



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 1381

2 AMENDMENT NO. _____. Amend Senate Bill 1381 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Section 25-80 as follows:

6 (30 ILCS 500/25-80 new)

7 Sec. 25-80. Piggyback procurements. A State agency may make
8 purchases of any amount or participate in joint government
9 purchasing consortiums, without any method of source selection
10 otherwise required by this Code, from a vendor with a current
11 contract with a unit of State government in Illinois or any
12 other state, a unit of local government, a school district, a
13 community college under the Public Community College Act, or
14 the federal government for the provision of supplies or
15 services, provided that the contract was let pursuant to
16 competitive procedures reasonably comparable to procedures

1 used by the State of Illinois. The purchase must be for
2 substantially similar supplies or services under the contract
3 and on the same or better terms and conditions. Purchases under
4 this Section may be made only after the appropriate Chief
5 Procurement Officer determines in writing that the purchase is
6 in the best interest of the State. Details of the determination
7 shall be published in the appropriate volume of the Illinois
8 Procurement Bulletin for a period of 2 weeks prior to entering
9 into the new contract to allow protests to the determination of
10 best interest.

11 "Unit of local government" is defined as provided in
12 Section 1 of Article VII of the Illinois Constitution.

13 Section 10. The Business Enterprise for Minorities,
14 Females, and Persons with Disabilities Act is amended by
15 changing Section 2 as follows:

16 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

17 (Section scheduled to be repealed on September 6, 2008)

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 citizen
22 or lawful permanent resident of the United States and who is:

23 (a) African American (a person having origins in any of
24 the black racial groups in Africa);

1 (b) Hispanic (a person of Spanish or Portuguese culture
2 with origins in Mexico, South or Central America, or the
3 Caribbean Islands, regardless of race);

4 (c) Asian American (a person having origins in any of
5 the original peoples of the Far East, Southeast Asia, the
6 Indian Subcontinent or the Pacific Islands); or

7 (d) Native American or Alaskan Native (a person having
8 origins in any of the original peoples of North America).

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

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

16 (2.1) "Disabled" means a severe physical or mental
17 disability that:

18 (a) results from:

19 amputation,

20 arthritis,

21 autism,

22 blindness,

23 burn injury,

24 cancer,

25 cerebral palsy,

26 cystic fibrosis,

1 deafness,
2 head injury,
3 heart disease,
4 hemiplegia,
5 hemophilia,
6 respiratory or pulmonary dysfunction,
7 mental retardation,
8 mental illness,
9 multiple sclerosis,
10 muscular dystrophy,
11 musculoskeletal disorders,
12 neurological disorders, including stroke and epilepsy,
13 paraplegia,
14 quadriplegia and other spinal cord conditions,
15 sickle cell anemia,
16 specific learning disabilities, or
17 end stage renal failure disease; and

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

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

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

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

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

22 (4.2) "Council" means the Business Enterprise Council for
23 Minorities, Females, and Persons with Disabilities created
24 under Section 5 of this Act.

25 (5) "State contracts" shall mean all State contracts,
26 funded exclusively with State funds which are not subject to

1 federal reimbursement, whether competitively bid or negotiated
2 as defined by the Secretary of the Council and approved by the
3 Council.

4 "State construction contracts" means all State contracts
5 entered into by a State agency or State university for the
6 repair, remodeling, renovation or construction of a building or
7 structure, or for the construction or maintenance of a highway
8 defined in Article 2 of the Illinois Highway Code.

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

22 (7) "State universities" shall mean the Board of Trustees
23 of the University of Illinois, the Board of Trustees of
24 Southern Illinois University, the Board of Trustees of Chicago
25 State University, the Board of Trustees of Eastern Illinois
26 University, the Board of Trustees of Governors State

1 University, the Board of Trustees of Illinois State University,
2 the Board of Trustees of Northeastern Illinois University, the
3 Board of Trustees of Northern Illinois University, and the
4 Board of Trustees of Western Illinois University.

5 (8) "Certification" means a determination made by the
6 Council or by one delegated authority from the Council to make
7 certifications, or by a State agency with statutory authority
8 to make such a certification, that a business entity is a
9 business owned by a minority, female, or person with a
10 disability for whatever purpose.

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

1 (10) "Business concern or business" means a business which
2 has annual gross sales for the most recent fiscal year of less
3 than \$33,000,000 ~~\$27,000,000~~, except that a firm with gross
4 sales in excess of that amount may apply to the Council for
5 certification for a particular contract if the firm can
6 demonstrate that the contract would have significant impact on
7 businesses owned by minorities, females, or persons with
8 disabilities as suppliers or subcontractors or in employment of
9 minorities, females, or persons with disabilities.

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

19 (Source: P.A. 92-670, eff. 7-16-02.)".