



Sen. Toi W. Hutchinson

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1 AMENDMENT TO SENATE BILL 3106

2 AMENDMENT NO. _____. Amend Senate Bill 3106, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Attorney General Act is amended by adding
6 Section 9 as follows:

7 (15 ILCS 205/9 new)

8 Sec. 9. Contract aspirational goals. The Attorney General
9 shall establish aspirational goals for contract awards
10 substantially in accordance with the Business Enterprise for
11 Minorities, Women, and Persons with Disabilities Act, unless
12 otherwise governed by other law. No State constitutional
13 officer shall be subject to the jurisdiction of another State
14 constitutional officer, or any agency that reports to another
15 State constitutional officer, including the Business
16 Enterprise Council established under the Business Enterprise

1 for Minorities, Women, and Persons with Disabilities Act, with
2 regard to steps taken to achieve aspirational goals.
3 Constitutional officers shall annually post their utilization
4 of businesses owned by minorities, women, and persons with
5 disabilities during the preceding fiscal year on their Internet
6 websites.

7 Section 10. The Secretary of State Act is amended by adding
8 Section 19 as follows:

9 (15 ILCS 305/19 new)

10 Sec. 19. Contract aspirational goals. The Secretary of
11 State shall establish aspirational goals for contract awards
12 substantially in accordance with the Business Enterprise for
13 Minorities, Women, and Persons with Disabilities Act, unless
14 otherwise governed by other law. No State constitutional
15 officer shall be subject to the jurisdiction of another State
16 constitutional officer, or any agency that reports to another
17 State constitutional officer, including the Business
18 Enterprise Council established under the Business Enterprise
19 for Minorities, Women, and Persons with Disabilities Act, with
20 regard to steps taken to achieve aspirational goals.
21 Constitutional officers shall annually post their utilization
22 of businesses owned by minorities, women, and persons with
23 disabilities during the preceding fiscal year on their Internet
24 websites.

1 Section 15. The State Comptroller Act is amended by
2 changing Section 23.9, and by adding Section 23.10 as follows:

3 (15 ILCS 405/23.9)

4 Sec. 23.9. Minority Contractor Opportunity Initiative. The
5 State Comptroller Minority Contractor Opportunity Initiative
6 is created to provide greater opportunities for minority-owned
7 businesses, women-owned businesses, businesses owned by
8 persons with disabilities, and small businesses with 20 or
9 fewer employees in this State to participate in the State
10 procurement process. The initiative shall be administered by
11 the Comptroller. Under this initiative, the Comptroller is
12 responsible for the following: (i) outreach to minority-owned
13 businesses, women-owned businesses, businesses owned by
14 persons with disabilities, and small businesses capable of
15 providing services to the State; (ii) education of
16 minority-owned businesses, women-owned businesses, businesses
17 owned by persons with disabilities, and small businesses
18 concerning State contracting and procurement; (iii)
19 notification of minority-owned businesses, women-owned
20 businesses, businesses owned by persons with disabilities, and
21 small businesses of State contracting opportunities; and (iv)
22 maintenance of an online database of State contracts that
23 identifies the contracts awarded to minority-owned businesses,
24 women-owned businesses, businesses owned by persons with

1 disabilities, and small businesses that includes the total
2 amount paid by State agencies to contractors and the percentage
3 paid to minority-owned businesses, women-owned businesses,
4 businesses owned by persons with disabilities, and small
5 businesses.

6 ~~The Comptroller shall work with the~~ Business Enterprise
7 Council created under Section 5 of the Business Enterprise for
8 Minorities, Women, and Persons with Disabilities Act shall
9 provide the Comptroller with names, Federal Employer
10 Identification Numbers, and designations of Business
11 Enterprise Program certified vendors to fulfill the
12 Comptroller's responsibilities under this Section, including,
13 but not limited to, ~~The Comptroller may rely on the Business~~
14 ~~Enterprise Council's~~ identification of minority-owned
15 businesses, women-owned businesses, and businesses owned by
16 persons with disabilities.

17 The Comptroller shall annually prepare and submit a report
18 to the Governor and the General Assembly concerning the
19 progress of this initiative including the following
20 information for the preceding fiscal ~~calendar~~ year: (i) a
21 statement of the total amounts paid by each executive branch
22 agency to contractors since the previous report; (ii) the
23 percentage of the amounts that were paid to minority-owned
24 businesses, women-owned businesses, businesses owned by
25 persons with disabilities, and small businesses; (iii) the
26 successes achieved and the challenges faced by the Comptroller

1 in operating outreach programs for minorities, women, persons
2 with disabilities, and small businesses; (iv) the challenges
3 each executive branch agency may face in hiring qualified
4 minority, woman, and small business employees and employees
5 with disabilities and contracting with qualified
6 minority-owned businesses, women-owned businesses, businesses
7 owned by persons with disabilities, and small businesses; and
8 (v) ~~(iv)~~ any other information, findings, conclusions, and
9 recommendations for legislative or agency action, as the
10 Comptroller deems appropriate.

11 On and after the effective date of this amendatory Act of
12 the 97th General Assembly, any bidder or offeror awarded a
13 contract of \$1,000 or more under Section 20-10, 20-15, 20-25,
14 or 20-30 of the Illinois Procurement Code is required to pay a
15 fee of \$15 to cover expenses related to the administration of
16 this Section. The Comptroller shall deduct the fee from the
17 first check issued to the vendor under the contract and deposit
18 the fee into the Comptroller's Administrative Fund. Contracts
19 administered for statewide orders placed by agencies (commonly
20 referred to as "statewide master contracts") are exempt from
21 this fee.

22 Each Chief Procurement Officer shall provide the
23 Comptroller with names and Federal Employer Identification
24 Numbers of vendors registered in the Illinois Small Business
25 Set Aside Program to aid the Comptroller in fulfilling his or
26 her responsibilities under this Section.

1 (Source: P.A. 99-143, eff. 7-27-15; 100-391, eff. 8-25-17.)

2 (15 ILCS 405/23.10 new)

3 Sec. 23.10. Contract aspirational goals. The Comptroller
4 shall establish aspirational goals for contract awards
5 substantially in accordance with the Business Enterprise for
6 Minorities, Women, and Persons with Disabilities Act, unless
7 otherwise governed by other law. No State constitutional
8 officer shall be subject to the jurisdiction of another State
9 constitutional officer, or any agency that reports to another
10 State constitutional officer, including the Business
11 Enterprise Council established under the Business Enterprise
12 for Minorities, Women, and Persons with Disabilities Act, with
13 regard to steps taken to achieve aspirational goals.
14 Constitutional officers shall annually post their utilization
15 of businesses owned by minorities, women, and persons with
16 disabilities during the preceding fiscal year on their Internet
17 websites.

18 Section 20. The Illinois State Auditing Act is amended by
19 adding Section 2-16 as follows:

20 (30 ILCS 5/2-16 new)

21 Sec. 2-16. Contract aspirational goals. The Auditor
22 General shall establish aspirational goals for contract awards
23 substantially in accordance the Business Enterprise for

1 Minorities, Women, and Persons with Disabilities Act, unless
2 otherwise governed by other law. No State constitutional
3 officer shall be subject to the jurisdiction of another State
4 constitutional officer, or any agency that reports to another
5 State constitutional officer, including the Business
6 Enterprise Council established under the Business Enterprise
7 for Minorities, Women, and Persons with Disabilities Act, with
8 regard to steps taken to achieve aspirational goals.
9 Constitutional officers shall annually post their utilization
10 of businesses owned by minorities, women, and persons with
11 disabilities during the preceding fiscal year on their Internet
12 websites.

13 Section 25. The Business Enterprise for Minorities, Women,
14 and Persons with Disabilities Act is amended by changing
15 Section 5 as follows:

16 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

17 (Section scheduled to be repealed on June 30, 2020)

18 Sec. 5. Business Enterprise Council.

19 (1) To help implement, monitor and enforce the goals of
20 this Act, there is created the Business Enterprise Council for
21 Minorities, Women, and Persons with Disabilities, hereinafter
22 referred to as the Council, composed of the Secretary of Human
23 Services and the Directors of the Department of Human Rights,
24 the Department of Commerce and Economic Opportunity, the

1 Department of Central Management Services, the Department of
2 Transportation and the Capital Development Board, or their duly
3 appointed representatives, with the Comptroller, or his or her
4 designee, serving as an advisory member of the Council. Ten
5 individuals representing businesses that are minority-owned or
6 women-owned or owned by persons with disabilities, 2
7 individuals representing the business community, and a
8 representative of public institutions of higher education
9 shall be appointed by the Governor. These members shall serve 2
10 year terms and shall be eligible for reappointment. Any vacancy
11 occurring on the Council shall also be filled by the Governor.
12 Any member appointed to fill a vacancy occurring prior to the
13 expiration of the term for which his predecessor was appointed
14 shall be appointed for the remainder of such term. Members of
15 the Council shall serve without compensation but shall be
16 reimbursed for any ordinary and necessary expenses incurred in
17 the performance of their duties.

18 The Director of the Department of Central Management
19 Services shall serve as the Council chairperson and shall
20 select, subject to approval of the council, a Secretary
21 responsible for the operation of the program who shall serve as
22 the Division Manager of the Business Enterprise for Minorities,
23 Women, and Persons with Disabilities Division of the Department
24 of Central Management Services.

25 The Director of each State agency and the chief executive
26 officer of each public institutions of higher education shall

1 appoint a liaison to the Council. The liaison shall be
2 responsible for submitting to the Council any reports and
3 documents necessary under this Act.

4 (2) The Council's authority and responsibility shall be to:

5 (a) Devise a certification procedure to assure that
6 businesses taking advantage of this Act are legitimately
7 classified as businesses owned by minorities, women, or
8 persons with disabilities.

9 (b) Maintain a list of all businesses legitimately
10 classified as businesses owned by minorities, women, or
11 persons with disabilities to provide to State agencies and
12 public institutions of higher education.

13 (c) Review rules and regulations for the
14 implementation of the program for businesses owned by
15 minorities, women, and persons with disabilities.

16 (d) Review compliance plans submitted by each State
17 agency and public institutions of higher education
18 pursuant to this Act.

19 (e) Make annual reports as provided in Section 8f to
20 the Governor and the General Assembly on the status of the
21 program.

22 (f) Serve as a central clearinghouse for information on
23 State contracts, including the maintenance of a list of all
24 pending State contracts upon which businesses owned by
25 minorities, women, and persons with disabilities may bid.
26 At the Council's discretion, maintenance of the list may

1 include 24-hour electronic access to the list along with
2 the bid and application information.

3 (g) Establish a toll free telephone number to
4 facilitate information requests concerning the
5 certification process and pending contracts.

6 (3) No premium bond rate of a surety company for a bond
7 required of a business owned by a minority, woman, or person
8 with a disability bidding for a State contract shall be higher
9 than the lowest rate charged by that surety company for a
10 similar bond in the same classification of work that would be
11 written for a business not owned by a minority, woman, or
12 person with a disability.

13 (4) Any Council member who has direct financial or personal
14 interest in any measure pending before the Council shall
15 disclose this fact to the Council and refrain from
16 participating in the determination upon such measure.

17 (5) The Secretary shall have the following duties and
18 responsibilities:

19 (a) To be responsible for the day-to-day operation of
20 the Council.

21 (b) To serve as a coordinator for all of the State's
22 programs for businesses owned by minorities, women, and
23 persons with disabilities and as the information and
24 referral center for all State initiatives for businesses
25 owned by minorities, women, and persons with disabilities.

26 (c) To establish an enforcement procedure whereby the

1 Council may recommend to the appropriate State legal
2 officer that the State exercise its legal remedies which
3 shall include (1) termination of the contract involved, (2)
4 prohibition of participation by the respondent in public
5 contracts for a period not to exceed 3 years, (3)
6 imposition of a penalty not to exceed any profit acquired
7 as a result of violation, or (4) any combination thereof.
8 Such procedures shall require prior approval by Council.

9 (d) To devise appropriate policies, regulations and
10 procedures for including participation by businesses owned
11 by minorities, women, and persons with disabilities as
12 prime contractors including, but not limited to, (i)
13 encouraging the inclusions of qualified businesses owned
14 by minorities, women, and persons with disabilities on
15 solicitation lists, (ii) investigating the potential of
16 blanket bonding programs for small construction jobs,
17 (iii) investigating and making recommendations concerning
18 the use of the sheltered market process.

19 (e) To devise procedures for the waiver of the
20 participation goals in appropriate circumstances.

21 (f) To accept donations and, with the approval of the
22 Council or the Director of Central Management Services,
23 grants related to the purposes of this Act; to conduct
24 seminars related to the purpose of this Act and to charge
25 reasonable registration fees; and to sell directories,
26 vendor lists and other such information to interested

1 parties, except that forms necessary to become eligible for
2 the program shall be provided free of charge to a business
3 or individual applying for the program.

4 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

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