

1 AN ACT concerning finance.

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

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. Facilities ~~Sheltered workshops~~ for persons
8 with severe disabilities ~~the severely handicapped~~.

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 severe disabilities ~~the~~
12 ~~severely handicapped~~ that:

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

15 (2) is certified as a sheltered workshop by the Wage
16 and Hour Division of the United States Department of Labor;
17 and

18 (3) meets the applicable Illinois Department of Human
19 Services just standards ~~for rehabilitation facilities~~.

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

1 (c) Committee. There is created within the Department of
2 Central Management Services a committee to facilitate the
3 purchase of products and services of persons so severely
4 disabled ~~handicapped~~ by a physical, developmental, or mental
5 disability or a combination of any of those disabilities that
6 they cannot engage in normal competitive employment. This
7 committee is called the State Use Committee. The committee
8 shall consist of the Director of the Department of Central
9 Management Services or his or her designee, the Director of the
10 Department of Human Services or his or her designee, one public
11 member representing ~~and 2 representatives from~~ private
12 business who is knowledgeable of the employment needs and
13 concerns of persons with developmental disabilities, one
14 public member representing private business who is
15 knowledgeable of the needs and concerns of rehabilitation
16 facilities, one ~~and 2~~ public member who is knowledgeable of the
17 employment needs and concerns of persons with developmental
18 disabilities, one public member who is knowledgeable of the
19 needs and concerns of rehabilitation facilities, and 2 public
20 members from a statewide association that represents
21 community-based rehabilitation facilities, ~~members~~ all
22 appointed by the Governor ~~who are knowledgeable in the needs~~
23 ~~and concerns of rehabilitation facilities in Illinois.~~ The
24 public members shall serve 2 year terms, commencing upon
25 appointment and every 2 years thereafter. A public member may
26 be reappointed, and vacancies shall ~~may~~ be filled by

1 appointment for the completion of the term. In the event there
2 is a vacancy on the Committee, the Governor must make an
3 appointment to fill that vacancy within 30 calendar days after
4 the notice of vacancy. The members shall serve without
5 compensation but shall be reimbursed for expenses at a rate
6 equal to that of State employees on a per diem basis by the
7 Department of Central Management Services. All members shall be
8 entitled to vote on issues before the committee.

9 The committee shall have the following powers and duties:

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

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

15 (3) To request a quarterly report from each
16 participating qualified not-for-profit agency for persons
17 with severe disabilities ~~the severely handicapped~~
18 describing the volume of sales for each product or service
19 sold under this Section.

20 (4) To prepare a report for the Governor annually.

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 severe disabilities
24 ~~the severely handicapped~~. This list and any revisions shall
25 be 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 severe disabilities ~~the severely handicapped~~ and
3 discourage unnecessary duplication or competition among
4 facilities.

5 (7) To develop guidelines to be followed by qualifying
6 agencies for participation under the provisions of this
7 Section. The guidelines shall be developed within 6 months
8 after the effective date of this Code and made available on
9 a nondiscriminatory basis to all qualifying agencies.

10 (8) To review all bids submitted under the provisions
11 of this Section and reject any bid for any purchase that is
12 determined to be substantially more than the purchase would
13 have cost had it been competitively bid.

14 (9) To develop a 5-year plan for increasing the number
15 of products and services purchased from qualified
16 not-for-profit agencies for persons with severe
17 disabilities, including the feasibility of developing
18 mandatory set-aside contracts. This 5-year plan must be
19 developed no later than 180 calendar days after the
20 effective date of this amendatory Act of the 96th General
21 Assembly.

22 (c-5) Conditions for Use. Each chief procurement officer
23 shall, in consultation with the State Use Committee, determine
24 which articles, materials, services, food stuffs, and supplies
25 that are produced, manufactured, or provided by persons with
26 severe disabilities in qualified not-for-profit agencies shall

1 be given preference by purchasing agencies procuring those
2 items.

3 (d) Former committee. The committee created under
4 subsection (c) shall replace the committee created under
5 Section 7-2 of the Illinois Purchasing Act, which shall
6 continue to operate until the appointments under subsection (c)
7 are made.

8 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

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