



Sen. Patrick J. Joyce

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10200SB3047sam001

LRB102 22486 RJF 35936 a

1 AMENDMENT TO SENATE BILL 3047

2 AMENDMENT NO. _____. Amend Senate Bill 3047 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 45-35 as follows:

6 (30 ILCS 500/45-35)

7 Sec. 45-35. Not-for-profit agencies for persons with
8 significant disabilities.

9 (a) Qualification. Supplies and services may be procured
10 without advertising or calling for bids from any qualified
11 not-for-profit agency for persons with significant
12 disabilities that:

13 (1) complies with Illinois laws governing private
14 not-for-profit organizations;

15 (2) (blank); ~~is certified as a work center by the Wage~~
16 ~~and Hour Division of the United States Department of Labor~~

1 ~~or is an accredited vocational program that provides~~
2 ~~transition services to youth between the ages of 14 1/2~~
3 ~~and 22 in accordance with individualized education plans~~
4 ~~under Section 14-8.03 of the School Code and that provides~~
5 ~~residential services at a child care institution, as~~
6 ~~defined under Section 2.06 of the Child Care Act of 1969,~~
7 ~~or at a group home, as defined under Section 2.16 of the~~
8 ~~Child Care Act of 1969; and~~

9 (2.5) is a disability-serving organization accredited
10 by a nationally-recognized accrediting organization,
11 including the Council of Quality Leadership or the
12 Commission on Accreditation of Rehabilitation Facilities,
13 or is a Center for Independent Living; and

14 (3) is accredited by a nationally-recognized
15 accrediting organization ~~or certified as a developmental~~
16 ~~training provider by the Department of Human Services.~~

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

21 (c) Committee. There is created within the Department of
22 Central Management Services a committee to facilitate the
23 purchase of products and services from not-for-profit agencies
24 that provide employment opportunities to persons with physical
25 disabilities, intellectual or developmental disabilities,
26 mental illnesses, or any combination thereof. This committee

1 is called the State Use Committee. The State Use Committee
2 shall consist of the Director of the Department of Central
3 Management Services or his or her designee, the Secretary of
4 the Department of Human Services or his or her designee, the
5 Director of Commerce and Economic Opportunity or his or her
6 designee, one public member representing private business who
7 is knowledgeable of the employment needs and concerns of
8 persons with developmental disabilities, one public member
9 representing private business who is knowledgeable of the
10 needs and concerns of rehabilitation facilities, one public
11 member who is knowledgeable of the employment needs and
12 concerns of persons with developmental disabilities, one
13 public member who is knowledgeable of the needs and concerns
14 of rehabilitation facilities, 2 members who have a disability,
15 2 public members from a statewide association that represents
16 community-based rehabilitation facilities serving or
17 supporting individuals with intellectual or developmental
18 disabilities, and one public member from a disability-focused
19 statewide advocacy group, all appointed by the Governor. The
20 public members shall serve 2 year terms, commencing upon
21 appointment and every 2 years thereafter. A public member may
22 be reappointed, and vacancies shall be filled by appointment
23 for the completion of the term. In the event there is a vacancy
24 on the State Use Committee, the Governor must make an
25 appointment to fill that vacancy within 30 calendar days after
26 the notice of vacancy. The members shall serve without

1 compensation but shall be reimbursed for expenses at a rate
2 equal to that of State employees on a per diem basis by the
3 Department of Central Management Services. All members shall
4 be entitled to vote on issues before the State Use Committee.

5 The State Use Committee shall have the following powers
6 and duties:

7 (1) To request from any State agency information as to
8 product specification and service requirements in order to
9 carry out its purpose.

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

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

16 (4) To prepare a report for the Governor and General
17 Assembly no later than December 31 of each year. The
18 requirement for reporting to the General Assembly shall be
19 satisfied by following the procedures set forth in Section
20 3.1 of the General Assembly Organization Act.

21 (5) To prepare a publication that lists all supplies
22 and services currently available from any qualified
23 not-for-profit agency for persons with significant
24 disabilities. This list and any revisions shall be
25 distributed to all purchasing agencies.

26 (6) To encourage diversity in supplies and services

1 provided by qualified not-for-profit agencies for persons
2 with significant disabilities and discourage unnecessary
3 duplication or competition among not-for-profit agencies.

4 (7) To develop guidelines to be followed by qualifying
5 agencies for participation under the provisions of this
6 Section. Guidelines shall include a list of national
7 accrediting organizations which satisfy the requirements
8 of item (3) of subsection (a) of this Section. The
9 guidelines shall be developed within 6 months after the
10 effective date of this Code and made available on a
11 nondiscriminatory basis to all qualifying agencies. The
12 new guidelines required under this item (7) by Public Act
13 100-203 shall be developed within 6 months after August
14 18, 2017 (the effective date of Public Act 100-203) and
15 made available on a non-discriminatory basis to all
16 qualifying not-for-profit agencies.

17 (8) To review all pricing submitted under the
18 provisions of this Section and may approve a proposed
19 agreement for supplies or services where the price
20 submitted is fair and reasonable. Review of pricing under
21 this paragraph may include, but is not limited to:

22 (A) Amounts private businesses would pay for
23 similar products or services.

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

26 (C) The amount paid by the State for similar

1 products or services.

2 (D) The actual cost of manufacturing the product
3 or performing a service at a community rehabilitation
4 program offering employment services on or off
5 premises to persons with disabilities or mental
6 illnesses, with adequate consideration given to legal
7 and moral imperatives to pay workers with disabilities
8 equitable wages.

9 (E) The usual, customary, and reasonable costs of
10 manufacturing, marketing, and distribution.

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

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

24 (d) (Blank).

25 (e) Subcontracts. Subcontracts shall be permitted for
26 agreements authorized under this Section. For the purposes of

1 this subsection (e), "subcontract" means any acquisition from
2 another source of supplies, not including raw materials, or
3 services required by a qualified not-for-profit agency to
4 provide the supplies or services that are the subject of the
5 contract between the State and the qualified not-for-profit
6 agency.

7 The State Use Committee shall develop guidelines to be
8 followed by qualified not-for-profit agencies when seeking and
9 establishing subcontracts with other persons or not-for-profit
10 agencies in order to fulfill State contract requirements.
11 These guidelines shall include the following:

12 (i) The State Use Committee must approve all
13 subcontracts and substantive amendments to subcontracts
14 prior to execution or amendment of the subcontract.

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

19 (iii) A qualified not-for-profit agency shall make
20 reasonable efforts to utilize subcontracts with other
21 not-for-profit agencies for persons with significant
22 disabilities.

23 (iv) For any subcontract not currently performed by a
24 qualified not-for-profit agency, the primary qualified
25 not-for-profit agency must provide to the State Use
26 Committee the following: (A) a written explanation as to

1 why the subcontract is not performed by a qualified
2 not-for-profit agency, and (B) a written plan to transfer
3 the subcontract to a qualified not-for-profit agency, as
4 reasonable.

5 (Source: P.A. 102-343, eff. 8-13-21; 102-558, eff. 8-20-21.)".