

**103RD GENERAL ASSEMBLY****State of Illinois****2023 and 2024****SB3238**

Introduced 2/6/2024, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois. Repeals provisions relating to the higher education supplier diversity report and race and gender wage reports and moves those provisions, with changes, to the Commission on Equity and Inclusion Act. Amends the Energy Transition Act. Provides that the Commission on Equity and Inclusion certifies or recognizes certification for Minority Business Enterprise certification (rather than the Department of Central Management Services) or a program with equivalent requirements. Provides that the Clean Energy Primes Contractor Accelerator Program shall provide participants with opportunities to be listed in any relevant directories and databases organized by the Commission on Equity and Inclusion (rather than organized by the Department of Central Management Services). Amends the Blind Vendors Act. Provides that it is the intent of this Act that all State agencies, particularly the Commission on Equity and Inclusion (rather than the Department of Central Management Services), promote and advocate for the Business Enterprise Program for the Blind. Amends the Illinois Procurement Code. Provides that the Business Enterprise Program is a program of the Commission on Equity and Inclusion (rather than the Department of Central Management Services). Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Removes provisions relating to a study and report that measured the impact of discrimination on minority and women business development in Illinois that was to be completed by October 28, 2010. Provides that the Commission on Equity and Inclusion (rather than the Department of Central Management Services) shall conduct a new social scientific study that measures the impact of discrimination on minority and women business development in Illinois, shall issue a report, and shall establish a specified model between 2028 and 2029. Changes various references to the Department of Central Management Services to the Commission on Equity and Inclusion. Extends the date on which the Act will be repealed from June 30, 2029 to June 30, 2030. Effective immediately.

LRB103 36835 MXP 66946 b

1 AN ACT concerning State government.

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

4 (20 ILCS 405/405-530 rep.)

5 (20 ILCS 405/405-535 rep.)

6 Section 5. The Department of Central Management Services
7 Law of the Civil Administrative Code of Illinois is amended by
8 repealing Sections 405-530 and 405-535.

9 Section 10. The Energy Transition Act is amended by
10 changing Section 5-55 as follows:

11 (20 ILCS 730/5-55)

12 (Section scheduled to be repealed on September 15, 2045)

13 Sec. 5-55. Clean Energy Primes Contractor Accelerator
14 Program.

15 (a) As used in this Section:

16 "Approved vendor" means the definition of that term used
17 and as may be updated by the Illinois Power Agency.

18 "Minority business" means a minority-owned business as
19 defined in Section 2 of the Business Enterprise for
20 Minorities, Women, and Persons with Disabilities Act.

21 "Minority Business Enterprise certification" means the
22 certification or recognition certification affidavit from the

1 ~~Commission on Equity and Inclusion's State of Illinois~~
2 ~~Department of Central Management Services~~ Business Enterprise
3 Program or a program with equivalent requirements.

4 "Program" means the Clean Energy Primes Contractor
5 Accelerator Program.

6 "Returning resident" has the meaning given to that term in
7 Section 5-50 of this Act.

8 (b) Subject to appropriation, the Department shall
9 develop, and through a Primes Program Administrator and
10 Regional Primes Program Leads described in this Section,
11 administer the Clean Energy Primes Contractor Accelerator
12 Program. The Program shall be administered in 3 program
13 delivery areas: the Northern Illinois Program Delivery Area
14 covering Northern Illinois, the Central Illinois Program
15 Delivery Area covering Central Illinois, and the Southern
16 Illinois Program Delivery Area covering Southern Illinois.
17 Prior to developing the Program, the Department shall solicit
18 public comments, with a 30-day comment period, to gather input
19 on Program implementation and associated community outreach
20 options.

21 (c) The Program shall be available to selected contractors
22 who best meet the following criteria:

23 (1) 2 or more years of experience in a clean energy or
24 a related contracting field;

25 (2) at least \$5,000 in annual business; and

26 (3) a substantial and demonstrated commitment of

1 investing in and partnering with individuals and
2 institutions in equity investment eligible communities.

3 (c-5) The Department shall develop scoring criteria to
4 select contractors for the Program, which shall consider:

5 (1) projected hiring and industry job creation,
6 including wage and benefit expectations;

7 (2) a clear vision of strategic business growth and
8 how increased capitalization would benefit the business;

9 (3) past project work quality and demonstration of
10 technical knowledge;

11 (4) capacity the applicant is anticipated to bring to
12 project development;

13 (5) willingness to assume risk;

14 (6) anticipated revenues from future projects;

15 (7) history of commitment to advancing equity as
16 demonstrated by, among other things, employment of or
17 ownership by equity investment eligible persons and a
18 history of partnership with equity focused community
19 organizations or government programs; and

20 (8) business models that build wealth in the larger
21 underserved community.

22 Applicants for Program participation shall be allowed to
23 reapply for a future cohort if they are not selected, and the
24 Primes Program Administrator shall inform each applicant of
25 this option.

26 (d) The Department, in consultation with the Primes

1 Program Administrator and Regional Primes Program Leads, shall
2 select a new cohort of participant contractors from each
3 Program Delivery Area every 18 months. Each regional cohort
4 shall include between 3 and 5 participants. The Program shall
5 cap contractors in the energy efficiency sector at 50% of
6 available cohort spots and 50% of available grants and loans,
7 if possible.

8 (e) The Department shall hire a Primes Program
9 Administrator with experience in leading a large
10 contractor-based business in Illinois; coaching and mentoring;
11 the Illinois clean energy industry; and working with equity
12 investment eligible community members, organizations, and
13 businesses.

14 (f) The Department shall select 3 Regional Primes Program
15 Leads who shall report directly to the Primes Program
16 Administrator. The Regional Primes Program Leads shall be
17 located within their Program Delivery Area and have experience
18 in leading a large contractor-based business in Illinois;
19 coaching and mentoring; the Illinois clean energy industry;
20 developing relationships with companies in the Program
21 Delivery Area; and working with equity investment eligible
22 community members, organizations, and businesses.

23 (g) The Department may determine how Program elements will
24 be delivered or may contract with organizations with
25 experience delivering the Program elements described in
26 subsection (h) of this Section.

1 (h) The Clean Energy Primes Contractor Accelerator Program
2 shall provide participants with:

3 (1) a 5-year, 6-month progressive course of one-on-one
4 coaching to assist each participant in developing an
5 achievable 5-year business plan, including review of
6 monthly metrics, and advice on achieving participant's
7 goals;

8 (2) operational support grants not to exceed
9 \$1,000,000 annually to support the growth of participant
10 contractors with access to capital for upfront project
11 costs and pre-development funding, among others. The
12 amount of the grant shall be based on anticipated project
13 size and scope;

14 (3) business coaching based on the participant's
15 needs;

16 (4) a mentorship of approximately 2 years provided by
17 a qualified company in the participant's field;

18 (5) access to Clean Energy Contractor Incubator
19 Program services;

20 (6) assistance with applying for Minority Business
21 Enterprise certification and other relevant certifications
22 and approved vendor status for programs offered by
23 utilities or other entities;

24 (7) assistance with preparing bids and Request for
25 Proposal applications;

26 (8) opportunities to be listed in any relevant

1 directories and databases organized by the Commission on
2 Equity and Inclusion ~~Department of Central Management~~
3 ~~Services;~~

4 (9) opportunities to connect with participants in
5 other Department programs;

6 (10) assistance connecting with and initiating
7 participation in the Illinois Power Agency's Adjustable
8 Block program, the Illinois Solar for All Program, and
9 utility programs; and

10 (11) financial development assistance programs such as
11 zero-interest and low-interest loans with the Climate Bank
12 as established by Article 850 of the Illinois Finance
13 Authority Act or a comparable financing mechanism. The
14 Illinois Finance Authority shall retain authority to
15 determine loan repayment terms and conditions.

16 (i) The Primes Program Administrator shall:

17 (1) collect and report performance metrics as
18 described in this Section;

19 (2) review and assess:

20 (i) participant work plans and annual goals; and

21 (ii) the mentorship program, including approved
22 mentor companies and their stipend awards; and

23 (3) work with the Regional Primes Program Leads to
24 publicize the Program; design and implement a mentorship
25 program; and ensure participants are quickly on-boarded.

26 (j) The Regional Primes Program Leads shall:

1 (1) publicize the Program; the budget shall include
2 funds to pay community-based organizations with a track
3 record of working with equity investment eligible
4 communities to complete this work;

5 (2) recruit qualified Program applicants;

6 (3) assist Program applicants with the application
7 process;

8 (4) introduce participants to the Program offerings;

9 (5) conduct entry and annual assessments with
10 participants to identify training, coaching, and other
11 Program service needs;

12 (6) assist participants in developing goals on entry
13 and annually, and assessing progress toward meeting the
14 goals;

15 (7) establish a metric reporting system with each
16 participant and track the metrics for progress against the
17 contractor's work plan and Program goals;

18 (8) assist participants in receiving their Minority
19 Business Enterprise certification and any other relevant
20 certifications and approved vendor statuses;

21 (9) match participants with Clean Energy Contractor
22 Incubator Program offerings and individualized expert
23 coaching, including training on working with returning
24 residents and companies that employ them;

25 (10) pair participants with a mentor company;

26 (11) facilitate connections between participants and

1 potential subcontractors and employees;

2 (12) dispense a participant's awarded operational
3 grant funding;

4 (13) connect participants to zero-interest and
5 low-interest loans from the Climate Bank as established by
6 Article 850 of the Illinois Finance Authority Act or a
7 comparable financing mechanism;

8 (14) encourage participants to apply for appropriate
9 State and private business opportunities;

10 (15) review a participant's progress and make a
11 recommendation to the Department about whether the
12 participant should continue in the Program, be considered
13 a Program graduate, and whether adjustments should be made
14 to a participant's grant funding, loans, and related
15 services;

16 (16) solicit information from participants, which
17 participants shall be required to provide, necessary to
18 understand the participant's business, including financial
19 and income information, certifications that the
20 participant is seeking to obtain, and ownership, employee,
21 and subcontractor data, including compensation, length of
22 service, and demographics; and

23 (17) other duties as required.

24 (k) Performance metrics. The Primes Program Administrator
25 and Regional Primes Program Leads shall collaborate to collect
26 and report the following metrics quarterly to the Department

1 and Advisory Council:

2 (1) demographic information on cohort recruiting and
3 formation, including racial, gender, geographic
4 distribution data, and data on the number and percentage
5 of R3 residents, environmental justice community
6 residents, foster care alumni, and formerly convicted
7 persons who are cohort applicants and admitted
8 participants;

9 (2) participant contractor engagement in other
10 Illinois clean energy programs such as the Adjustable
11 Block program, Illinois Solar for All Program, and the
12 utility-run energy efficiency and electric vehicle
13 programs;

14 (3) retention of participants in each cohort;

15 (4) total projects bid, started, and completed by
16 participants, including information about revenue, hiring,
17 and subcontractor relationships with projects;

18 (5) certifications issued;

19 (6) employment data for contractor hires and industry
20 jobs created, including demographic, salary, length of
21 service, and geographic data;

22 (7) grants and loans distributed; and

23 (8) participant satisfaction with the Program.

24 The metrics in paragraphs (2), (4), and (6) shall be
25 collected from Program participants and graduates for 10 years
26 from their entrance into the Program to help the Department

1 and Program Administrators understand the Program's long-term
2 effect.

3 Data should be anonymized where needed to protect
4 participant privacy.

5 The Department shall make such reports publicly available
6 on its website.

7 (1) Mentorship Program.

8 (1) The Regional Primes Program Leads shall recruit,
9 and the Primes Program Administrator shall select, with
10 approval from the Department, private companies with the
11 following qualifications to mentor participants and assist
12 them in succeeding in the clean energy industry:

13 (i) excellent standing with state clean energy
14 programs;

15 (ii) 4 or more years of experience in their field;
16 and

17 (iii) a proven track record of success in their
18 field.

19 (2) Mentor companies may receive a stipend, determined
20 by the Department, for their participation. Mentor
21 companies may identify what level of stipend they require.

22 (3) The Primes Program Administrator shall develop
23 guidelines for mentor company-mentee profit sharing or
24 purchased services agreements.

25 (4) The Regional Primes Program Leads shall:

26 (i) collaborate with mentor companies and

1 participants to create a plan for ongoing contact such
2 as on-the-job training, site walkthroughs, business
3 process and structure walkthroughs, quality assurance
4 and quality control reviews, and other relevant
5 activities;

6 (ii) recommend the mentor company-mentee pairings
7 and associated mentor company stipends for approval;

8 (iii) conduct an annual review of each mentor
9 company-mentee pairing and recommend whether the
10 pairing continues for a second year and the level of
11 stipend that is appropriate. The review shall also
12 ensure that any profit sharing and purchased services
13 agreements adhere to the guidelines established by the
14 Primes Program Administrator.

15 (5) Contractors may request reassignment to a new
16 mentor company.

17 (m) Disparity study. The Program Administrator shall
18 cooperate with the Illinois Power Agency in the conduct of a
19 disparity study, as described in subsection (c-15) of Section
20 1-75 of the Illinois Power Agency Act, and in the effectuation
21 of appropriate remedies necessary to address any
22 discrimination that such study may find. Potential remedies
23 shall include, but not be limited to, race-conscious remedies
24 to rapidly eliminate discrimination faced by minority
25 businesses and works in the industry this Program serves,
26 consistent with the law. Remedies shall be developed through

1 consultation with individuals, companies, and organizations
2 that have expertise on discrimination faced in the market and
3 potential legally permissible remedies for addressing it.
4 Notwithstanding any other requirement of this Section, the
5 Program Administrator shall modify program participation
6 criteria or goals as soon as the report has been published, in
7 such a way as is consistent with state and federal law, to
8 rapidly eliminate discrimination on minority businesses and
9 workers in the industry this Program serves by setting
10 standards for Program participation. This study will be paid
11 for with funds from the Energy Transition Assistance Fund or
12 any other lawful source.

13 (n) Program budget.

14 (1) The Department may allocate up to \$3,000,000
15 annually to the Primes Program Administrator for each of
16 the 3 regional budgets from the Energy Transition
17 Assistance Fund.

18 (2) The Primes Program Administrator shall work with
19 the Illinois Finance Authority and the Climate Bank as
20 established by Article 850 of the Illinois Finance
21 Authority Act or comparable financing institution so that
22 loan loss reserves may be sufficient to underwrite
23 \$7,000,000 in low-interest loans in each of the 3 Program
24 delivery areas.

25 (3) Any grant and loan funding shall be made available
26 to participants in a timely fashion.

1 (Source: P.A. 102-662, eff. 9-15-21.)

2 Section 15. The Blind Vendors Act is amended by changing
3 Section 10 as follows:

4 (20 ILCS 2421/10)

5 Sec. 10. Business Enterprise Program for the Blind.

6 (a) The Business Enterprise Program for the Blind is
7 created for the purposes of providing blind persons with
8 remunerative employment, enlarging the economic opportunities
9 of the blind, and stimulating the blind to greater efforts in
10 striving to make themselves self-supporting. In order to
11 achieve these goals, blind persons licensed under this Act
12 shall be authorized to operate vending facilities on any
13 property within this State as provided by this Act.

14 It is the intent of the General Assembly that the
15 Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f, and the
16 federal regulations for its administration set forth in Part
17 395 of Title 34 of the Code of Federal Regulations, shall serve
18 as a model for minimum standards for the operation of the
19 Business Enterprise Program for the Blind. The federal
20 Randolph-Sheppard Act provides employment opportunities for
21 individuals who are blind or visually impaired through the
22 Business Enterprise Program for the Blind. Under the
23 Randolph-Sheppard Act, all federal agencies are required to
24 give priority to licensed blind vendors in the operation of

1 vending facilities on federal property. It is the intent of
2 this Act to provide the same priority to licensed blind
3 vendors on State property by requiring State agencies to give
4 priority to licensed blind vendors in the operation of vending
5 facilities on State property and preference to licensed blind
6 vendors in the operation of cafeteria facilities on State
7 property. Furthermore, it is the intent of this Act that all
8 State agencies, particularly the Commission on Equity and
9 Inclusion ~~Department of Central Management Services~~, promote
10 and advocate for the Business Enterprise Program for the
11 Blind.

12 (b) The Secretary, through the Director, shall continue,
13 maintain, and promote the Business Enterprise Program for the
14 Blind. Some or all of the functions of the program may be
15 provided by the Department of Human Services. The Business
16 Enterprise Program for the Blind must provide that:

17 (1) priority is given to blind vendors in the
18 operation of vending facilities on State property;

19 (2) tie bid preference is given to blind vendors in
20 the operation of cafeterias on State property, unless the
21 cafeteria operations are operated by employees of a State
22 agency;

23 (3) vending machine income from all vending machines
24 on State property is assigned as provided for by Section
25 30 of this Act;

26 (4) no State agency may impose any commission, service

1 charge, rent, or utility charge on a licensed blind vendor
2 who is operating a vending facility on State property
3 unless approved by the Department;

4 (5) the Department shall approve a commission to the
5 State agency from a blind vendor operating a vending
6 facility on the State property of the Department of
7 Corrections or the Department of Juvenile Justice in the
8 amount of 10% of the net proceeds from vending machines
9 servicing State employees and 25% of the net proceeds from
10 vending machines servicing visitors on the State property;
11 and

12 (6) vending facilities operated by the Program use
13 reasonable and necessary means and methods to maintain
14 fair market pricing in relation to each facility's given
15 demographic, geographic, and other circumstances.

16 (c) With respect to vending facilities on federal property
17 within this State, priority shall be given as provided in the
18 federal Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f,
19 including any amendments thereto. This Act, as it applies to
20 federal property, is intended to conform to the federal Act,
21 and is to be of no force or effect if, and to the extent that,
22 any provision of this Act or any rule adopted under this Act is
23 in conflict with the federal Act. Nothing in this subsection
24 shall be construed to impose limitations on the operation of
25 vending facilities on State property, or property other than
26 federal property, or to allow only those activities

1 specifically enumerated in the Randolph-Sheppard Act.

2 (d) The Secretary shall actively pursue all commissions
3 from vending facilities not operated by blind vendors as
4 provided in Section 30 of this Act, and shall propose new
5 placements of vending facilities on State property where a
6 facility is not yet in place.

7 (e) Partnerships and teaming arrangements between blind
8 vendors and private industry, including franchise operations,
9 shall be fostered and encouraged by the Department.

10 (Source: P.A. 96-644, eff. 1-1-10.)

11 Section 20. The Illinois Procurement Code is amended by
12 changing Section 15-25 as follows:

13 (30 ILCS 500/15-25)

14 Sec. 15-25. Bulletin content.

15 (a) Invitations for bids. Notice of each and every
16 contract that is offered, including renegotiated contracts and
17 change orders, shall be published in the Bulletin. The
18 applicable chief procurement officer may provide by rule an
19 organized format for the publication of this information, but
20 in any case it must include at least the date first offered,
21 the date submission of offers is due, the location that offers
22 are to be submitted to, the purchasing State agency, the
23 responsible State purchasing officer, a brief purchase
24 description, the method of source selection, information of

1 how to obtain a comprehensive purchase description and any
2 disclosure and contract forms, and encouragement to potential
3 contractors to hire qualified veterans, as defined by Section
4 45-67 of this Code, and qualified Illinois minorities, women,
5 persons with disabilities, and residents discharged from any
6 Illinois adult correctional center.

7 (a-5) All businesses listed on the Illinois Unified
8 Certification Program Disadvantaged Business Enterprise
9 Directory, the Business Enterprise Program of the Commission
10 on Equity and Inclusion ~~Department of Central Management~~
11 ~~Services~~, and any small business database created pursuant to
12 Section 45-45 of this Code shall be furnished written
13 instructions and information on how to register for the
14 Illinois Procurement Bulletin. This information shall be
15 provided to each business within 30 calendar days after the
16 business's notice of certification or qualification.

17 (b) Contracts let. Notice of each and every contract that
18 is let, including renegotiated contracts and change orders,
19 shall be issued electronically to those bidders submitting
20 responses to the solicitations, inclusive of the unsuccessful
21 bidders, immediately upon contract let. Failure of any chief
22 procurement officer to give such notice shall result in
23 tolling the time for filing a bid protest up to 7 calendar
24 days.

25 For purposes of this subsection (b), "contracts let" means
26 a construction agency's act of advertising an invitation for

1 bids for one or more construction projects.

2 (b-5) Contracts awarded. Notice of each and every contract
3 that is awarded, including renegotiated contracts and change
4 orders, shall be issued electronically to the successful
5 responsible bidder, offeror, or contractor and published in
6 the Bulletin. The applicable chief procurement officer may
7 provide by rule an organized format for the publication of
8 this information, but in any case it must include at least all
9 of the information specified in subsection (a) as well as the
10 name of the successful responsible bidder, offeror, the
11 contract price, the number of unsuccessful bidders or offerors
12 and any other disclosure specified in any Section of this
13 Code. This notice must be posted in the online electronic
14 Bulletin prior to execution of the contract.

15 For purposes of this subsection (b-5), "contract award"
16 means the determination that a particular bidder or offeror
17 has been selected from among other bidders or offerors to
18 receive a contract, subject to the successful completion of
19 final negotiations. "Contract award" is evidenced by the
20 posting of a Notice of Award or a Notice of Intent to Award to
21 the respective volume of the Illinois Procurement Bulletin.

22 (c) Emergency purchase disclosure. Any chief procurement
23 officer or State purchasing officer exercising emergency
24 purchase authority under this Code shall publish a written
25 description and reasons and the total cost, if known, or an
26 estimate if unknown and the name of the responsible chief

1 procurement officer and State purchasing officer, and the
2 business or person contracted with for all emergency purchases
3 in the Bulletin. The notice for an emergency procurement other
4 than the extension of an emergency contract must be posted in
5 the online electronic Bulletin no later than 5 calendar days
6 after the contract is awarded, and notice for the extension of
7 an emergency contract must be posted in the online electronic
8 Bulletin no later than 7 calendar days after the extension is
9 executed.

10 (c-5) Business Enterprise Program report. Each purchasing
11 agency shall, with the assistance of the applicable chief
12 procurement officer, post in the online electronic Bulletin a
13 copy of its annual report of utilization of businesses owned
14 by minorities, women, and persons with disabilities as
15 submitted to the Business Enterprise Council for Minorities,
16 Women, and Persons with Disabilities pursuant to Section 6(c)
17 of the Business Enterprise for Minorities, Women, and Persons
18 with Disabilities Act within 10 calendar days after its
19 submission of its report to the Council.

20 (c-10) Renewals. Notice of each contract renewal shall be
21 posted in the Bulletin within 14 calendar days of the
22 determination to execute a renewal of the contract. The notice
23 shall include at least all of the information required in
24 subsection (a) or (b), as applicable.

25 (c-15) Sole source procurements. Before entering into a
26 sole source contract, a chief procurement officer exercising

1 sole source procurement authority under this Code shall
2 publish a written description of intent to enter into a sole
3 source contract along with a description of the item to be
4 procured and the intended sole source contractor. This notice
5 must be posted in the online electronic Procurement Bulletin
6 before a sole source contract is awarded and at least 14
7 calendar days before the hearing required by Section 20-25.

8 (d) Other required disclosure. The applicable chief
9 procurement officer shall provide by rule for the organized
10 publication of all other disclosure required in other Sections
11 of this Code in a timely manner.

12 (e) The changes to subsections (b), (c), (c-5), (c-10),
13 and (c-15) of this Section made by Public Act 96-795 apply to
14 reports submitted, offers made, and notices on contracts
15 executed on or after July 1, 2010 (the effective date of Public
16 Act 96-795). The changes made to subsection (c) by this
17 amendatory Act of the 102nd General Assembly apply only to
18 emergency contract extensions executed on or after the
19 effective date of this amendatory Act of the 102nd General
20 Assembly.

21 (f) Each chief procurement officer shall, in consultation
22 with the agencies under his or her jurisdiction, provide the
23 Procurement Policy Board with the information and resources
24 necessary, and in a manner, to effectuate the purpose of
25 Public Act 96-1444.

26 (Source: P.A. 102-1119, eff. 1-23-23.)

1 Section 25. The Commission on Equity and Inclusion Act is
2 amended by adding Sections 40-15 and 40-20 as follows:

3 (30 ILCS 574/40-15 new)

4 Sec. 40-15. Higher education supplier diversity report.

5 (a) Every private institution of higher education approved
6 by the Illinois Student Assistance Commission for purposes of
7 the Monetary Award Program shall submit an annual 2-page
8 report in a searchable Adobe PDF format on its voluntary
9 supplier diversity program to the Commission on or before
10 November 15 of each year. The report shall set forth all of the
11 following:

12 (1) The name, address, phone number, and email address
13 of the point of contact for the supplier diversity
14 program, or the institution's procurement program if there
15 is no supplier diversity program, for vendors to register
16 with the program.

17 (2) Local and State certifications the institution
18 accepts or recognizes for minority-owned, women-owned, or
19 veteran-owned business status.

20 (3) On the second page, a narrative explaining the
21 results of the report and the tactics to be employed to
22 achieve the goals.

23 (4) The voluntary goals, if any, for either the fiscal
24 year or calendar year in each category for the entire

1 budget of the institution, expending both public and
2 private moneys, including any fee-supported entities, and
3 the commodity codes or a description of particular goods
4 and services for the area of procurement in which the
5 institution expects most of those goals to focus on in the
6 next reporting year. The actual spending for the entire
7 budget of the institution, expending both public and
8 private moneys, including any fee-supported entities, for
9 minority-owned business enterprises, women-owned business
10 enterprises, and veteran-owned business enterprises,
11 expressed both in actual dollars and as a percentage of
12 the total budget of the institution, must be included for
13 each reporting year.

14 (b) For each report submitted under subsection (a), the
15 Commission shall publish the results on its website for no
16 less than 5 years after submission. The Commission is not
17 responsible for collecting the reports or for the content of
18 the reports.

19 (c) The Commission shall hold an annual higher education
20 supplier diversity workshop every February to discuss the
21 reports with representatives of the institutions of higher
22 education and vendors.

23 (d) The Commission shall prepare a one-page template, not
24 including the narrative section, for the voluntary supplier
25 diversity reports.

1 (30 ILCS 574/40-20 new)

2 Sec. 40-20. Race and gender wage reports.

3 (a) Each State agency and public institution of higher
4 education shall annually submit to the Commission a report,
5 categorized by both race and gender, specifying the respective
6 wage earnings of employees of that State agency or public
7 institution of higher education.

8 (b) The Commission shall compile the information submitted
9 under this Section and make that information available to the
10 public on the website of the Commission.

11 (c) The Commission shall annually submit a report of the
12 information compiled under this Section to the Governor and
13 the General Assembly.

14 (d) As used in this Section:

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

17 "State agency" means all departments, officers,
18 commissions, boards, institutions, and bodies politic and
19 corporate of the State. "State agency" does not include the
20 judicial branch, including, without limitation, the courts of
21 the State, the office of the clerk of the Supreme Court and the
22 clerks of the appellate court, and the Administrative Office
23 of the Illinois Courts, or the legislature, its agencies, or
24 its committees or commissions.

25 Section 30. The Business Enterprise for Minorities, Women,

1 and Persons with Disabilities Act is amended by changing
2 Sections 4, 6a, 8c, 8g, 8j, and 9 as follows:

3 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

4 (Section scheduled to be repealed on June 30, 2029)

5 Sec. 4. Award of State contracts.

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

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

1 persons with disabilities.

2 The above percentage relates to the total dollar amount of
3 State contracts during each State fiscal year, calculated by
4 examining independently each type of contract for each agency
5 or public institutions of higher education which lets such
6 contracts. Only that percentage of arrangements which
7 represents the participation of businesses owned by
8 minorities, women, and persons with disabilities on such
9 contracts shall be included. State contracts subject to the
10 requirements of this Act shall include the requirement that
11 only expenditures to businesses owned by minorities, women,
12 and persons with disabilities that perform a commercially
13 useful function may be counted toward the goals set forth by
14 this Act. Contracts shall include a definition of
15 "commercially useful function" that is consistent with 49 CFR
16 26.55(c).

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

1 shall be awarded to businesses owned by persons with
2 disabilities.

3 (c) (Blank).

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

7 (d) ~~Within one year after April 28, 2009 (the effective~~
8 ~~date of Public Act 96-8), the Department of Central Management~~
9 ~~Services shall conduct a social scientific study that measures~~
10 ~~the impact of discrimination on minority and women business~~
11 ~~development in Illinois. Within 18 months after April 28, 2009~~
12 ~~(the effective date of Public Act 96-8), the Department shall~~
13 ~~issue a report of its findings and any recommendations on~~
14 ~~whether to adjust the goals for minority and women~~
15 ~~participation established in this Act. Copies of this report~~
16 ~~and the social scientific study shall be filed with the~~
17 ~~Governor and the General Assembly. By December 31, 2028~~
18 ~~December 1, 2020, the Commission on Equity and Inclusion~~
19 ~~Department of Central Management Services shall conduct a new~~
20 ~~social scientific study that measures the impact of~~
21 ~~discrimination on minority and women business development in~~
22 ~~Illinois. By June 30, 2029 ~~June 1, 2022~~, the Commission~~
23 ~~Department shall issue a report of its findings and any~~
24 ~~recommendations on whether to adjust the goals for minority~~
25 ~~and women participation established in this Act. Copies of~~
26 ~~this report and the social scientific study shall be filed~~

1 with the Governor and the General Assembly. By December 31,
2 2029 ~~December 1, 2022~~, the Commission on Equity and Inclusion
3 Business Enterprise Program shall develop a model for social
4 scientific disparity study sourcing for local governmental
5 units to adapt and implement to address regional disparities
6 in public procurement.

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

14 Except as permitted under this Act or as otherwise
15 mandated by federal regulation, a bidder or offeror whose bid
16 or offer is accepted and who included in that bid a completed
17 utilization plan but who fails to meet the goals set forth in
18 the plan shall be notified of the deficiency by the
19 contracting agency or public institution of higher education
20 and shall be given a period of 10 calendar days to cure the
21 deficiency by contracting with additional subcontractors who
22 are certified by the Business Enterprise Program or by
23 increasing the work to be performed by previously identified
24 vendors certified by the Business Enterprise Program.

25 Deficiencies that may be cured include: (i) scrivener's
26 errors, such as transposed numbers; (ii) information submitted

1 in an incorrect form or format; (iii) mistakes resulting from
2 failure to follow instructions or to identify and adequately
3 document good faith efforts taken to comply with the
4 utilization plan; or (iv) a proposal to use a firm whose
5 Business Enterprise Program certification has lapsed or is not
6 yet recognized. Cure is not authorized if the bidder or
7 offeror submits a blank utilization plan, a utilization plan
8 that shows lack of reasonable effort to complete the form on
9 time, or a utilization plan that states the contract will be
10 self-performed, by a non-certified vendor, without showing
11 good faith efforts or a request for a waiver. All cure activity
12 shall address the deficiencies identified by the purchasing
13 agency and shall require clear documentation, including that
14 of good faith efforts, to address those deficiencies. Any
15 increase in cost to a contract for the addition of a
16 subcontractor to cure a bid's deficiency shall not affect the
17 bid price and shall not be used in the request for an exemption
18 under this Act, and, in no case, shall an identified
19 subcontractor with a Business Enterprise Program certification
20 made under this Act be terminated from a contract without the
21 written consent of the State agency or public institution of
22 higher education entering into the contract. The purchasing
23 agency or public institution of higher education shall make
24 the determination whether the cure is adequate.

25 Vendors certified with the Business Enterprise Program at
26 the time and date submittals are due and who do not submit a

1 utilization plan or have utilization plan deficiencies shall
2 have 10 business days to submit a utilization plan or to
3 correct the utilization plan deficiencies.

4 (f) (Blank).

5 (g) (Blank).

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

9 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
10 101-657, Article 1, Section 1-5, eff. 1-1-22; 101-657, Article
11 40, Section 40-130, eff. 1-1-22; 102-29, eff. 6-25-21;
12 102-558, eff. 8-20-21; 102-1119, eff. 1-23-23.)

13 (30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

14 (Section scheduled to be repealed on June 30, 2029)

15 Sec. 6a. Notice of contracts to Council. Except in case of
16 emergency as defined in the Illinois Procurement Code, or as
17 authorized by rule promulgated by the Commission on Equity and
18 Inclusion ~~Department of Central Management Services~~, each
19 agency and public institution of higher education under the
20 jurisdiction of this Act shall notify the Secretary of the
21 Council of proposed contracts for professional and artistic
22 services and provide the information in the form and detail as
23 required by rule promulgated by the Commission on Equity and
24 Inclusion ~~Department of Central Management Services~~.
25 Notification may be made through direct written communication

1 to the Secretary to be received at least 14 days before
2 execution of the contract (or the solicitation response date,
3 if applicable). The agency or public institution of higher
4 education must consider any vendor referred by the Secretary
5 before execution of the contract. The provisions of this
6 Section shall not apply to any State agency or public
7 institution of higher education that has awarded contracts for
8 professional and artistic services to businesses owned by
9 minorities, women, and persons with disabilities totaling in
10 the aggregate \$40,000,000 or more during the preceding fiscal
11 year.

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

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

14 (Section scheduled to be repealed on June 30, 2029)

15 Sec. 8c. Recommended rules and regulations for the
16 establishment and continuation of narrowly tailored sheltered
17 markets under Section 8b shall be approved by the Council
18 prior to submission by the Commission on Equity and Inclusion
19 ~~Department of Central Management Services~~ to the Joint
20 Committee on Administrative Rules. These rules shall include
21 but not be limited to agency goals, waivers and procedures for
22 use of sheltered markets.

23 (Source: P.A. 86-269; 86-270.)

24 (30 ILCS 575/8g)

1 (Section scheduled to be repealed on June 30, 2029)

2 Sec. 8g. Business Enterprise Program Council reports.

3 (a) The Commission on Equity and Inclusion ~~Department of~~
4 ~~Central Management Services~~ shall provide a report to the
5 Council identifying all State agency non-construction
6 solicitations that exceed \$20,000,000 and that have less than
7 a 20% established goal prior to publication.

8 (b) The Commission on Equity and Inclusion ~~Department of~~
9 ~~Central Management Services~~ shall provide a report to the
10 Council identifying all State agency non-construction awards
11 that exceed \$20,000,000. The report shall contain the
12 following: (i) the name of the awardee; (ii) the total bid
13 amount; (iii) the established Business Enterprise Program
14 goal; (iv) the dollar amount and percentage of participation
15 by businesses owned by minorities, women, and persons with
16 disabilities; and (v) the names of the certified firms
17 identified in the utilization plan.

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

19 (30 ILCS 575/8j)

20 (Section scheduled to be repealed on June 30, 2029)

21 Sec. 8j. Special Committee on Minority, Female, Persons
22 with Disabilities, and Veterans Contracting.

23 (a) There is created a Special Committee on Minority,
24 Female, Persons with Disabilities, and Veterans Contracting
25 under the Council. The Special Committee shall review

1 Illinois' procurement laws regarding contracting with
2 minority-owned businesses, women-owned businesses, businesses
3 owned by persons with disabilities, and veteran-owned
4 businesses to determine what changes should be made to
5 increase participation of these businesses in State
6 procurements.

7 (b) The Special Committee shall consist of the following
8 members:

9 (1) 3 persons each to be appointed by the Speaker of
10 the House of Representatives, the Minority Leader of the
11 House of Representatives, the President of the Senate, and
12 the Minority Leader of the Senate; only one Special
13 Committee member of each appointee under this paragraph
14 may be a current member of the General Assembly;

15 (2) the Executive Director of the Commission on Equity
16 and Inclusion or the Executive Director's designee
17 ~~Director of Central Management Services, or his or her~~
18 ~~designee;~~

19 (3) the chairperson of the Council, or his or her
20 designee; and

21 (4) each chief procurement officer.

22 (c) The Special Committee shall conduct at least 3
23 hearings, with at least one hearing in Springfield and one in
24 Chicago. Each hearing shall be open to the public and notice of
25 the hearings shall be posted on the websites of the
26 Procurement Policy Board, the Commission on Equity and

1 Inclusion ~~Department of Central Management Services~~, and the
2 General Assembly at least 6 days prior to the hearing.

3 (Source: P.A. 100-43, eff. 8-9-17; 100-863, eff. 8-14-18.)

4 (30 ILCS 575/9) (from Ch. 127, par. 132.609)

5 (Section scheduled to be repealed on June 30, 2029)

6 Sec. 9. Repeal. This Act is repealed June 30, 2030 ~~2029~~.

7 (Source: P.A. 103-563, eff. 11-17-23.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

1 INDEX
2 Statutes amended in order of appearance

- 3 20 ILCS 405/405-530 rep.
- 4 20 ILCS 405/405-535 rep.
- 5 20 ILCS 730/5-55
- 6 20 ILCS 2421/10
- 7 30 ILCS 500/15-25
- 8 30 ILCS 574/40-15 new
- 9 30 ILCS 574/40-20 new
- 10 30 ILCS 575/4 from Ch. 127, par. 132.604
- 11 30 ILCS 575/6a from Ch. 127, par. 132.606a
- 12 30 ILCS 575/8c from Ch. 127, par. 132.608c
- 13 30 ILCS 575/8g
- 14 30 ILCS 575/8j
- 15 30 ILCS 575/9 from Ch. 127, par. 132.609