



Sen. Martin A. Sandoval

Filed: 2/26/2010

09600SB3249sam002

LRB096 20466 JAM 37788 a

1 AMENDMENT TO SENATE BILL 3249

2 AMENDMENT NO. _____. Amend Senate Bill 3249 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 45 as follows:

6 (30 ILCS 105/45 new)

7 Sec. 45. Grants of capital funds. The granting of State
8 funds for capital purposes is conditioned upon the grantee's
9 written certification that the grantee shall comply with the
10 disadvantaged business practices of the Business Enterprise
11 for Minorities, Females, and Persons with Disabilities Act and
12 the equal employment practices of Section 2-105 of the Illinois
13 Human Rights Act. All State grantees shall submit affirmative
14 action compliance plans with grant agreements.

15 Section 10. The Business Enterprise for Minorities,

1 Females, and Persons with Disabilities Act is amended by
2 changing Section 7 as follows:

3 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

4 (Section scheduled to be repealed on June 30, 2010)

5 Sec. 7. Exemptions and waivers; publication of data.

6 (1) Individual contract exemptions. The Council, on its own
7 initiative or at the request of the affected agency or
8 university, may permit an individual contract or contract
9 package, (related contracts being bid or awarded
10 simultaneously for the same project or improvements) be made
11 wholly or partially exempt from State contracting goals for
12 businesses owned by minorities, females, and persons with
13 disabilities prior to the advertisement for bids or
14 solicitation of proposals whenever there has been a
15 determination, reduced to writing and based on the best
16 information available at the time of the determination, that
17 there is an insufficient number of businesses owned by
18 minorities, females, and persons with disabilities to ensure
19 adequate competition and an expectation of reasonable prices on
20 bids or proposals solicited for the individual contract or
21 contract package in question.

22 (2) Class exemptions. (a) Creation. The Council, on its own
23 initiative or at the request of the affected agency or
24 university, may permit an entire class of contracts be made
25 exempt from State contracting goals for businesses owned by

1 minorities, females, and persons with disabilities whenever
2 there has been a determination, reduced to writing and based on
3 the best information available at the time of the
4 determination, that there is an insufficient number of
5 qualified businesses owned by minorities, females, and persons
6 with disabilities to ensure adequate competition and an
7 expectation of reasonable prices on bids or proposals within
8 that class.

9 (b) Limitation. Any such class exemption shall not be
10 permitted for a period of more than one year at a time.

11 (3) Waivers. Where a particular contract requires a
12 contractor to meet a goal established pursuant to this Act, the
13 contractor shall have the right to request a waiver from such
14 requirements. The Council shall grant the waiver where the
15 contractor demonstrates that there has been made a good faith
16 effort to comply with the goals for participation by businesses
17 owned by minorities, females, and persons with disabilities.

18 (4) Conflict with other laws. In the event that any State
19 contract, which otherwise would be subject to the provisions of
20 this Act, is or becomes subject to federal laws or regulations
21 which conflict with the provisions of this Act or actions of
22 the State taken pursuant hereto, the provisions of the federal
23 laws or regulations shall apply and the contract shall be
24 interpreted and enforced accordingly.

25 (5) The Department of Central Management Services shall
26 maintain on its official Internet website a database of waivers

1 granted under this Section. The database, which shall be
2 updated periodically as necessary, shall be searchable by
3 contractor name and by contracting State agency.

4 Each public notice required by law of the award of a State
5 contract shall include for each bid submitted for that contract
6 the following: (i) the bidder's name, (ii) the bid amount,
7 (iii) the bid's percentage of disadvantaged business
8 utilization plan, and (iv) the bid's percentage of business
9 enterprise program utilization plan.

10 (Source: P.A. 88-597, eff. 8-28-94.)".