



Sen. Martin A. Sandoval

**Filed: 3/3/2010**

09600SB3249sam003

LRB096 20466 JAM 38205 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 business enterprise program practices for minority-owned  
11 businesses, female-owned businesses, and businesses owned by  
12 persons with disabilities of the Business Enterprise for  
13 Minorities, Females, and Persons with Disabilities Act and the  
14 equal employment practices of Section 2-105 of the Illinois  
15 Human Rights Act. All State grantees shall submit business  
16 enterprise program plans for minority-owned businesses,

1 female-owned businesses, and businesses owned by persons with  
2 disabilities with grant agreements.

3 Section 10. The Business Enterprise for Minorities,  
4 Females, and Persons with Disabilities Act is amended by  
5 changing Section 7 as follows:

6 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

7 (Section scheduled to be repealed on June 30, 2010)

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

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

1           (2) Class exemptions. (a) Creation. The Council, on its own  
2 initiative or at the request of the affected agency or  
3 university, may permit an entire class of contracts be made  
4 exempt from State contracting goals for businesses owned by  
5 minorities, females, and persons with disabilities whenever  
6 there has been a determination, reduced to writing and based on  
7 the best information available at the time of the  
8 determination, that there is an insufficient number of  
9 qualified businesses owned by minorities, females, and persons  
10 with disabilities to ensure adequate competition and an  
11 expectation of reasonable prices on bids or proposals within  
12 that class.

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

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

22           (4) Conflict with other laws. In the event that any State  
23 contract, which otherwise would be subject to the provisions of  
24 this Act, is or becomes subject to federal laws or regulations  
25 which conflict with the provisions of this Act or actions of  
26 the State taken pursuant hereto, the provisions of the federal

1 laws or regulations shall apply and the contract shall be  
2 interpreted and enforced accordingly.

3 (5) Each chief procurement officer, as defined in the  
4 Illinois Procurement Code, shall maintain on his or her  
5 official Internet website a database of waivers granted under  
6 this Section with respect to contracts under his or her  
7 jurisdiction. The database, which shall be updated  
8 periodically as necessary, shall be searchable by contractor  
9 name and by contracting State agency.

10 Each public notice required by law of the award of a State  
11 contract shall include for each bid submitted for that contract  
12 the following: (i) the bidder's name, (ii) the bid amount,  
13 (iii) the bid's percentage of disadvantaged business  
14 utilization plan, and (iv) the bid's percentage of business  
15 enterprise program utilization plan.

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