

AN ACT concerning finance.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Procurement Code is amended by changing Section 45-35 as follows:

(30 ILCS 500/45-35)

Sec. 45-35. Not-for-profit agencies ~~Facilities~~ for persons with significant ~~severe~~ disabilities.

(a) Qualification. Supplies and services may be procured without advertising or calling for bids from any qualified not-for-profit agency for persons with significant ~~severe~~ disabilities that:

(1) complies with Illinois laws governing private not-for-profit organizations;

(2) is certified as a work center ~~sheltered workshop~~ by the Wage and Hour Division of the United States Department of Labor or 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 under Section 14-8.03 of the School Code and that provides residential services at a child care institution, as defined under Section 2.06 of the Child Care Act of 1969, or at a group home, as defined under Section 2.16 of

the Child Care Act of 1969; and

(3) is accredited by a nationally-recognized accrediting organization or certified as a developmental training provider by the ~~meets the applicable Illinois Department of Human Services just standards.~~

(b) Participation. To participate, the not-for-profit agency must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the using agency, and must set a fair and reasonable ~~market~~ price.

(c) Committee. There is created within the Department of Central Management Services a committee to facilitate the purchase of products and services of persons with a significant ~~so severely disabled by a~~ physical, developmental, or mental disability or a combination of any of those disabilities who ~~that they~~ cannot engage in normal competitive employment due to the significant disability or combination of those disabilities. This committee is called the State Use Committee. The State Use Committee ~~committee~~ shall consist of the Director of the Department of Central Management Services or his or her designee, the Director of the Department of Human Services or his or her designee, one public member representing private business who is knowledgeable of the employment needs and concerns of persons with developmental disabilities, one public member representing private business who is knowledgeable of the needs and concerns of rehabilitation

facilities, one public member who is knowledgeable of the employment needs and concerns of persons with developmental disabilities, one public member who is knowledgeable of the needs and concerns of rehabilitation facilities, and 2 public members from a statewide association that represents community-based rehabilitation facilities, all appointed by the Governor. The public members shall serve 2 year terms, commencing upon appointment and every 2 years thereafter. A public member may be reappointed, and vacancies shall be filled by appointment for the completion of the term. In the event there is a vacancy on the State Use Committee, the Governor must make an appointment to fill that vacancy within 30 calendar days after the notice of vacancy. The members shall serve without compensation but shall be reimbursed for expenses at a rate equal to that of State employees on a per diem basis by the Department of Central Management Services. All members shall be entitled to vote on issues before the State Use Committee ~~committee~~.

The State Use Committee ~~committee~~ shall have the following powers and duties:

(1) To request from any State agency information as to product specification and service requirements in order to carry out its purpose.

(2) To meet quarterly or more often as necessary to carry out its purposes.

(3) To request a quarterly report from each

participating qualified not-for-profit agency for persons with significant ~~severe~~ disabilities describing the volume of sales for each product or service sold under this Section.

(4) To prepare a report for the Governor and General Assembly no later than December 31 of each year. The requirement for reporting to the General Assembly shall be satisfied by following the procedures set forth in Section 3.1 of the General Assembly Organization Act.

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

(6) To encourage diversity in supplies and services provided by qualified not-for-profit agencies for persons with significant ~~severe~~ disabilities and discourage unnecessary duplication or competition among not-for-profit agencies ~~facilities~~.

(7) To develop guidelines to be followed by qualifying agencies for participation under the provisions of this Section. Guidelines shall include a list of national accrediting organizations which satisfy the requirements of item (3) of subsection (a) of this Section. The guidelines shall be developed within 6 months after the effective date of this Code and made available on a

nondiscriminatory basis to all qualifying agencies. The new guidelines required under this item (7) by this amendatory Act of the 100th General Assembly shall be developed within 6 months after the effective date of this amendatory Act of the 100th General Assembly and made available on a non-discriminatory basis to all qualifying not-for-profit agencies.

(8) To review all pricing bids submitted under the provisions of this Section and may approve a proposed agreement for supplies or services where the price submitted is fair and reasonable ~~reject any bid for any purchase that is determined to be substantially more than the purchase would have cost had it been competitively bid.~~

(9) To, not less than every 3 years, adopt a strategic plan ~~develop a 5-year plan~~ for increasing the number of products and services purchased from qualified not-for-profit agencies for persons with significant ~~severe~~ disabilities, including the feasibility of developing mandatory set-aside contracts. ~~This 5-year plan must be developed no later than 180 calendar days after the effective date of this amendatory Act of the 96th General Assembly.~~

(c-5) Conditions for Use. Each chief procurement officer shall, in consultation with the State Use Committee, determine which articles, materials, services, food stuffs, and supplies that are produced, manufactured, or provided by persons with

significant ~~severe~~ disabilities in qualified not-for-profit agencies shall be given preference by purchasing agencies procuring those items.

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

(e) Subcontracts. Subcontracts shall be permitted for agreements authorized under this Section. For the purposes of this subsection (e), "subcontract" means any acquisition from another source of supplies, not including raw materials, or services required by a qualified not-for-profit agency to provide the supplies or services that are the subject of the contract between the State and the qualified not-for-profit agency.

The State Use Committee shall develop guidelines to be followed by qualified not-for-profit agencies when seeking and establishing subcontracts with other persons or not-for-profit agencies in order to fulfill State contract requirements. These guidelines shall include the following:

(i) The State Use Committee must approve all subcontracts and substantive amendments to subcontracts prior to execution or amendment of the subcontract.

(ii) A qualified not-for-profit agency shall not enter into a subcontract, or any combination of subcontracts, to

fulfill an entire requirement, contract, or order without written State Use Committee approval.

(iii) A qualified not-for-profit agency shall make reasonable efforts to utilize subcontracts with other not-for-profit agencies for persons with significant disabilities.

(iv) For any subcontract not currently performed by a qualified not-for-profit agency, the primary qualified not-for-profit agency must provide to the State Use Committee the following: (A) a written explanation as to why the subcontract is not performed by a qualified not-for-profit agency, and (B) a written plan to transfer the subcontract to a qualified not-for-profit agency, as reasonable.

(Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)

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