

SB3659



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3659

Introduced 2/10/2012, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-35

Amends the Illinois Procurement Code. Provides that a not-for-profit agency for the severely handicapped that is an accredited vocational program that provides transition services to youth between the ages of 14 1/2 and 22 in accordance with individualized education plans qualifies to provide supplies and services to the State without the State advertising or calling for bids. Effective immediately.

LRB097 17406 PJG 62608 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 for persons with severe
8 disabilities.

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
12 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 or is an accredited vocational program that provides
18 transition services to youth between the ages of 14 1/2 and
19 22 in accordance with individualized education plans under
20 Section 14-8.03 of the School Code; and

21 (3) meets the applicable Illinois Department of Human
22 Services just standards.

23 (b) Participation. To participate, the not-for-profit

1 agency must have indicated an interest in providing the
2 supplies and services, must meet the specifications and needs
3 of the using agency, and must set a fair market price.

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

1 by appointment for the completion of the term. In the event
2 there 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 describing the volume of sales for
18 each product or service sold under this Section.

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

20 (5) To prepare a publication that lists all supplies
21 and services currently available from any qualified
22 not-for-profit agency for persons with severe
23 disabilities. This list and any revisions shall be
24 distributed to all purchasing agencies.

25 (6) To encourage diversity in supplies and services
26 provided by qualified not-for-profit agencies for persons

1 with severe disabilities and discourage unnecessary
2 duplication or competition among facilities.

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

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

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

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

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

6 (Source: P.A. 96-634, eff. 8-24-09.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.