



Sen. Martin A. Sandoval

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09600SB3249sam006

LRB096 20466 JAM 39099 a

1 AMENDMENT TO SENATE BILL 3249

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3249, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (30 ILCS 105/45 new)

8 Sec. 45. Award or appropriation of capital funds. Each  
9 award by grant, contract, or capital agreement, and each line  
10 item appropriation, of State funds of \$250,000 or more for  
11 capital construction, capital supplies, or capital services is  
12 conditioned upon the recipient's written certification that  
13 the recipient shall comply with the business enterprise program  
14 practices for minority-owned businesses, female-owned  
15 businesses, and businesses owned by persons with disabilities  
16 of the Business Enterprise for Minorities, Females, and Persons

1 with Disabilities Act and the equal employment practices of  
2 Section 2-105 of the Illinois Human Rights Act. Each recipient  
3 of funds subject to this Section shall submit the business  
4 enterprise program plan for minority-owned businesses,  
5 female-owned businesses, and businesses owned by persons with  
6 disabilities with the relevant contract or capital or grant  
7 agreement or with the first voucher for the appropriated funds,  
8 as the case may be.

9 Each business enterprise program plan shall apply only to  
10 the State-funded portion of the relevant capital project and  
11 must be in compliance with all certification and other  
12 requirements of the Business Enterprise for Minorities,  
13 Females, and Persons with Disabilities Act. Final disbursement  
14 of funds subject to this Section is conditioned on successful  
15 compliance with the recipient's submitted business enterprise  
16 program plan.

17 Section 10. The Business Enterprise for Minorities,  
18 Females, and Persons with Disabilities Act is amended by  
19 changing Section 7 as follows:

20 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

21 (Section scheduled to be repealed on June 30, 2010)

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

23 (1) Individual contract exemptions. The Council, on its own  
24 initiative or at the request of the affected agency or

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

15 (2) Class exemptions. (a) Creation. The Council, on its own  
16 initiative or at the request of the affected agency or  
17 university, may permit an entire class of contracts be made  
18 exempt from State contracting goals for businesses owned by  
19 minorities, females, and persons with disabilities whenever  
20 there has been a determination, reduced to writing and based on  
21 the best information available at the time of the  
22 determination, that there is an insufficient number of  
23 qualified businesses owned by minorities, females, and persons  
24 with disabilities to ensure adequate competition and an  
25 expectation of reasonable prices on bids or proposals within  
26 that class.

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

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

10          (4) Conflict with other laws. In the event that any State  
11 contract, which otherwise would be subject to the provisions of  
12 this Act, is or becomes subject to federal laws or regulations  
13 which conflict with the provisions of this Act or actions of  
14 the State taken pursuant hereto, the provisions of the federal  
15 laws or regulations shall apply and the contract shall be  
16 interpreted and enforced accordingly.

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

24          Each public notice required by law of the award of a State  
25 contract shall include for each bid submitted for that contract  
26 the following: (i) the bidder's name, (ii) the bid amount,

1 (iii) the bid's percentage of disadvantaged business  
2 utilization plan, and (iv) the bid's percentage of business  
3 enterprise program utilization plan.

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

5 Section 99. Effective date. This Act takes effect July 1,  
6 2011.".