



Sen. Napoleon Harris, III

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10100SB2035sam001

LRB101 10988 RJF 57702 a

1 AMENDMENT TO SENATE BILL 2035

2 AMENDMENT NO. _____. Amend Senate Bill 2035 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Business Enterprise for Minorities, Women,
5 and Persons with Disabilities Act is amended by changing
6 Section 4 as follows:

7 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

8 (Section scheduled to be repealed on June 30, 2020)

9 Sec. 4. Award of State contracts.

10 (a) Except as provided in subsections (b) and (c), not less
11 than 30% ~~20%~~ of the total dollar amount of State contracts, as
12 defined by the Secretary of the Council and approved by the
13 Council, shall be established as an aspirational goal to be
14 awarded to businesses owned by minorities, women, and persons
15 with disabilities; provided, however, that of the total amount
16 of all State contracts awarded to businesses owned by

1 minorities, women, and persons with disabilities pursuant to
2 this Section, contracts representing at least 16% ~~11%~~ shall be
3 awarded to businesses owned by minorities, contracts
4 representing at least 10% ~~7%~~ shall be awarded to women-owned
5 businesses, and contracts representing at least 4% ~~2%~~ shall be
6 awarded to businesses owned by persons with disabilities.

7 The above percentage relates to the total dollar amount of
8 State contracts during each State fiscal year, calculated by
9 examining independently each type of contract for each agency
10 or public institutions of higher education which lets such
11 contracts. Only that percentage of arrangements which
12 represents the participation of businesses owned by
13 minorities, women, and persons with disabilities on such
14 contracts shall be included.

15 (a-5) In addition to the aspirational goals in awarding
16 State contracts set under subsection (a), the Department of
17 Central Management Services shall by rule further establish
18 committed diversity aspirational goals for State contracts
19 awarded to businesses owned by minorities, women, and persons
20 with disabilities. Such efforts shall include, but not be
21 limited to, further concerted outreach efforts to businesses
22 owned by minorities, women, and persons with disabilities.

23 (b) In the case of State construction contracts, the
24 provisions of subsection (a) requiring a portion of State
25 contracts to be awarded to businesses owned and controlled by
26 persons with disabilities do not apply. The following

1 aspirational goals are established for State construction
2 contracts: not less than 20% of the total dollar amount of
3 State construction contracts is established as a goal to be
4 awarded to minority-owned and women-owned businesses.

5 (c) In the case of all work undertaken by the University of
6 Illinois related to the planning, organization, and staging of
7 the games, the University of Illinois shall establish a goal of
8 awarding not less than 25% of the annual dollar value of all
9 contracts, purchase orders, and other agreements (collectively
10 referred to as "the contracts") to minority-owned businesses or
11 businesses owned by a person with a disability and 5% of the
12 annual dollar value the contracts to women-owned businesses.
13 For purposes of this subsection, the term "games" has the
14 meaning set forth in the Olympic Games and Paralympic Games
15 (2016) Law.

16 (d) Within one year after April 28, 2009 (the effective
17 date of Public Act 96-8), the Department of Central Management
18 Services shall conduct a social scientific study that measures
19 the impact of discrimination on minority and women business
20 development in Illinois. Within 18 months after April 28, 2009
21 (the effective date of Public Act 96-8), the Department shall
22 issue a report of its findings and any recommendations on
23 whether to adjust the goals for minority and women
24 participation established in this Act. Copies of this report
25 and the social scientific study shall be filed with the
26 Governor and the General Assembly.

1 (e) Except as permitted under this Act or as otherwise
2 mandated by federal law or regulation, those who submit bids or
3 proposals for State contracts subject to the provisions of this
4 Act, whose bids or proposals are successful and include a
5 utilization plan but that fail to meet the goals set forth in
6 subsection (b) of this Section, shall be notified of that
7 deficiency and shall be afforded a period not to exceed 10
8 calendar days from the date of notification to cure that
9 deficiency in the bid or proposal. The deficiency in the bid or
10 proposal may only be cured by contracting with additional
11 subcontractors who are owned by minorities or women, but in no
12 case shall an identified subcontractor with a certification
13 made pursuant to this Act be terminated from the contract
14 without the written consent of the State agency or public
15 institution of higher education entering into the contract.

16 (f) Non-construction solicitations that include Business
17 Enterprise Program participation goals shall require bidders
18 and offerors to include utilization plans. Utilization plans
19 are due at the time of bid or offer submission. Failure to
20 complete and include a utilization plan, including
21 documentation demonstrating good faith effort when requesting
22 a waiver, shall render the bid or offer non-responsive.

23 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;
24 100-391, eff. 8-25-17.)".