of work specified in paragraphs (a), (b), and
13 (c) of subsection (1) of this Section and the total number of
14 contracts awarded to certified vendors providing these
15 services to the community college district. The Business
16 Enterprise Council shall not make any utilization reports
17 under this Act for community college districts for Fiscal Year
18 2015 and Fiscal Year 2016, but shall make the report required
19 by this subsection for Fiscal Year 2017 and for each fiscal
20 year thereafter. The Business Enterprise Council shall report
21 the information in items (i), (ii), (iii), and (iv) of this
22 subsection beginning in September of 2016. The Business
23 Enterprise Council may collect the data needed to make its
24 report from the Illinois Community College Board.

25 (6) The status of the utilization of services shall be
26 discussed at each of the regularly scheduled Business

1 Enterprise Council meetings. Time shall be allotted for the
2 Council to receive, review, and discuss the progress of the
3 use of service firms owned by minorities, women, and persons
4 with disabilities by each State agency and public institution
5 of higher education; and any evidence regarding past or
6 present racial, ethnic, or gender-based discrimination which
7 directly impacts a State agency or public institution of
8 higher education contracting with such firms. If after
9 reviewing such evidence the Council finds that there is or has
10 been such discrimination against a specific group, race or
11 sex, the Council shall establish sheltered markets or adjust
12 existing sheltered markets tailored to address the Council's
13 specific findings for the divisions of work specified in
14 paragraphs (a), (b), and (c) of subsection (1) of this
15 Section.

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

19 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

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

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

22 Sec. 5. Business Enterprise Council.

23 (1) To help implement, monitor and enforce the goals of
24 this Act, there is created the Business Enterprise Council for
25 Minorities, Women, and Persons with Disabilities, hereinafter

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

22 The Director of the Department of Central Management
23 Services shall serve as the Council chairperson and shall
24 select, subject to approval of the council, a Secretary
25 responsible for the operation of the program who shall serve
26 as the Division Manager of the Business Enterprise for

1 Minorities, Women, and Persons with Disabilities Division of
2 the Department of Central Management Services.

3 The Director of each State agency and the chief executive
4 officer of each public institutions of higher education shall
5 appoint a liaison to the Council. The liaison shall be
6 responsible for submitting to the Council any reports and
7 documents necessary under this Act.

8 (2) The Council's authority and responsibility shall be
9 to:

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

20 (b) Maintain a list of all businesses legitimately
21 classified as businesses owned by minorities, women, or
22 persons with disabilities to provide to State agencies and
23 public institutions of higher education.

24 (c) Review rules and regulations for the
25 implementation of the program for businesses owned by
26 minorities, women, and persons with disabilities.

1 (d) Review compliance plans submitted by each State
2 agency and public institutions of higher education
3 pursuant to this Act.

4 (e) Make annual reports as provided in Section 8f to
5 the Governor and the General Assembly on the status of the
6 program.

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

14 (g) Establish a toll free telephone number to
15 facilitate information requests concerning the
16 certification process and pending contracts.

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

24 (4) Any Council member who has direct financial or
25 personal interest in any measure pending before the Council
26 shall disclose this fact to the Council and refrain from

1 participating in the determination upon such measure.

2 (5) The Secretary shall have the following duties and
3 responsibilities:

4 (a) To be responsible for the day-to-day operation of
5 the Council.

6 (b) To serve as a coordinator for all of the State's
7 programs for businesses owned by minorities, women, and
8 persons with disabilities and as the information and
9 referral center for all State initiatives for businesses
10 owned by minorities, women, and persons with disabilities.

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

25 (d) To devise appropriate policies, regulations and
26 procedures for including participation by businesses owned

1 by minorities, women, and persons with disabilities as
2 prime contractors including, but not limited to, (i)
3 encouraging the inclusions of qualified businesses owned
4 by minorities, women, and persons with disabilities on
5 solicitation lists, (ii) investigating the potential of
6 blanket bonding programs for small construction jobs,
7 (iii) investigating and making recommendations concerning
8 the use of the sheltered market process.

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

11 (f) To accept donations and, with the approval of the
12 Council or the Director of Central Management Services,
13 grants related to the purposes of this Act; to conduct
14 seminars related to the purpose of this Act and to charge
15 reasonable registration fees; and to sell directories,
16 vendor lists and other such information to interested
17 parties, except that forms necessary to become eligible
18 for the program shall be provided free of charge to a
19 business or individual applying for the program.

20 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
21 101-601, eff. 1-1-20.)

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

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

24 Sec. 5. Business Enterprise Council.

25 (1) To help implement, monitor, and enforce the goals of

1 this Act, there is created the Business Enterprise Council for
2 Minorities, Women, and Persons with Disabilities, hereinafter
3 referred to as the Council, composed of the Chairperson of the
4 Commission on Equity and Inclusion, the Secretary of Human
5 Services and the Directors of the Department of Human Rights,
6 the Department of Commerce and Economic Opportunity, the
7 Department of Central Management Services, the Department of
8 Transportation and the Capital Development Board, or their
9 duly appointed representatives, with the Comptroller, or his
10 or her designee, serving as an advisory member of the Council.
11 Ten individuals representing businesses that are
12 minority-owned, women-owned, or owned by persons with
13 disabilities, 2 individuals representing the business
14 community, and a representative of public institutions of
15 higher education shall be appointed by the Governor. These
16 members shall serve 2-year terms and shall be eligible for
17 reappointment. Any vacancy occurring on the Council shall also
18 be filled by the Governor. Any member appointed to fill a
19 vacancy occurring prior to the expiration of the term for
20 which his or her predecessor was appointed shall be appointed
21 for the remainder of such term. Members of the Council shall
22 serve without compensation but shall be reimbursed for any
23 ordinary and necessary expenses incurred in the performance of
24 their duties.

25 The Chairperson of the Commission shall serve as the
26 Council chairperson and shall select, subject to approval of

1 the Council ~~council~~, a Secretary responsible for the operation
2 of the program who shall serve as the Division Manager of the
3 Business Enterprise for Minorities, Women, and Persons with
4 Disabilities Division of the Commission on Equity and
5 Inclusion ~~Department of Central Management Services~~.

6 The Director of each State agency and the chief executive
7 officer of each public institution of higher education shall
8 appoint a liaison to the Council. The liaison shall be
9 responsible for submitting to the Council any reports and
10 documents necessary under this Act.

11 (2) The Council's authority and responsibility shall be
12 to:

13 (a) Devise a certification procedure to assure that
14 businesses taking advantage of this Act are legitimately
15 classified as businesses owned by minorities, women, or
16 persons with disabilities and a registration procedure to
17 recognize, without additional evidence of Business
18 Enterprise Program eligibility, the certification of
19 businesses owned by minorities, women, or persons with
20 disabilities certified by the City of Chicago, Cook
21 County, or other jurisdictional programs with requirements
22 and procedures equaling or exceeding those in this Act.

23 (b) Maintain a list of all businesses legitimately
24 classified as businesses owned by minorities, women, or
25 persons with disabilities to provide to State agencies and
26 public institutions of higher education.

1 (c) Review rules and regulations for the
2 implementation of the program for businesses owned by
3 minorities, women, and persons with disabilities.

4 (d) Review compliance plans submitted by each State
5 agency and public institution of higher education pursuant
6 to this Act.

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

10 (f) Serve as a central clearinghouse for information
11 on State contracts, including the maintenance of a list of
12 all pending State contracts upon which businesses owned by
13 minorities, women, and persons with disabilities may bid.
14 At the Council's discretion, maintenance of the list may
15 include 24-hour electronic access to the list along with
16 the bid and application information.

17 (g) Establish a toll-free telephone number to
18 facilitate information requests concerning the
19 certification process and pending contracts.

20 (3) No premium bond rate of a surety company for a bond
21 required of a business owned by a minority, woman, or person
22 with a disability bidding for a State contract shall be higher
23 than the lowest rate charged by that surety company for a
24 similar bond in the same classification of work that would be
25 written for a business not owned by a minority, woman, or
26 person with a disability.

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

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

7 (a) To be responsible for the day-to-day operation of
8 the Council.

9 (b) To serve as a coordinator for all of the State's
10 programs for businesses owned by minorities, women, and
11 persons with disabilities and as the information and
12 referral center for all State initiatives for businesses
13 owned by minorities, women, and persons with disabilities.

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

1 minorities, women, and persons with disabilities.

2 (d) To devise appropriate policies, regulations, and
3 procedures for including participation by businesses owned
4 by minorities, women, and persons with disabilities as
5 prime contractors, including, but not limited to: (i)
6 encouraging the inclusions of qualified businesses owned
7 by minorities, women, and persons with disabilities on
8 solicitation lists, (ii) investigating the potential of
9 blanket bonding programs for small construction jobs, and
10 (iii) investigating and making recommendations concerning
11 the use of the sheltered market process.

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

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

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

1 (30 ILCS 575/5.5)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 5.5. Transfer of Council and Business Enterprise
5 Program functions.

6 (a) Notwithstanding any provision of law to the contrary,
7 beginning on and after the effective date of this amendatory
8 Act of the 101st General Assembly, the Commission on Equity
9 and Inclusion shall have jurisdiction over the functions of
10 the Business Enterprise Council and the Business Enterprise
11 Program.

12 (b) All powers, duties, rights, and responsibilities of
13 the Department of Central Management Services relating to
14 jurisdiction over the Council and the Business Enterprise
15 Program are transferred to the Commission.

16 (c) All books, records, papers, documents, property,
17 contracts, causes of action, and pending business pertaining
18 to the powers, duties, rights, and responsibilities of the
19 Department of Central Management Services relating to
20 jurisdiction over the Council and the Business Enterprise
21 Program are transferred to the Commission.

22 (d) On the effective date of this amendatory Act of the
23 102nd General Assembly, the personnel of the Department of
24 Central Management Services, Business Enterprise Program are
25 transferred to the Commission on Equity and Inclusion. The
26 status and rights of such personnel under the Personnel Code

1 are not affected by the transfer. The rights of the employees
2 and the State of Illinois and its agencies under the Personnel
3 Code and applicable collective bargaining agreements or under
4 any pension, retirement, or annuity plan are not affected by
5 this amendatory Act of the 102nd General Assembly.

6 (e) Whenever reports or notices are required to be made or
7 given or papers or documents furnished or served by any person
8 to or upon the Business Enterprise Program in connection with
9 any of the powers, duties, rights, and responsibilities
10 transferred by Public Act 101-0657, the Commission on Equity
11 and Inclusion shall make, give, furnish, or serve them.

12 (f) The changes made to this Section by this amendatory
13 Act of the 102nd General Assembly do not affect any act done,
14 ratified, or canceled, any right occurring or established, or
15 any action or proceeding had or commenced in an
16 administrative, civil, or criminal cause by the Business
17 Enterprise Program before the effective date of this
18 amendatory Act of the 102nd General Assembly. Such actions or
19 proceedings may be prosecuted and continued by the Commission
20 on Equity and Inclusion.

21 (g) Any rules that relate to the powers, duties, rights,
22 and responsibilities of the Business Enterprise Program and
23 are in force on the effective date of this amendatory Act of
24 the 102nd General Assembly become the rules of the Commission
25 on Equity and Inclusion. The changes made to this Section by
26 this amendatory Act of the 102nd General Assembly do not

1 affect the legality of any such rules.

2 (h) Any proposed rules filed with the Secretary of State
3 by the Business Enterprise Program that are pending in the
4 rulemaking process on the effective date of this amendatory
5 Act of the 102nd General Assembly and pertain to the
6 transferred powers, duties, rights, and responsibilities under
7 Public Act 101-0657 are deemed to have been filed by the
8 Commission on Equity and Inclusion. As soon as practicable,
9 the Commission on Equity and Inclusion shall revise and
10 clarify the rules transferred to it under this amendatory Act
11 of the 102nd General Assembly to reflect the reorganization of
12 powers, duties, rights, and responsibilities affected by
13 Public Act 101-0657, using the procedures for recodification
14 of rules available under the Illinois Administrative Procedure
15 Act, except that existing title, part, and Section numbering
16 for the affected rules may be retained. The Commission on
17 Equity and Inclusion may propose and adopt under the Illinois
18 Administrative Procedure Act other rules of the Business
19 Enterprise Program pertaining to Public Act 101-0657 that are
20 administered by the Department of Central Management Services.

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

22 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

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

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

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

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

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

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

25 (ii) a clear demonstration that the number of
26 eligible businesses identified in subparagraph (i)

1 above is insufficient to ensure adequate competition;

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

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

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

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

19 (ii) the total number of exemptions granted to the
20 affected agency, public institution of higher
21 education, or recipient of a grant or loan of State
22 funds of \$250,000 or more complying with Section 45 of
23 the State Finance Act that have been granted by the
24 Council in the current and prior fiscal years; and

25 (iii) the percentage of contracts awarded by the
26 agency or public institution of higher education to

1 eligible businesses owned by minorities, women, and
2 persons with disabilities in the current and prior
3 fiscal years.

4 (2) Class exemptions.

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

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

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

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

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

7 (iv) the number of class exemptions the affected
8 agency or public institution of higher education
9 requested in the current and prior fiscal years.

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

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

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

21 (iii) the percentage of contracts awarded by the
22 agency or public institution of higher education to
23 eligible businesses owned by minorities, women, and
24 persons with disabilities the current and prior fiscal
25 years.

26 (b) Limitation. Any such class exemption shall not be

1 permitted for a period of more than one year at a time.

2 (3) Waivers. Where a particular contract requires a
3 contractor to meet a goal established pursuant to this Act,
4 the contractor shall have the right to request a waiver from
5 such requirements. The Council shall grant the waiver where
6 the contractor demonstrates that there has been made a good
7 faith effort to comply with the goals for participation by
8 businesses owned by minorities, women, and persons with
9 disabilities. Any such waiver shall also be transmitted in
10 writing to the Bureau on Apprenticeship Programs.

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

14 (i) a list of eligible businesses owned by
15 minorities, women, and persons with disabilities that
16 pertain to the class of contracts in the requested
17 waiver;

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

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

1 (iv) a list of businesses owned by minorities,
2 women, and persons with disabilities that the
3 contractor has used in the current and prior fiscal
4 years.

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

7 (i) the justification for the requested waiver,
8 including whether the requesting contractor made a
9 good faith effort to identify and solicit eligible
10 businesses owned by minorities, women, and persons
11 with disabilities;

12 (ii) the total number of waivers the contractor
13 has been granted by the Council in the current and
14 prior fiscal years;

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

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

23 (3.5) (Blank).

24 (4) Conflict with other laws. In the event that any State
25 contract, which otherwise would be subject to the provisions
26 of this Act, is or becomes subject to federal laws or

1 regulations which conflict with the provisions of this Act or
2 actions of the State taken pursuant hereto, the provisions of
3 the federal laws or regulations shall apply and the contract
4 shall be interpreted and enforced accordingly.

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

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

23 Each public notice required by law of the award of a State
24 contract shall include for each bid or offer submitted for
25 that contract the following: (i) the bidder's or offeror's
26 name, (ii) the bid amount, (iii) the name or names of the

1 certified firms identified in the bidder's or offeror's
2 submitted utilization plan, and (iv) the bid's amount and
3 percentage of the contract awarded to businesses owned by
4 minorities, women, and persons with disabilities identified in
5 the utilization plan.

6 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
7 101-601, eff. 1-1-20.)

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

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

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

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14 funds of \$250,000 or more complying with Section 45 of the
15 State Finance Act, may permit an individual contract or
16 contract package, (related contracts being bid or awarded
17 simultaneously for the same project or improvements) be made
18 wholly or partially exempt from State contracting goals for
19 businesses owned by minorities, women, and persons with
20 disabilities prior to the advertisement for bids or
21 solicitation of proposals whenever there has been a
22 determination, reduced to writing and based on the best
23 information available at the time of the determination, that
24 there is an insufficient number of businesses owned by
25 minorities, women, and persons with disabilities to ensure

1 adequate competition and an expectation of reasonable prices
2 on bids or proposals solicited for the individual contract or
3 contract package in question. Any such exemptions shall be
4 given by the Council to the Bureau on Apprenticeship Programs.

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

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

10 (ii) a clear demonstration that the number of
11 eligible businesses identified in subparagraph (i)
12 above is insufficient to ensure adequate 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 public institution of higher education's
17 expectations of reasonable prices on bids or proposals
18 within that class; and

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

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

26 (i) the justification for the requested exemption,

1 including whether diligent efforts were undertaken to
2 identify and solicit eligible businesses owned by
3 minorities, women, and persons with disabilities;

4 (ii) the total number of exemptions granted to the
5 affected agency, public institution of higher
6 education, or recipient of a grant or loan of State
7 funds of \$250,000 or more complying with Section 45 of
8 the State Finance Act that have been granted by the
9 Council in the current and prior fiscal years; and

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

15 (2) Class exemptions.

16 (a) Creation. The Council, at the written request of
17 the affected agency or public institution of higher
18 education, may permit an entire class of contracts be made
19 exempt from State contracting goals for businesses owned
20 by minorities, women, and persons with disabilities
21 whenever there has been a determination, reduced to
22 writing and based on the best information available at the
23 time of the determination, that there is an insufficient
24 number of qualified businesses owned by minorities, women,
25 and persons with disabilities to ensure adequate
26 competition and an expectation of reasonable prices on

1 bids or proposals within that class. Any such exemption
2 shall be given by the Council to the Bureau on
3 Apprenticeship Programs.

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

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

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

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

18 (iv) the number of class exemptions the affected
19 agency or public institution of higher education
20 requested in the current and prior fiscal years.

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

24 (i) the justification for the requested exemption,
25 including whether diligent efforts were undertaken to
26 identify and solicit eligible businesses owned by

1 minorities, women, and persons with disabilities;

2 (ii) the total number of class exemptions granted
3 to the requesting agency or public institution of
4 higher education that have been granted by the Council
5 in the current and prior fiscal years; and

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

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

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

26 (a) Request for waiver. A contractor's request for a

1 waiver under this subsection (3) must include, but is not
2 limited to, the following, if available:

3 (i) a list of eligible businesses owned by
4 minorities, women, and persons with disabilities that
5 pertain to the scope of work of the contract ~~class of~~
6 ~~contracts in the requested waiver~~. Eligible businesses
7 are only eligible if the business is certified for the
8 products or work advertised in the solicitation;

9 (ii) (blank);

10 (iia) a clear demonstration that the contractor
11 selected portions of the work to be performed by
12 eligible businesses owned by minorities, women, and
13 persons with disabilities, solicited through all
14 reasonable and available means eligible businesses,
15 and negotiated in good faith with interested eligible
16 businesses;

17 (iib) documentation demonstrating that businesses
18 owned by minorities, women, and persons with
19 disabilities are not rejected as being unqualified
20 without sound reasons based on a thorough
21 investigation of their capabilities;

22 (iii) documentation demonstrating that ~~the~~
23 ~~difference in cost between~~ the contract proposals
24 being offered by businesses owned by minorities,
25 women, and persons with disabilities are excessive or
26 unreasonable ~~and the agency or the public institution~~

1 ~~of higher education's expectations of reasonable~~
2 ~~prices on bids or proposals within that class; and~~

3 (iv) a list of businesses owned by minorities,
4 women, and persons with disabilities that the
5 contractor has used in the current and prior fiscal
6 years.

7 (b) Determination. The Council's determination, ~~in~~
8 ~~consultation with the Commission,~~ concerning waivers must
9 include following:

10 (i) the justification for the requested waiver,
11 including whether the requesting contractor made a
12 good faith effort to identify and solicit eligible
13 businesses owned by minorities, women, and persons
14 with disabilities ~~proper demonstration of unreasonable~~
15 ~~responses to the request for proposals given the class~~
16 ~~of contract;~~

17 (ii) the total number of waivers the contractor
18 has been granted by the Council in the current and
19 prior fiscal years;

20 (iii) (blank); and ~~the percentage of contracts~~
21 ~~awarded by the agency or public institution of higher~~
22 ~~education to eligible businesses owned by minorities,~~
23 ~~women, and persons with disabilities in the current~~
24 ~~and prior fiscal years; and~~

25 (iv) the contractor's use of businesses owned by
26 minorities, women, and persons with disabilities in

1 the current and prior fiscal years.

2 (3.5) (Blank).

3 (4) Conflict with other laws. In the event that any State
4 contract, which otherwise would be subject to the provisions
5 of this Act, is or becomes subject to federal laws or
6 regulations which conflict with the provisions of this Act or
7 actions of the State taken pursuant hereto, the provisions of
8 the federal laws or regulations shall apply and the contract
9 shall be interpreted and enforced accordingly.

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

23 (6) Each chief procurement officer, as defined by the
24 Illinois Procurement Code, shall maintain on its website a
25 list of all firms that have been prohibited from bidding,
26 offering, or entering into a contract with the State of

1 Illinois as a result of violations of this Act.

2 Each public notice required by law of the award of a State
3 contract shall include for each bid or offer submitted for
4 that contract the following: (i) the bidder's or offeror's
5 name, (ii) the bid amount, (iii) the name or names of the
6 certified firms identified in the bidder's or offeror's
7 submitted utilization plan, and (iv) the bid's amount and
8 percentage of the contract awarded to businesses owned by
9 minorities, women, and persons with disabilities identified in
10 the utilization plan.

11 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
12 101-601, eff. 1-1-20; 101-657, eff. 1-1-22.)

13 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

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

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

16 Sec. 8. Enforcement.

17 (1) The Council shall make such findings, recommendations
18 and proposals to the Governor as are necessary and appropriate
19 to enforce this Act. If, as a result of its monitoring
20 activities, the Council determines that its goals and policies
21 are not being met by any State agency or public institution of
22 higher education, the Council may recommend any or all of the
23 following actions:

24 (a) Establish enforcement procedures whereby the
25 Council may recommend to the appropriate State agency,

1 public institutions of higher education, or law
2 enforcement officer that legal or administrative remedies
3 be initiated for violations of contract provisions or
4 rules issued hereunder or by a contracting State agency or
5 public institutions of higher education. State agencies
6 and public institutions of higher education shall be
7 authorized to adopt remedies for such violations which
8 shall include (1) termination of the contract involved,
9 (2) prohibition of participation of the respondents in
10 public contracts for a period not to exceed one year, (3)
11 imposition of a penalty not to exceed any profit acquired
12 as a result of violation, or (4) any combination thereof.

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

23 (i) assurances of stronger and better focused
24 solicitation efforts to obtain more businesses owned
25 by minorities, women, and persons with disabilities as
26 potential sources of supply;

1 (ii) division of job or project requirements, when
2 economically feasible, into tasks or quantities to
3 permit participation of businesses owned by
4 minorities, women, and persons with disabilities;

5 (iii) elimination of extended experience or
6 capitalization requirements, when programmatically
7 feasible, to permit participation of businesses owned
8 by minorities, women, and persons with disabilities;

9 (iv) identification of specific proposed contracts
10 as particularly attractive or appropriate for
11 participation by businesses owned by minorities,
12 women, and persons with disabilities, such
13 identification to result from and be coupled with the
14 efforts of subparagraphs (i) through (iii);

15 (v) implementation of those regulations
16 established for the use of the sheltered market
17 process.

18 (2) State agencies and public institutions of higher
19 education shall review a vendor's compliance with its
20 utilization plan and the terms of its contract. Without
21 limitation, a vendor's failure to comply with its contractual
22 commitments as contained in the utilization plan; failure to
23 cooperate in providing information regarding its compliance
24 with its utilization plan; or the provision of false or
25 misleading information or statements concerning compliance,
26 certification status, or eligibility of the Business

1 Enterprise Program-certified vendor, good faith efforts, or
2 any other material fact or representation shall constitute a
3 material breach of the contract and entitle the State agency
4 or public institution of higher education to declare a
5 default, terminate the contract, or exercise those remedies
6 provided for in the contract, at law, or in equity.

7 (3) A vendor shall be in breach of the contract and may be
8 subject to penalties for failure to meet contract goals
9 established under this Act, unless the vendor can show that it
10 made good faith efforts to meet the contract goals.

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

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

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

14 Sec. 8. Enforcement.

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

22 (a) Establish enforcement procedures whereby the
23 Commission may recommend to the appropriate State agency,
24 public institutions of higher education, or law
25 enforcement officer that legal or administrative remedies

1 be initiated for violations of contract provisions or
2 rules issued hereunder or by a contracting State agency or
3 public institutions of higher education. State agencies
4 and public institutions of higher education shall be
5 authorized to adopt remedies for such violations which
6 shall include (1) termination of the contract involved,
7 (2) prohibition of participation of the respondents in
8 public contracts for a period not to exceed one year, (3)
9 imposition of a penalty not to exceed any profit acquired
10 as a result of violation, or (4) any combination thereof.

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

21 (i) assurances of stronger and better focused
22 solicitation efforts to obtain more businesses owned
23 by minorities, women, and persons with disabilities as
24 potential sources of supply;

25 (ii) division of job or project requirements, when
26 economically feasible, into tasks or quantities to

1 permit participation of businesses owned by
2 minorities, women, and persons with disabilities;

3 (iii) elimination of extended experience or
4 capitalization requirements, when programmatically
5 feasible, to permit participation of businesses owned
6 by minorities, women, and persons with disabilities;

7 (iv) identification of specific proposed contracts
8 as particularly attractive or appropriate for
9 participation by businesses owned by minorities,
10 women, and persons with disabilities, such
11 identification to result from and be coupled with the
12 efforts of subparagraphs (i) through (iii);

13 (v) implementation of those regulations
14 established for the use of the sheltered market
15 process.

16 (2) State agencies and public institutions of higher
17 education shall monitor ~~review~~ a vendor's compliance with its
18 utilization plan and the terms of its contract. Without
19 limitation, a vendor's failure to comply with its contractual
20 commitments as contained in the utilization plan; failure to
21 cooperate in providing information regarding its compliance
22 with its utilization plan; or the provision of false or
23 misleading information or statements concerning compliance,
24 certification status, or eligibility of the Business
25 Enterprise Program-certified vendor, good faith efforts, or
26 any other material fact or representation shall constitute a

1 material breach of the contract and entitle the State agency
2 or public institution of higher education to declare a
3 default, terminate the contract, or exercise those remedies
4 provided for in the contract, at law, or in equity.

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

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

1 (30 ILCS 575/8k)

2 Sec. 8k. Race and gender wage report. The Commission on
3 Equity and Inclusion ~~Department of Central Management Services~~
4 shall annually compile ~~submit~~ a report ~~to the Council,~~
5 categorized by both race and gender, specifying the respective
6 wage earnings of State employees ~~as compiled under Section~~
7 ~~405-535 of the Department of Central Management Services Law~~
8 ~~of the Civil Administrative Code of Illinois.~~

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

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

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

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

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

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes

1 made by this Act or (ii) provisions derived from any other
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".