



Rep. William "Will" Davis

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10300HB2368ham002

LRB103 26061 DTM 59836 a

1 AMENDMENT TO HOUSE BILL 2368

2 AMENDMENT NO. _____. Amend House Bill 2368 by replacing
3 everything after the enacting clause with the following:"

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

6 (30 ILCS 500/45-45)

7 Sec. 45-45. Small businesses.

8 (a) Set-asides. Each chief procurement officer has
9 authority to designate as small business set-asides a fair
10 proportion of construction, supply, and service contracts for
11 award to small businesses in Illinois. Advertisements for bids
12 or offers for those contracts shall specify designation as
13 small business set-asides. In awarding the contracts, only
14 bids or offers from qualified small businesses shall be
15 considered.

16 (b) Small business. "Small business" means a business that

1 is independently owned and operated and that is not dominant
2 in its field of operation. The chief procurement officer shall
3 establish a detailed definition by rule, using in addition to
4 the foregoing criteria other criteria, including the number of
5 employees and the dollar volume of business. When computing
6 the size status of a potential contractor, annual sales and
7 receipts of the potential contractor and all of its affiliates
8 shall be included. The maximum number of employees and the
9 maximum dollar volume that a small business may have under the
10 rules promulgated by the chief procurement officer may vary
11 from industry to industry to the extent necessary to reflect
12 differing characteristics of those industries, subject to the
13 following limitations:

14 (1) No wholesale business is a small business if its
15 annual sales for its most recently completed fiscal year
16 exceed \$13,000,000.

17 (2) No retail business or business selling services is
18 a small business if its annual sales and receipts exceed
19 \$8,000,000.

20 (3) No manufacturing business is a small business if
21 it employs more than 250 persons.

22 (4) No construction business is a small business if
23 its annual sales and receipts exceed \$14,000,000.

24 (c) Fair proportion. For the purpose of subsection (a),
25 for State agencies of the executive branch, a fair proportion
26 of construction contracts shall be no less than 25% nor more

1 than 40% of the annual total contracts for construction.

2 (d) Withdrawal of designation. A small business set-aside
3 designation may be withdrawn by the purchasing agency when
4 deemed in the best interests of the State. Upon withdrawal,
5 all bids or offers shall be rejected, and the bidders or
6 offerors shall be notified of the reason for rejection. The
7 contract shall then be awarded in accordance with this Code
8 without the designation of small business set-aside.

9 (e) Small business specialist. Each chief procurement
10 officer shall designate one or more individuals to serve as
11 its small business specialist. The small business specialists
12 shall collectively work together to accomplish the following
13 duties:

14 (1) Compiling and maintaining a comprehensive list of
15 potential small contractors. In this duty, he or she shall
16 cooperate with the Federal Small Business Administration
17 in locating potential sources for various products and
18 services.

19 (2) Assisting small businesses in complying with the
20 procedures for bidding on State contracts.

21 (3) Examining requests from State agencies for the
22 purchase of property or services to help determine which
23 invitations to bid are to be designated small business
24 set-asides.

25 (4) Making recommendations to the chief procurement
26 officer for the simplification of specifications and terms

1 in order to increase the opportunities for small business
2 participation.

3 (5) Assisting in investigations by purchasing agencies
4 to determine the responsibility of bidders or offerors on
5 small business set-asides.

6 (f) Small business annual report. Each small business
7 specialist designated under subsection (e) shall annually
8 before November 1 report in writing to the General Assembly
9 concerning the awarding of contracts to small businesses. The
10 report shall include the total value of awards made in the
11 preceding fiscal year under the designation of small business
12 set-aside. The report shall also include the total value of
13 awards made to businesses owned by minorities, women, and
14 persons with disabilities, as defined in the Business
15 Enterprise for Minorities, Women, and Persons with
16 Disabilities Act, in the preceding fiscal year under the
17 designation of small business set-aside. Each chief
18 procurement officer shall make the annual report available on
19 his or her official website. Each chief procurement officer
20 shall also issue a press release in conjunction with the small
21 business annual report that includes an executive summary of
22 the annual report and a link to the annual report on the chief
23 procurement officer's website.

24 The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report as required
26 by Section 3.1 of the General Assembly Organization Act.

1 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
2 100-863, eff. 8-14-18.)

3 Section 10. The Business Enterprise for Minorities, Women,
4 and Persons with Disabilities Act is amended by changing
5 Section 8f as follows:

6 (30 ILCS 575/8f)

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

8 Sec. 8f. Annual report. The Council shall file no later
9 than March 1 of each year, an annual report that shall detail
10 the level of achievement toward the goals specified in this
11 Act over the 3 most recent fiscal years. The annual report
12 shall include, but need not be limited to the following:

13 (1) a summary detailing expenditures subject to the
14 goals, the actual goals specified, and the goals attained
15 by each State agency and public institution of higher
16 education;

17 (2) a summary of the number of contracts awarded and
18 the average contract amount by each State agency and
19 public institution of higher education;

20 (3) an analysis of the level of overall goal
21 achievement concerning purchases from minority-owned
22 businesses, women-owned businesses, and businesses owned
23 by persons with disabilities;

24 (4) an analysis of the number of businesses owned by

1 minorities, women, and persons with disabilities that are
2 certified under the program as well as the number of those
3 businesses that received State procurement contracts; and

4 (5) a summary of the number of contracts awarded to
5 businesses with annual gross sales of less than
6 \$1,000,000; of \$1,000,000 or more, but less than
7 \$5,000,000; of \$5,000,000 or more, but less than
8 \$10,000,000; and of \$10,000,000 or more.

9 The Council shall make the annual report available on its
10 official website. The Council shall also issue a press release
11 in conjunction with the annual report that includes an
12 executive summary of the annual report and a link to the annual
13 report on its official website.

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