



Rep. Ed Sullivan

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LRB099 15795 AMC 49300 a

1 AMENDMENT TO SENATE BILL 2357

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

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

7 (230 ILCS 5/12.2)

8 Sec. 12.2. Business enterprise program.

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

15 (b) The Board shall, by rule, establish goals for the award
16 of contracts by each organization licensee or inter-track

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

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

26 (d) The organization licensee or inter-track wagering

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

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

11 (1) adopt remedies for such violations; and

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

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

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

1 persons with disabilities;

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

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

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

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

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

25 (2) a summary of the number of contracts awarded and
26 the average contract amount by each organization licensee

1 or inter-track wagering licensee;

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

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

11 (5) (blank) ~~a summary of the number of contracts~~
12 ~~awarded to businesses with annual gross sales of less than~~
13 ~~\$1,000,000; of \$1,000,000 or more, but less than~~
14 ~~\$5,000,000; of \$5,000,000 or more, but less than~~
15 ~~\$10,000,000; and of \$10,000,000 or more.~~

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