**Section 1300.4500 Contracting with Businesses Owned and Controlled by Minorities, Women, and Persons with Disabilities**

a) As required by Section 9 of the Attorney General Act [15 ILCS 205] and in accordance with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575] (Act), the Attorney General establishes the following aspirational goals for contract awards for all contracts for goods and services, excluding contracts for services relating to investigations or litigation:

1) At least 30% of the dollar value of OAG contracts shall be awarded to businesses owned by minorities, women, and persons with disabilities; and

2) Of this 30%, 10% shall be for women-owned businesses, 4% for businesses owned by persons with disabilities and not-for-profit agencies for the disabled, and the remaining 16% for other minority-owned businesses.

b) The goals established in subsection (a) may be satisfied, in whole or in part, by counting expenditures made by OAG vendors to subcontractors.

c) Upon direction of the Chief Procurement Officer after consultation with the Business Enterprise Council for Minorities, Women, and Persons with Disabilities (the Business Enterprise Council) (see Section 5 of the Act), the OAG may establish set-asides, including, but not limited to, set-asides for businesses owned by minorities, women, and persons with disabilities, and other preferred vendors certified under the Act.

d) In procuring goods and services to meet its aspirational goals, the OAG may rely on:

1) The list of businesses that have been certified under the Act by the Business Enterprise Council. A list of those businesses appears on the State of Illinois Commission on Equity and Inclusion's website (https://ceibep.diversitysoftware.com); or

2) Certifications by other certifying entities that have been accepted by the Business Enterprise Council under the Act. Businesses certified in this manner are included with the list of businesses that have been certified under the Act by the Business Enterprise Council and may be found on the State of Illinois Commission on Equity and Inclusion's website (see subsection (d)(1)).

e) The Procurement Officer may undertake the following actions to reach the goals established in subsection (a):

1) Focus solicitations on those vendors included on the Council's list of certified businesses or by other means;

2) Advertise in appropriate media;

3) Divide job or project requirements into smaller tasks or quantities, when economically, technically, and programmatically feasible;

4) Eliminate extended experience or capitalization requirements when programmatically feasible; and

5) Identify specific, proposed projects, purchases, or contracts as particularly appropriate for participation by businesses that are owned by minorities, women, or persons with disabilities, and establish set-asides in accordance with applicable law.

f) Those categories of contracts and expenditures exempted by the Business Enterprise Council (see 44 Ill. Adm. Code 10.22), are exempt from the contracting goals established in this Section. Additionally, the CPO may exempt specific contracts or expenditures from the goals established by this Section, prior to advertising for bids or solicitations of proposals, if the CPO has determined, based upon the best information available at the time of the determination, that there are an insufficient number of businesses owned by minorities, women, or persons with disabilities to ensure adequate competition and an expectation of reasonable prices on bids or proposals solicited for the specific contract or expenditure.

g) The CPO shall direct that information regarding the OAG's utilization of businesses owned by minorities, women, and persons with disabilities during the preceding fiscal year be posted annually on the OAG's website.

(Source: Amended at 48 Ill. Reg. 2790, effective February 7, 2024)