

SB2428



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2428

Introduced 2/7/2025, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-46

Amends the Illinois Procurement Code. In provisions concerning mid-size businesses, provides that the Illinois State Toll Highway Authority may award up to 4 contracts per calendar year under the provisions and may award up to a total of 10 contract under the provisions. Provides that the provisions concerning mid-size businesses are inoperable 5 years after the award of the first contract under the provisions. Repeals the provisions on July 1, 2031 (instead of January 1, 2030).

LRB104 10845 HLH 20926 b

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 45-46 as follows:

6 (30 ILCS 500/45-46)

7 (Section scheduled to be repealed on January 1, 2030)

8 Sec. 45-46. Mid-size businesses.

9 (a) As used in the Section, "mid-size business" means a
10 business that is independently owned and operated and that is
11 not dominant in its field of operation. "Mid-size business"
12 includes a construction business with annual sales and
13 receipts in excess of \$14,000,000 but not over \$45,000,000.

14 (a-5) This Section applies only to construction-related
15 procurements for the Illinois State Toll Highway Authority.

16 (b) The chief procurement officer shall adopt rules to
17 establish additional criteria to designate mid-size businesses
18 for the purposes of the mid-size business set-asides described
19 in subsection (c), including the number of employees and
20 annual sales and receipts of the business. When computing the
21 size status of a potential contractor, annual sales and
22 receipts of the potential contractor and all of its affiliates
23 shall be included. The maximum number of employees and the

1 maximum annual sales and receipts that a mid-size business may
2 have under the rules adopted by the chief procurement officer
3 may vary from industry to industry, to the extent necessary to
4 reflect differing characteristics of those industries, subject
5 to the limitation that no business shall qualify as a mid-size
6 business if its annual sales and receipts exceed \$45,000,000.

7 (c) The applicable chief procurement officer shall
8 designate a fair proportion, as determined by the applicable
9 chief procurement officer in consultation with the Illinois
10 State Toll Highway Authority, of construction,
11 construction-related, and construction support contracts as
12 mid-size business set-asides for award to mid-size businesses
13 in Illinois. Advertisements for bids or offers for these
14 contracts shall specify designation as mid-size business
15 set-asides. In awarding the contracts, only bids or offers
16 from qualified mid-size businesses shall be considered. The
17 Illinois State Toll Highway Authority may award up to 4
18 contracts pursuant to this Section per calendar year and may
19 award up to a total of 10 contracts pursuant to this Section.

20 The Illinois State Toll Highway Authority shall prepare an
21 annual report setting forth the use of this Section during the
22 preceding fiscal year and shall provide that report to the
23 applicable chief procurement officer no later than March 1 of
24 each calendar year. This Section is inoperable 5 years after
25 the award of the first contract under this Section. This
26 Section is repealed on July 1, 2031 ~~5 years after the effective~~

1 ~~date of this Section.~~

2 (Source: P.A. 103-865, eff. 1-1-25.)