

**HB0159**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**HB0159**

by Rep. Mary E. Flowers

**SYNOPSIS AS INTRODUCED:**

30 ILCS 575/4

from Ch. 127, par. 132.604

Amends the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. Provides that all State agencies shall increase their award of State contracts to minority owned businesses by 15%.

LRB101 04709 RJF 49718 b

FISCAL NOTE ACT  
MAY APPLY

**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 Business Enterprise for Minorities,  
5 Females, and Persons with Disabilities Act is amended by  
6 changing 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8 (Section scheduled to be repealed on June 30, 2020)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), and  
11 (f), not less than 20% of the total dollar amount of State  
12 contracts, as defined by the Secretary of the Council and  
13 approved by the Council, shall be established as an  
14 aspirational goal to be awarded to businesses owned by  
15 minorities, women, and persons with disabilities; provided,  
16 however, that of the total amount of all State contracts  
17 awarded to businesses owned by minorities, women, and persons  
18 with disabilities pursuant to this Section, contracts  
19 representing at least 11% shall be awarded to businesses owned  
20 by minorities, contracts representing at least 7% shall be  
21 awarded to women-owned businesses, and contracts representing  
22 at least 2% shall be awarded to businesses owned by persons  
23 with disabilities.

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

9           (b) Except as provided in subsection (f) of this Section,  
10 in ~~in~~ the case of State construction contracts, the provisions  
11 of subsection (a) requiring a portion of State contracts to be  
12 awarded to businesses owned and controlled by persons with  
13 disabilities do not apply. The following aspirational goals are  
14 established for State construction contracts: not less than 20%  
15 of the total dollar amount of State construction contracts is  
16 established as a goal to be awarded to minority-owned and  
17 women-owned businesses.

18           (c) Except as provided in subsection (f) of this Section,  
19 in ~~in~~ the case of all work undertaken by the University of  
20 Illinois related to the planning, organization, and staging of  
21 the games, the University of Illinois shall establish a goal of  
22 awarding not less than 25% of the annual dollar value of all  
23 contracts, purchase orders, and other agreements (collectively  
24 referred to as "the contracts") to minority-owned businesses or  
25 businesses owned by a person with a disability and 5% of the  
26 annual dollar value the contracts to women-owned businesses.

1 For purposes of this subsection, the term "games" has the  
2 meaning set forth in the Olympic Games and Paralympic Games  
3 (2016) Law.

4 (d) Within one year after April 28, 2009 (the effective  
5 date of Public Act 96-8), the Department of Central Management  
6 Services shall conduct a social scientific study that measures  
7 the impact of discrimination on minority and women business  
8 development in Illinois. Within 18 months after April 28, 2009  
9 (the effective date of Public Act 96-8), the Department shall  
10 issue a report of its findings and any recommendations on  
11 whether to adjust the goals for minority and women  
12 participation established in this Act. Copies of this report  
13 and the social scientific study shall be filed with the  
14 Governor and the General Assembly.

15 (e) Except as permitted under this Act or as otherwise  
16 mandated by federal law or regulation, those who submit bids or  
17 proposals for State contracts subject to the provisions of this  
18 Act, whose bids or proposals are successful and include a  
19 utilization plan but that fail to meet the goals set forth in  
20 subsection (b) of this Section, shall be notified of that  
21 deficiency and shall be afforded a period not to exceed 10  
22 calendar days from the date of notification to cure that  
23 deficiency in the bid or proposal. The deficiency in the bid or  
24 proposal may only be cured by contracting with additional  
25 subcontractors who are owned by minorities or women, but in no  
26 case shall an identified subcontractor with a certification

1 made pursuant to this Act be terminated from the contract  
2 without the written consent of the State agency or public  
3 institution of higher education entering into the contract.

4 (f) Non-construction solicitations that include Business  
5 Enterprise Program participation goals shall require bidders  
6 and offerors to include utilization plans. Utilization plans  
7 are due at the time of bid or offer submission. Failure to  
8 complete and include a utilization plan, including  
9 documentation demonstrating good faith effort when requesting  
10 a waiver, shall render the bid or offer non-responsive.

11 (g) Notwithstanding the provisions of this Section, after  
12 the effective date of this amendatory Act of the 101st General  
13 Assembly, all State agencies shall increase their award of  
14 State contracts to minority owned businesses by 15%.

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