



Rep. Ed Sullivan

Filed: 5/17/2016

09900SB2357ham001

LRB099 15795 AMC 48792 a

1 AMENDMENT TO SENATE BILL 2357

2 AMENDMENT NO. _____. Amend Senate Bill 2357 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Section 12.2 as follows:

6 (230 ILCS 5/12.2)

7 Sec. 12.2. Business enterprise program.

8 (a) For the purposes of this Section, the terms "minority",
9 "minority owned business", "female", "female owned business",
10 "person with a disability", and "business owned by a person
11 with a disability" have the meanings ascribed to them in the
12 Business Enterprise for Minorities, Females, and Persons with
13 Disabilities Act.

14 (b) The Board shall, by rule, establish goals for the award
15 of contracts by each organization licensee or inter-track
16 wagering licensee to businesses owned by minorities, females,

1 and persons with disabilities, expressed as percentages of an
2 organization licensee's or inter-track wagering licensee's
3 total dollar amount of contracts awarded during each calendar
4 year. Each organization licensee or inter-track wagering
5 licensee must make every effort to meet the goals established
6 by the Board pursuant to this Section. When setting the goals
7 for the award of contracts, the Board shall not include
8 contracts where: (1) licensees are purchasing goods or services
9 from vendors or suppliers or in markets where there are no or a
10 limited number of minority owned businesses, women owned
11 businesses, or businesses owned by persons with disabilities
12 that would be sufficient to satisfy the goal; (2) there are no
13 or a limited number of suppliers licensed by the Board; (3) the
14 licensee or its parent company owns a company that provides the
15 goods or services; or (4) the goods or services are provided to
16 the licensee by a publicly traded company.

17 (c) Each organization licensee or inter-track wagering
18 licensee shall file with the Board an annual report of its
19 utilization of minority owned businesses, female owned
20 businesses, and businesses owned by persons with disabilities
21 during the preceding calendar year. The reports shall include a
22 self-evaluation of the efforts of the organization licensee or
23 inter-track wagering licensee to meet its goals under this
24 Section.

25 (d) The organization licensee or inter-track wagering
26 licensee shall have the right to request a waiver from the

1 requirements of this Section. The Board shall grant the waiver
2 where the organization licensee or inter-track wagering
3 licensee demonstrates that there has been made a good faith
4 effort to comply with the goals for participation by minority
5 owned businesses, female owned businesses, and businesses
6 owned by persons with disabilities.

7 (e) If the Board determines that its goals and policies are
8 not being met by any organization licensee or inter-track
9 wagering licensee, then the Board may:

10 (1) adopt remedies for such violations; and

11 (2) recommend that the organization licensee or
12 inter-track wagering licensee provide additional
13 opportunities for participation by minority owned
14 businesses, female owned businesses, and businesses owned
15 by persons with disabilities; such recommendations may
16 include, but shall not be limited to:

17 (A) assurances of stronger and better focused
18 solicitation efforts to obtain more minority owned
19 businesses, female owned businesses, and businesses
20 owned by persons with disabilities as potential
21 sources of supply;

22 (B) division of job or project requirements, when
23 economically feasible, into tasks or quantities to
24 permit participation of minority owned businesses,
25 female owned businesses, and businesses owned by
26 persons with disabilities;

1 (C) elimination of extended experience or
2 capitalization requirements, when programmatically
3 feasible, to permit participation of minority owned
4 businesses, female owned businesses, and businesses
5 owned by persons with disabilities;

6 (D) identification of specific proposed contracts
7 as particularly attractive or appropriate for
8 participation by minority owned businesses, female
9 owned businesses, and businesses owned by persons with
10 disabilities, such identification to result from and
11 be coupled with the efforts of items (A) through (C);
12 and

13 (E) implementation of regulations established for
14 the use of the sheltered market process.

15 (f) The Board shall file, no later than March 1 of each
16 year, an annual report that shall detail the level of
17 achievement toward the goals specified in this Section over the
18 3 most recent fiscal years. The annual report shall include,
19 but need not be limited to:

20 (1) a summary detailing expenditures subject to the
21 goals, the actual goals specified, and the goals attained
22 by each organization licensee or inter-track wagering
23 licensee;

24 (2) (blank) ~~a summary of the number of contracts~~
25 ~~awarded and the average contract amount by each~~
26 ~~organization licensee or inter track wagering licensee;~~

1 (3) an analysis of the level of overall goal
2 achievement concerning purchases from minority owned
3 businesses, female owned businesses, and businesses owned
4 by persons with disabilities;

5 (4) (blank) ~~an analysis of the number of minority owned~~
6 ~~businesses, female owned businesses, and businesses owned~~
7 ~~by persons with disabilities that are certified under the~~
8 ~~program as well as the number of those businesses that~~
9 ~~received State procurement contracts; and~~

10 (5) (blank) ~~a summary of the number of contracts~~
11 ~~awarded to businesses with annual gross sales of less than~~
12 ~~\$1,000,000; of \$1,000,000 or more, but less than~~
13 ~~\$5,000,000; of \$5,000,000 or more, but less than~~
14 ~~\$10,000,000; and of \$10,000,000 or more.~~

15 (Source: P.A. 98-490, eff. 8-16-13; 99-78, eff. 7-20-15.)".