



Rep. Sonya M. Harper

Filed: 1/11/2021

10100SB1608ham002

LRB101 08148 RJF 74798 a

1 AMENDMENT TO SENATE BILL 1608

2 AMENDMENT NO. _____. Amend Senate Bill 1608 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-5. The Business Enterprise for Minorities,
6 Women, and Persons with Disabilities Act is amended by changing
7 Section 4 as follows:

8 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

9 (Section scheduled to be repealed on June 30, 2024)

10 Sec. 4. Award of State contracts.

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

1 disabilities; provided, however, that of the total amount of
2 all State contracts awarded to businesses owned by minorities,
3 women, and persons with disabilities pursuant to this Section,
4 contracts representing at least 16% ~~11%~~ shall be awarded to
5 businesses owned by minorities, contracts representing at
6 least 10% ~~7%~~ shall be awarded to women-owned businesses, and
7 contracts representing at least 4% ~~2%~~ shall be awarded to
8 businesses owned by persons with disabilities.

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

17 The above percentage relates to the total dollar amount of
18 State contracts during each State fiscal year, calculated by
19 examining independently each type of contract for each agency
20 or public institutions of higher education which lets such
21 contracts. Only that percentage of arrangements which
22 represents the participation of businesses owned by
23 minorities, women, and persons with disabilities on such
24 contracts shall be included. State contracts subject to the
25 requirements of this Act shall include the requirement that
26 only expenditures to businesses owned by minorities, women, and

1 persons with disabilities that perform a commercially useful
2 function may be counted toward the goals set forth by this Act.
3 Contracts shall include a definition of "commercially useful
4 function" that is consistent with 49 CFR 26.55(c).

5 (b) Not less than 20% of the total dollar amount of State
6 construction contracts is established as an aspirational goal
7 to be awarded to businesses owned by minorities, women, and
8 persons with disabilities; provided that, contracts
9 representing at least 11% of the total dollar amount of State
10 construction contracts shall be awarded to businesses owned by
11 minorities; contracts representing at least 7% of the total
12 dollar amount of State construction contracts shall be awarded
13 to women-owned businesses; and contracts representing at least
14 2% of the total dollar amount of State construction contracts
15 shall be awarded to businesses owned by persons with
16 disabilities.

17 (c) (Blank).

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

1 and the social scientific study shall be filed with the
2 Governor and the General Assembly.

3 By December 1, 2020, the Department of Central Management
4 Services shall conduct a new social scientific study that
5 measures the impact of discrimination on minority and women
6 business development in Illinois. By June 1, 2022, the
7 Department shall issue a report of its findings and any
8 recommendations on whether to adjust the goals for minority and
9 women participation established in this Act. Copies of this
10 report and the social scientific study shall be filed with the
11 Governor, ~~the Advisory Board,~~ and the General Assembly. By
12 December 1, 2022, the Department of Central Management Services
13 Business Enterprise Program shall develop a model for social
14 scientific disparity study sourcing for local governmental
15 units to adapt and implement to address regional disparities in
16 public procurement.

17 (e) Except as permitted under this Act or as otherwise
18 mandated by federal law or regulation, those who submit bids or
19 proposals for State contracts subject to the provisions of this
20 Act, whose bids or proposals are successful and include a
21 utilization plan but that fail to meet the goals set forth in
22 subsection (b) of this Section, shall be notified of that
23 deficiency and shall be afforded a period not to exceed 10
24 calendar days from the date of notification to cure that
25 deficiency in the bid or proposal. The deficiency in the bid or
26 proposal may only be cured by contracting with additional

1 subcontractors who are owned by minorities or women. Any
2 increase in cost to a contract for the addition of a
3 subcontractor to cure a bid's deficiency shall not affect the
4 bid price, shall not be used in the request for an exemption in
5 this Act, and in no case shall an identified subcontractor with
6 a certification made pursuant to this Act be terminated from
7 the contract without the written consent of the State agency or
8 public institution of higher education entering into the
9 contract.

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

17 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
18 101-601, eff. 1-1-20; revised 10-26-20.)

19 Article 5.

20 Section 5-5. The Illinois Procurement Code is amended by
21 changing Sections 20-15, 20-60, and 35-30 and by adding Section
22 50-85 as follows:

23 (30 ILCS 500/20-15)

1 Sec. 20-15. Competitive sealed proposals.

2 (a) Conditions for use. When provided under this Code or
3 under rules, or when the purchasing agency determines in
4 writing that the use of competitive sealed bidding is either
5 not practicable or not advantageous to the State, a contract
6 may be entered into by competitive sealed proposals.

7 (b) Request for proposals. Proposals shall be solicited
8 through a request for proposals.

9 (c) Public notice. Public notice of the request for
10 proposals shall be published in the Illinois Procurement
11 Bulletin at least 14 calendar days before the date set in the
12 invitation for the opening of proposals.

13 (d) Receipt of proposals. Proposals shall be opened
14 publicly or via an electronic procurement system in the
15 presence of one or more witnesses at the time and place
16 designated in the request for proposals, but proposals shall be
17 opened in a manner to avoid disclosure of contents to competing
18 offerors during the process of negotiation. A record of
19 proposals shall be prepared and shall be open for public
20 inspection after contract award.

21 (e) Evaluation factors. The requests for proposals shall
22 state the relative importance of price and other evaluation
23 factors. Proposals shall be submitted in 3 ~~2~~ parts: the first,
24 ~~covering items except~~ price; and the second, commitment to
25 diversity; and the third, all other items. Each part of all
26 proposals shall be evaluated and ranked independently of the

1 other parts of all proposals. The results of the evaluation of
2 all 3 parts shall be used in ranking of proposals covering
3 price. The first part of all proposals shall be evaluated and
4 ranked independently of the second part of all proposals.

5 (e-5) Method of scoring.

6 (1) The point scoring methodology for competitive
7 sealed proposals shall provide points for commitment to
8 diversity. Those points shall be equivalent to 20% of the
9 points assigned to the third part of the proposal, all
10 other items.

11 (2) Factors to be considered in the award of these
12 points shall be set by rule by the applicable chief
13 procurement officer and may include, but are not limited
14 to:

15 (A) whether or how well the respondent, on the
16 solicitation being evaluated, met the goal of
17 contracting or subcontracting with businesses owned by
18 women, minorities, or persons with disabilities;

19 (B) whether the respondent, on the solicitation
20 being evaluated, assisted businesses owned by women,
21 minorities, or persons with disabilities in obtaining
22 lines of credit, insurance, necessary equipment,
23 supplies, materials, or related assistance or
24 services;

25 (C) the percentage of prior year revenues of the
26 respondent that involve businesses owned by women,

1 minorities, or persons with disabilities;

2 (D) whether the respondent has a written supplier
3 diversity program, including, but not limited to, use
4 of diversity vendors in the supply chain and a training
5 or mentoring program with businesses owned by women,
6 minorities, or persons with disabilities; and

7 (E) the percentage of members of the respondent's
8 governing board, senior executives, and managers who
9 are women, minorities, or persons with disabilities.

10 (3) If any State agency or public institution of higher
11 education contract is eligible to be paid for or
12 reimbursed, in whole or in part, with federal-aid funds,
13 grants, or loans, and the provisions of this subsection
14 (e-5) would result in the loss of those federal-aid funds,
15 grants, or loans, then the contract is exempt from the
16 provisions of this Section in order to remain eligible for
17 those federal-aid funds, grants, or loans. For the purposes
18 of this subsection (e-5):

19 "Manager" means a person who controls or administers
20 all or part of a company or similar organization.

21 "Minorities" has the same meaning as "minority person"
22 under Section 2 of the Business Enterprise for Minorities,
23 Women, and Persons with Disabilities Act.

24 "Persons with disabilities" has the same meaning as
25 "person with a disability" under Section 2 of the Business
26 Enterprise for Minorities, Women, and Persons with

1 Disabilities Act.

2 "Senior executive" means the chief executive officer,
3 chief operating officer, chief financial officer, or
4 anyone else in charge of a principal business unit or
5 function.

6 "Women" has the same meaning as "woman" under Section 2
7 of the Business Enterprise for Minorities, Women, and
8 Persons with Disabilities Act.

9 (f) Discussion with responsible offerors and revisions of
10 offers or proposals. As provided in the request for proposals
11 and under rules, discussions may be conducted with responsible
12 offerors who submit offers or proposals determined to be
13 reasonably susceptible of being selected for award for the
14 purpose of clarifying and assuring full understanding of and
15 responsiveness to the solicitation requirements. Those
16 offerors shall be accorded fair and equal treatment with
17 respect to any opportunity for discussion and revision of
18 proposals. Revisions may be permitted after submission and
19 before award for the purpose of obtaining best and final
20 offers. In conducting discussions there shall be no disclosure
21 of any information derived from proposals submitted by
22 competing offerors. If information is disclosed to any offeror,
23 it shall be provided to all competing offerors.

24 (g) Award. Awards shall be made to the responsible offeror
25 whose proposal is determined in writing to be the most
26 advantageous to the State, taking into consideration price and

1 the evaluation factors set forth in the request for proposals.
2 The contract file shall contain the basis on which the award is
3 made.

4 (Source: P.A. 100-43, eff. 8-9-17.)

5 (30 ILCS 500/20-60)

6 Sec. 20-60. Duration of contracts.

7 (a) Maximum duration. A contract may be entered into for
8 any period of time deemed to be in the best interests of the
9 State but not exceeding 10 years inclusive, beginning January
10 1, 2010, of proposed contract renewals. Third parties may lease
11 State-owned dark fiber networks for any period of time deemed
12 to be in the best interest of the State, but not exceeding 20
13 years. The length of a lease for real property or capital
14 improvements shall be in accordance with the provisions of
15 Section 40-25. The length of energy conservation program
16 contracts or energy savings contracts or leases shall be in
17 accordance with the provisions of Section 25-45. A contract for
18 bond or mortgage insurance awarded by the Illinois Housing
19 Development Authority, however, may be entered into for any
20 period of time less than or equal to the maximum period of time
21 that the subject bond or mortgage may remain outstanding.

22 (b) Subject to appropriation. All contracts made or entered
23 into shall recite that they are subject to termination and
24 cancellation in any year for which the General Assembly fails
25 to make an appropriation to make payments under the terms of

1 the contract.

2 (c) The chief procurement officer shall file a proposed
3 extension or renewal of a contract with the Procurement Policy
4 Board prior to entering into any extension or renewal if the
5 cost associated with the extension or renewal exceeds \$249,999.
6 The Procurement Policy Board may object to the proposed
7 extension or renewal within 30 calendar days and require a
8 hearing before the Board prior to entering into the extension
9 or renewal. If the Procurement Policy Board does not object
10 within 30 calendar days or takes affirmative action to
11 recommend the extension or renewal, the chief procurement
12 officer may enter into the extension or renewal of a contract.
13 This subsection does not apply to any emergency procurement,
14 any procurement under Article 40, or any procurement exempted
15 by Section 1-10(b) of this Code. If any State agency contract
16 is paid for in whole or in part with federal-aid funds, grants,
17 or loans and the provisions of this subsection would result in
18 the loss of those federal-aid funds, grants, or loans, then the
19 contract is exempt from the provisions of this subsection in
20 order to remain eligible for those federal-aid funds, grants,
21 or loans, and the State agency shall file notice of this
22 exemption with the Procurement Policy Board prior to entering
23 into the proposed extension or renewal. Nothing in this
24 subsection permits a chief procurement officer to enter into an
25 extension or renewal in violation of subsection (a). By August
26 1 each year, the Procurement Policy Board shall file a report

1 with the General Assembly identifying for the previous fiscal
2 year (i) the proposed extensions or renewals that were filed
3 with the Board and whether the Board objected and (ii) the
4 contracts exempt from this subsection.

5 (d) Notwithstanding the provisions of subsection (a) of
6 this Section, the Department of Innovation and Technology may
7 enter into leases for dark fiber networks for any period of
8 time deemed to be in the best interests of the State but not
9 exceeding 20 years inclusive. The Department of Innovation and
10 Technology may lease dark fiber networks from third parties
11 only for the primary purpose of providing services (i) to the
12 offices of Governor, Lieutenant Governor, Attorney General,
13 Secretary of State, Comptroller, or Treasurer and State
14 agencies, as defined under Section 5-15 of the Civil
15 Administrative Code of Illinois or (ii) for anchor
16 institutions, as defined in Section 7 of the Illinois Century
17 Network Act. Dark fiber network lease contracts shall be
18 subject to all other provisions of this Code and any applicable
19 rules or requirements, including, but not limited to,
20 publication of lease solicitations, use of standard State
21 contracting terms and conditions, and approval of vendor
22 certifications and financial disclosures.

23 (e) As used in this Section, "dark fiber network" means a
24 network of fiber optic cables laid but currently unused by a
25 third party that the third party is leasing for use as network
26 infrastructure.

1 (f) No vendor shall be eligible for renewal of a contract
2 when that vendor has failed to meet the goals agreed to in the
3 vendor's utilization plan unless the State agency has
4 determined that the vendor made good faith efforts toward
5 meeting the contract goals and has issued a waiver or that
6 vendor is not otherwise excused from compliance by the chief
7 procurement officer in consultation with the purchasing State
8 Agency. The form and content of the waiver shall be prescribed
9 by each chief procurement officer who shall maintain on his or
10 her official website a database of waivers granted under this
11 Section with respect to contracts under his or her
12 jurisdiction. The database shall be updated periodically and
13 shall be searchable by contractor name and by contracting State
14 agency or public institution of higher education.

15 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
16 101-81, eff. 7-12-19.)

17 (30 ILCS 500/35-30)

18 Sec. 35-30. Awards.

19 (a) All State contracts for professional and artistic
20 services, except as provided in this Section, shall be awarded
21 using the competitive request for proposal process outlined in
22 this Section.The scoring for requests for proposals shall
23 include the commitment to diversity factors and methodology
24 described in subsection (e-5) of Section 20-15.

25 (b) For each contract offered, the chief procurement

1 officer, State purchasing officer, or his or her designee shall
2 use the appropriate standard solicitation forms available from
3 the chief procurement officer for matters other than
4 construction or the higher education chief procurement
5 officer.

6 (c) Prepared forms shall be submitted to the chief
7 procurement officer for matters other than construction or the
8 higher education chief procurement officer, whichever is
9 appropriate, for publication in its Illinois Procurement
10 Bulletin and circulation to the chief procurement officer for
11 matters other than construction or the higher education chief
12 procurement officer's list of prequalified vendors. Notice of
13 the offer or request for proposal shall appear at least 14
14 calendar days before the response to the offer is due.

15 (d) All interested respondents shall return their
16 responses to the chief procurement officer for matters other
17 than construction or the higher education chief procurement
18 officer, whichever is appropriate, which shall open and record
19 them. The chief procurement officer for matters other than
20 construction or higher education chief procurement officer
21 then shall forward the responses, together with any information
22 it has available about the qualifications and other State work
23 of the respondents.

24 (e) After evaluation, ranking, and selection, the
25 responsible chief procurement officer, State purchasing
26 officer, or his or her designee shall notify the chief

1 procurement officer for matters other than construction or the
2 higher education chief procurement officer, whichever is
3 appropriate, of the successful respondent and shall forward a
4 copy of the signed contract for the chief procurement officer
5 for matters other than construction or higher education chief
6 procurement officer's file. The chief procurement officer for
7 matters other than construction or higher education chief
8 procurement officer shall publish the names of the responsible
9 procurement decision-maker, the agency letting the contract,
10 the successful respondent, a contract reference, and value of
11 the let contract in the next appropriate volume of the Illinois
12 Procurement Bulletin.

13 (f) For all professional and artistic contracts with
14 annualized value that exceeds \$100,000, evaluation and ranking
15 by price are required. Any chief procurement officer or State
16 purchasing officer, but not their designees, may select a
17 respondent other than the lowest respondent by price. In any
18 case, when the contract exceeds the \$100,000 threshold and the
19 lowest respondent is not selected, the chief procurement
20 officer or the State purchasing officer shall forward together
21 with the contract notice of who the low respondent by price was
22 and a written decision as to why another was selected to the
23 chief procurement officer for matters other than construction
24 or the higher education chief procurement officer, whichever is
25 appropriate. The chief procurement officer for matters other
26 than construction or higher education chief procurement

1 officer shall publish as provided in subsection (e) of Section
2 35-30, but shall include notice of the chief procurement
3 officer's or State purchasing officer's written decision.

4 (g) The chief procurement officer for matters other than
5 construction and higher education chief procurement officer
6 may each refine, but not contradict, this Section by
7 promulgating rules for submission to the Procurement Policy
8 Board and then to the Joint Committee on Administrative Rules.
9 Any refinement shall be based on the principles and procedures
10 of the federal Architect-Engineer Selection Law, Public Law
11 92-582 Brooks Act, and the Architectural, Engineering, and Land
12 Surveying Qualifications Based Selection Act; except that
13 pricing shall be an integral part of the selection process.

14 (Source: P.A. 100-43, eff. 8-9-17.)

15 (30 ILCS 500/50-85 new)

16 Sec. 50-85. Diversity training.(a) Each chief procurement
17 officer, State purchasing officer, procurement compliance
18 monitor, applicable support staff of each chief procurement
19 officer, State agency purchasing and contracting staff, those
20 identified under subsection (c) of Section 5-45 of the State
21 Officials and Employees Ethics Act who have the authority to
22 participate personally and substantially in the award of State
23 contracts, and any other State agency staff with substantial
24 procurement and contracting responsibilities as determined by
25 the chief procurement officer, in consultation with the State

1 agency, shall complete annual training for diversity and
2 inclusion. Each chief procurement officer shall prescribe the
3 program of diversity and inclusion training appropriate for
4 each chief procurement officer's jurisdiction.

5 Section 5-10. The Business Enterprise for Minorities,
6 Women, and Persons with Disabilities Act is amended by changing
7 Sections 4f and 6 as follows:

8 (30 ILCS 575/4f)

9 (Section scheduled to be repealed on June 30, 2024)

10 Sec. 4f. Award of State contracts.

11 (1) It is hereby declared to be the public policy of the
12 State of Illinois to promote and encourage each State agency
13 and public institution of higher education to use businesses
14 owned by minorities, women, and persons with disabilities in
15 the area of goods and services, including, but not limited to,
16 insurance services, investment management services,
17 information technology services, accounting services,
18 architectural and engineering services, and legal services.
19 Furthermore, each State agency and public institution of higher
20 education shall utilize such firms to the greatest extent
21 feasible within the bounds of financial and fiduciary prudence,
22 and take affirmative steps to remove any barriers to the full
23 participation of such firms in the procurement and contracting
24 opportunities afforded.

1 (a) When a State agency or public institution of higher
2 education, other than a community college, awards a
3 contract for insurance services, for each State agency or
4 public institution of higher education, it shall be the
5 aspirational goal to use insurance brokers owned by
6 minorities, women, and persons with disabilities as
7 defined by this Act, for not less than 20% of the total
8 annual premiums or fees; provided that, contracts
9 representing at least 11% of the total annual premiums or
10 fees shall be awarded to businesses owned by minorities;
11 contracts representing at least 7% of the total annual
12 premiums or fees shall be awarded to women-owned
13 businesses; and contracts representing at least 2% of the
14 total annual premiums or fees shall be awarded to
15 businesses owned by persons with disabilities.

16 (b) When a State agency or public institution of higher
17 education, other than a community college, awards a
18 contract for investment services, for each State agency or
19 public institution of higher education, it shall be the
20 aspirational goal to use emerging investment managers
21 owned by minorities, women, and persons with disabilities
22 as defined by this Act, for not less than 20% of the total
23 funds under management; provided that, contracts
24 representing at least 11% of the total funds under
25 management shall be awarded to businesses owned by
26 minorities; contracts representing at least 7% of the total

1 funds under management shall be awarded to women-owned
2 businesses; and contracts representing at least 2% of the
3 total funds under management shall be awarded to businesses
4 owned by persons with disabilities. Furthermore, it is the
5 aspirational goal that not less than 20% of the direct
6 asset managers of the State funds be minorities, women, and
7 persons with disabilities.

8 (c) When a State agency or public institution of higher
9 education, other than a community college, awards
10 contracts for information technology services, accounting
11 services, architectural and engineering services, and
12 legal services, for each State agency and public
13 institution of higher education, it shall be the
14 aspirational goal to use such firms owned by minorities,
15 women, and persons with disabilities as defined by this Act
16 and lawyers who are minorities, women, and persons with
17 disabilities as defined by this Act, for not less than 20%
18 of the total dollar amount of State contracts; provided
19 that, contracts representing at least 11% of the total
20 dollar amount of State contracts shall be awarded to
21 businesses owned by minorities or minority lawyers;
22 contracts representing at least 7% of the total dollar
23 amount of State contracts shall be awarded to women-owned
24 businesses or women who are lawyers; and contracts
25 representing at least 2% of the total dollar amount of
26 State contracts shall be awarded to businesses owned by

1 persons with disabilities or persons with disabilities who
2 are lawyers.

3 (d) When a community college awards a contract for
4 insurance services, investment services, information
5 technology services, accounting services, architectural
6 and engineering services, and legal services, it shall be
7 the aspirational goal of each community college to use
8 businesses owned by minorities, women, and persons with
9 disabilities as defined in this Act for not less than 20%
10 of the total amount spent on contracts for these services
11 collectively; provided that, contracts representing at
12 least 11% of the total amount spent on contracts for these
13 services shall be awarded to businesses owned by
14 minorities; contracts representing at least 7% of the total
15 amount spent on contracts for these services shall be
16 awarded to women-owned businesses; and contracts
17 representing at least 2% of the total amount spent on
18 contracts for these services shall be awarded to businesses
19 owned by persons with disabilities. When a community
20 college awards contracts for investment services,
21 contracts awarded to investment managers who are not
22 emerging investment managers as defined in this Act shall
23 not be considered businesses owned by minorities, women, or
24 persons with disabilities for the purposes of this Section.

25 (e) When a State agency or public institution of higher
26 education issues competitive solicitations and the award

1 history for a service or supply category shows awards to a
2 class of business owners that are underrepresented, the
3 Council shall determine the reason for the disparity and
4 shall identify potential and appropriate methods to
5 minimize or eliminate the cause for the disparity.

6 If any State agency or public institution of higher
7 education contract is eligible to be paid for or
8 reimbursed, in whole or in part, with federal-aid funds,
9 grants, or loans, and the provisions of this paragraph (e)
10 would result in the loss of those federal-aid funds,
11 grants, or loans, then the contract is exempt from the
12 provisions of this paragraph (e) in order to remain
13 eligible for those federal-aid funds, grants, or loans.

14 (2) As used in this Section:

15 "Accounting services" means the measurement,
16 processing and communication of financial information
17 about economic entities including, but is not limited to,
18 financial accounting, management accounting, auditing,
19 cost containment and auditing services, taxation and
20 accounting information systems.

21 "Architectural and engineering services" means
22 professional services of an architectural or engineering
23 nature, or incidental services, that members of the
24 architectural and engineering professions, and individuals
25 in their employ, may logically or justifiably perform,
26 including studies, investigations, surveying and mapping,

1 tests, evaluations, consultations, comprehensive planning,
2 program management, conceptual designs, plans and
3 specifications, value engineering, construction phase
4 services, soils engineering, drawing reviews, preparation
5 of operating and maintenance manuals, and other related
6 services.

7 "Emerging investment manager" means an investment
8 manager or claims consultant having assets under
9 management below \$10 billion or otherwise adjudicating
10 claims.

11 "Information technology services" means, but is not
12 limited to, specialized technology-oriented solutions by
13 combining the processes and functions of software,
14 hardware, networks, telecommunications, web designers,
15 cloud developing resellers, and electronics.

16 "Insurance broker" means an insurance brokerage firm,
17 claims administrator, or both, that procures, places all
18 lines of insurance, or administers claims with annual
19 premiums or fees of at least \$5,000,000 but not more than
20 \$10,000,000.

21 "Legal services" means work performed by a lawyer
22 including, but not limited to, contracts in anticipation of
23 litigation, enforcement actions, or investigations.

24 (3) Each State agency and public institution of higher
25 education shall adopt policies that identify its plan and
26 implementation procedures for increasing the use of service

1 firms owned by minorities, women, and persons with
2 disabilities.

3 (4) Except as provided in subsection (5), the Council shall
4 file no later than March 1 of each year an annual report to the
5 Governor, the Bureau on Apprenticeship Programs, and the
6 General Assembly. The report filed with the General Assembly
7 shall be filed as required in Section 3.1 of the General
8 Assembly Organization Act. This report shall: (i) identify the
9 service firms used by each State agency and public institution
10 of higher education, (ii) identify the actions it has
11 undertaken to increase the use of service firms owned by
12 minorities, women, and persons with disabilities, including
13 encouraging non-minority-owned firms to use other service
14 firms owned by minorities, women, and persons with disabilities
15 as subcontractors when the opportunities arise, (iii) state any
16 recommendations made by the Council to each State agency and
17 public institution of higher education to increase
18 participation by the use of service firms owned by minorities,
19 women, and persons with disabilities, and (iv) include the
20 following:

21 (A) For insurance services: the names of the insurance
22 brokers or claims consultants used, the total of risk
23 managed by each State agency and public institution of
24 higher education by insurance brokers, the total
25 commissions, fees paid, or both, the lines or insurance
26 policies placed, and the amount of premiums placed; and the

1 percentage of the risk managed by insurance brokers, the
2 percentage of total commission, fees paid, or both, the
3 lines or insurance policies placed, and the amount of
4 premiums placed with each by the insurance brokers owned by
5 minorities, women, and persons with disabilities by each
6 State agency and public institution of higher education.

7 (B) For investment management services: the names of
8 the investment managers used, the total funds under
9 management of investment managers; the total commissions,
10 fees paid, or both; the total and percentage of funds under
11 management of emerging investment managers owned by
12 minorities, women, and persons with disabilities,
13 including the total and percentage of total commissions,
14 fees paid, or both by each State agency and public
15 institution of higher education.

16 (C) The names of service firms, the percentage and
17 total dollar amount paid for professional services by
18 category by each State agency and public institution of
19 higher education.

20 (D) The names of service firms, the percentage and
21 total dollar amount paid for services by category to firms
22 owned by minorities, women, and persons with disabilities
23 by each State agency and public institution of higher
24 education.

25 (E) The total number of contracts awarded for services
26 by category and the total number of contracts awarded to

1 firms owned by minorities, women, and persons with
2 disabilities by each State agency and public institution of
3 higher education.

4 (5) For community college districts, the Business
5 Enterprise Council shall only report the following information
6 for each community college district: (i) the name of the
7 community colleges in the district, (ii) the name and contact
8 information of a person at each community college appointed to
9 be the single point of contact for vendors owned by minorities,
10 women, or persons with disabilities, (iii) the policy of the
11 community college district concerning certified vendors, (iv)
12 the certifications recognized by the community college
13 district for determining whether a business is owned or
14 controlled by a minority, woman, or person with a disability,
15 (v) outreach efforts conducted by the community college
16 district to increase the use of certified vendors, (vi) the
17 total expenditures by the community college district in the
18 prior fiscal year in the divisions of work specified in
19 paragraphs (a), (b), and (c) of subsection (1) of this Section
20 and the amount paid to certified vendors in those divisions of
21 work, and (vii) the total number of contracts entered into for
22 the divisions of work specified in paragraphs (a), (b), and (c)
23 of subsection (1) of this Section and the total number of
24 contracts awarded to certified vendors providing these
25 services to the community college district. The Business
26 Enterprise Council shall not make any utilization reports under

1 this Act for community college districts for Fiscal Year 2015
2 and Fiscal Year 2016, but shall make the report required by
3 this subsection for Fiscal Year 2017 and for each fiscal year
4 thereafter. The Business Enterprise Council shall report the
5 information in items (i), (ii), (iii), and (iv) of this
6 subsection beginning in September of 2016. The Business
7 Enterprise Council may collect the data needed to make its
8 report from the Illinois Community College Board.

9 (6) The status of the utilization of services shall be
10 discussed at each of the regularly scheduled Business
11 Enterprise Council meetings. Time shall be allotted for the
12 Council to receive, review, and discuss the progress of the use
13 of service firms owned by minorities, women, and persons with
14 disabilities by each State agency and public institution of
15 higher education; and any evidence regarding past or present
16 racial, ethnic, or gender-based discrimination which directly
17 impacts a State agency or public institution of higher
18 education contracting with such firms. If after reviewing such
19 evidence the Council finds that there is or has been such
20 discrimination against a specific group, race or sex, the
21 Council shall establish sheltered markets or adjust existing
22 sheltered markets tailored to address the Council's specific
23 findings for the divisions of work specified in paragraphs (a),
24 (b), and (c) of subsection (1) of this Section.

25 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

1 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

2 (Section scheduled to be repealed on June 30, 2024)

3 Sec. 6. Agency compliance plans. Each State agency and
4 public institutions of higher education under the jurisdiction
5 of this Act shall file with the Council an annual compliance
6 plan which shall outline the goals of the State agency or
7 public institutions of higher education for contracting with
8 businesses owned by minorities, women, and persons with
9 disabilities for the then current fiscal year, the manner in
10 which the agency intends to reach these goals and a timetable
11 for reaching these goals. The Council shall review and approve
12 the plan of each State agency and public institutions of higher
13 education and may reject any plan that does not comply with
14 this Act or any rules or regulations promulgated pursuant to
15 this Act.

16 (a) The compliance plan shall also include, but not be
17 limited to, (1) a policy statement, signed by the State agency
18 or public institution of higher education head, expressing a
19 commitment to encourage the use of businesses owned by
20 minorities, women, and persons with disabilities, (2) the
21 designation of the liaison officer provided for in Section 5 of
22 this Act, (3) procedures to distribute to potential contractors
23 and vendors the list of all businesses legitimately classified
24 as businesses owned by minorities, women, and persons with
25 disabilities and so certified under this Act, (4) procedures to
26 set separate contract goals on specific prime contracts and

1 purchase orders with subcontracting possibilities based upon
2 the type of work or services and subcontractor availability,
3 (5) procedures to assure that contractors and vendors make good
4 faith efforts to meet contract goals, (6) procedures for
5 contract goal exemption, modification and waiver, and (7) the
6 delineation of separate contract goals for businesses owned by
7 minorities, women, and persons with disabilities.

8 (b) Approval of the compliance plans shall include such
9 delegation of responsibilities to the requesting State agency
10 or public institution of higher education as the Council deems
11 necessary and appropriate to fulfill the purpose of this Act.
12 Such responsibilities may include, but need not be limited to
13 those outlined in subsections (1), (2) and (3) of Section 7,
14 paragraph (a) of Section 8, and Section 8a of this Act.

15 (c) Each State agency and public institution of higher
16 education under the jurisdiction of this Act shall file with
17 the Council an annual report of its utilization of businesses
18 owned by minorities, women, and persons with disabilities
19 during the preceding fiscal year including lapse period
20 spending and a mid-fiscal year report of its utilization to
21 date for the then current fiscal year. The reports shall
22 include a self-evaluation of the efforts of the State agency or
23 public institution of higher education to meet its goals under
24 the Act, as well as a plan to increase the diversity of the
25 vendors engaged in contracts with the State agency or public
26 institution of higher education, with a particular focus on the

1 most underrepresented in contract awards.

2 (d) Notwithstanding any provisions to the contrary in this
3 Act, any State agency or public institution of higher education
4 which administers a construction program, for which federal law
5 or regulations establish standards and procedures for the
6 utilization of minority-owned and women-owned businesses and
7 disadvantaged businesses, shall implement a disadvantaged
8 business enterprise program to include minority-owned and
9 women-owned businesses and disadvantaged businesses, using the
10 federal standards and procedures for the establishment of goals
11 and utilization procedures for the State-funded, as well as the
12 federally assisted, portions of the program. In such cases,
13 these goals shall not exceed those established pursuant to the
14 relevant federal statutes or regulations. Notwithstanding the
15 provisions of Section 8b, the Illinois Department of
16 Transportation is authorized to establish sheltered markets
17 for the State-funded portions of the program consistent with
18 federal law and regulations. Additionally, a compliance plan
19 which is filed by such State agency or public institution of
20 higher education pursuant to this Act, which incorporates
21 equivalent terms and conditions of its federally-approved
22 compliance plan, shall be deemed approved under this Act.
23 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

24

Article 10.

1 Section 10-5. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois is
3 amended by adding Section 605-1055 as follows:

4 (20 ILCS 605/605-1055 new)

5 Sec. 605-1055. Illinois SBIR/STTR Matching Funds Program.

6 (a) There is established the Illinois Small Business
7 Innovation Research (SBIR) and Small Business Technology
8 Transfer (STTR) Matching Funds Program to be administered by
9 the Department. In order to foster job creation and economic
10 development in the State, the Department may make grants to
11 eligible businesses to match funds received by the business as
12 an SBIR or STTR Phase I award and to encourage businesses to
13 apply for Phase II awards.

14 (b) In order to be eligible for a grant under this Section,
15 a business must satisfy all of the following conditions:

16 (1) The business must be a for-profit, Illinois-based
17 business. For the purposes of this Section, an
18 Illinois-based business is one that has its principal place
19 of business in this State;

20 (2) The business must have received an SBIR/STTR Phase
21 I award from a participating federal agency in response to
22 a specific federal solicitation. To receive the full match,
23 the business must also have submitted a final Phase I
24 report, demonstrated that the sponsoring agency has
25 interest in the Phase II proposal, and submitted a Phase II

1 proposal to the agency.

2 (3) The business must satisfy all federal SBIR/STTR
3 requirements.

4 (4) The business shall not receive concurrent funding
5 support from other sources that duplicates the purpose of
6 this Section.

7 (5) The business must certify that at least 51% of the
8 research described in the federal SBIR/STTR Phase II
9 proposal will be conducted in this State and that the
10 business will remain an Illinois-based business for the
11 duration of the SBIR/STTR Phase II project.

12 (6) The business must demonstrate its ability to
13 conduct research in its SBIR/STTR Phase II proposal.

14 (c) The Department may award grants to match the funds
15 received by a business through an SBIR/STTR Phase I proposal up
16 to a maximum of \$50,000. Seventy-five percent of the total
17 grant shall be remitted to the business upon receipt of the
18 SBIR/STTR Phase I award and application for funds under this
19 Section. Twenty-five percent of the total grant shall be
20 remitted to the business upon submission by the business of the
21 Phase II application to the funding agency and acceptance of
22 the Phase I report by the funding agency. A business may
23 receive only one grant under this Section per year. A business
24 may receive only one grant under this Section with respect to
25 each federal proposal submission. Over its lifetime, a business
26 may receive a maximum of 5 awards under this Section.

1 (d) A business shall apply, under oath, to the Department
2 for a grant under this Section on a form prescribed by the
3 Department that includes at least all of the following:

4 (1) the name of the business, the form of business
5 organization under which it is operated, and the names and
6 addresses of the principals or management of the business;

7 (2) an acknowledgment of receipt of the Phase I report
8 and Phase II proposal by the relevant federal agency; and

9 (3) any other information necessary for the Department
10 to evaluate the application.

11 Article 15.

12 Section 15-5. The Department of Central Management
13 Services Law of the Civil Administrative Code of Illinois is
14 amended by adding Section 405-535 as follows:

15 (20 ILCS 405/405-535 new)

16 Sec. 405-535. African Descent-Citizens Reparations
17 Commission.

18 (a) The African Descent-Citizens Reparations Commission is
19 hereby established within the Department of Central Management
20 Services.

21 (b) The Commission shall include the following members:

22 (1) the Governor or his or her designee;

23 (2) one member of the House of Representatives

1 appointed by the Speaker of the House of Representatives;

2 (3) one member of the Senate appointed by the President
3 of the Senate;

4 (4) one member of the House of Representatives
5 appointed by the Minority leader of the House of
6 Representatives;

7 (5) one member of the Senate appointed by the Minority
8 leader of the Senate;

9 (6) three representatives of a national coalition that
10 supports reparations for African Americans appointed by
11 the Governor; and

12 (7) ten members of the public appointed by the
13 Governor, at least 8 of whom are African American
14 descendants of slavery.

15 (c) Appointment of members to the Commission shall be made
16 within 60 days after the effective date of this amendatory Act
17 of the 101st General Assembly, with the first meeting of the
18 Commission to be held at a reasonable period of time
19 thereafter. The Chairperson of the Commission shall be elected
20 from among the members during the first meeting. Members of the
21 Commission shall serve without compensation, but may be
22 reimbursed for travel expenses. The 10 members of the public
23 appointed by the Governor shall be from diverse backgrounds,
24 including businesspersons and persons without high school
25 diplomas.

26 (d) Administrative support and staffing for the Commission

1 shall be provided by the Department of Central Management
2 Services. Any State agency under the jurisdiction of the
3 Governor shall provide testimony and documents as directed by
4 the Department.

5 (e) The Commission shall perform the following duties:

6 (1) develop and implement measures to ensure equity,
7 equality, and parity for African American descendants of
8 slavery;

9 (2) hold hearings to discuss the implementation of
10 measures to ensure equity, equality, and parity for African
11 American descendants of slavery;

12 (3) educate the public on reparations for African
13 American descendants of slavery;

14 (4) report to the General Assembly information and
15 findings regarding the work of the Commission under this
16 Section and the feasibility of reparations for Illinois
17 African American descendants of slavery, including any
18 recommendations on the subject; and

19 (5) discuss and perform actions regarding the
20 following issues:

21 (i) Preservation of African American neighborhoods
22 and communities through investment in business
23 development, home ownership, and affordable housing at
24 the median income of each neighborhood, with a full
25 range of housing services and strengthening of
26 institutions, which shall include, without limitation,

1 schools, parks, and community centers.

2 (ii) Building and development of a Vocational
3 Training Center for People of African
4 Descent-Citizens, with satellite centers throughout
5 the State, to address the racial disparity in the
6 building trades and the de-skilling of African
7 American labor through the historic discrimination in
8 the building trade unions. The Center shall also have
9 departments for legitimate activities in the informal
10 economy and apprenticeship.

11 (iii) Ensuring proportional economic
12 representation in all State contracts, including
13 reviews and updates of the State procurement and
14 contracting requirements and procedures with the
15 express goal of increasing the number of African
16 American vendors and contracts for services to an
17 equitable level reflecting their population in the
18 State.

19 (iv) Creation and enforcement of an Illinois
20 Slavery Era Disclosure Bill mandating that in addition
21 to disclosure, an affidavit must be submitted entitled
22 "Statement of Financial Reparations" that has been
23 negotiated between the Commission established under
24 this Section and a corporation or institution that
25 disclosed ties to the enslavement or injury of people
26 of African descent in the United States of America.

1 (f) Beginning January 1, 2022, and for each year
2 thereafter, the Commission shall submit a report regarding its
3 actions and any information as required under this Section to
4 the Governor and the General Assembly. The report of the
5 Commission shall also be made available to the public on the
6 Internet website of the Department of Central Management
7 Services.

8 Article 20.

9 Section 20-5. The Deposit of State Moneys Act is amended by
10 changing Section 22.5 as follows:

11 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

12 (For force and effect of certain provisions, see Section 90
13 of P.A. 94-79)

14 Sec. 22.5. Permitted investments. The State Treasurer may,
15 with the approval of the Governor, invest and reinvest any
16 State money in the treasury which is not needed for current
17 expenditures due or about to become due, in obligations of the
18 United States government or its agencies or of National
19 Mortgage Associations established by or under the National
20 Housing Act, 12 U.S.C. 1701 et seq., or in mortgage
21 participation certificates representing undivided interests in
22 specified, first-lien conventional residential Illinois
23 mortgages that are underwritten, insured, guaranteed, or

1 purchased by the Federal Home Loan Mortgage Corporation or in
2 Affordable Housing Program Trust Fund Bonds or Notes as defined
3 in and issued pursuant to the Illinois Housing Development Act.
4 All such obligations shall be considered as cash and may be
5 delivered over as cash by a State Treasurer to his successor.

6 The State Treasurer may, with the approval of the Governor,
7 purchase any state bonds with any money in the State Treasury
8 that has been set aside and held for the payment of the
9 principal of and interest on the bonds. The bonds shall be
10 considered as cash and may be delivered over as cash by the
11 State Treasurer to his successor.

12 The State Treasurer may, with the approval of the Governor,
13 invest or reinvest any State money in the treasury that is not
14 needed for current expenditure due or about to become due, or
15 any money in the State Treasury that has been set aside and
16 held for the payment of the principal of and the interest on
17 any State bonds, in shares, withdrawable accounts, and
18 investment certificates of savings and building and loan
19 associations, incorporated under the laws of this State or any
20 other state or under the laws of the United States; provided,
21 however, that investments may be made only in those savings and
22 loan or building and loan associations the shares and
23 withdrawable accounts or other forms of investment securities
24 of which are insured by the Federal Deposit Insurance
25 Corporation.

26 The State Treasurer may not invest State money in any

1 savings and loan or building and loan association unless a
2 commitment by the savings and loan (or building and loan)
3 association, executed by the president or chief executive
4 officer of that association, is submitted in the following
5 form:

6 The Savings and Loan (or Building
7 and Loan) Association pledges not to reject arbitrarily
8 mortgage loans for residential properties within any
9 specific part of the community served by the savings and
10 loan (or building and loan) association because of the
11 location of the property. The savings and loan (or building
12 and loan) association also pledges to make loans available
13 on low and moderate income residential property throughout
14 the community within the limits of its legal restrictions
15 and prudent financial practices.

16 The State Treasurer may, with the approval of the Governor,
17 invest or reinvest any State money in the treasury that is not
18 needed for current expenditures due or about to become due, or
19 any money in the State Treasury that has been set aside and
20 held for the payment of the principal of and interest on any
21 State bonds, in bonds issued by counties or municipal
22 corporations of the State of Illinois.

23 The State Treasurer may invest or reinvest up to 5% of the
24 College Savings Pool Administrative Trust Fund, the Illinois
25 Public Treasurer Investment Pool (IPTIP) Administrative Trust
26 Fund, and the State Treasurer's Administrative Fund that is not

1 needed for current expenditures due or about to become due, in
2 common or preferred stocks of publicly traded corporations,
3 partnerships, or limited liability companies, organized in the
4 United States, with assets exceeding \$500,000,000 if: (i) the
5 purchases do not exceed 1% of the corporation's or the limited
6 liability company's outstanding common and preferred stock;
7 (ii) no more than 10% of the total funds are invested in any
8 one publicly traded corporation, partnership, or limited
9 liability company; and (iii) the corporation or the limited
10 liability company has not been placed on the list of restricted
11 companies by the Illinois Investment Policy Board under Section
12 1-110.16 of the Illinois Pension Code.

13 The State Treasurer may, with the approval of the Governor,
14 invest or reinvest any State money in the Treasury which is not
15 needed for current expenditure, due or about to become due, or
16 any money in the State Treasury which has been set aside and
17 held for the payment of the principal of and the interest on
18 any State bonds, in participations in loans, the principal of
19 which participation is fully guaranteed by an agency or
20 instrumentality of the United States government; provided,
21 however, that such loan participations are represented by
22 certificates issued only by banks which are incorporated under
23 the laws of this State or any other state or under the laws of
24 the United States, and such banks, but not the loan
25 participation certificates, are insured by the Federal Deposit
26 Insurance Corporation.

1 Whenever the total amount of vouchers presented to the
2 Comptroller under Section 9 of the State Comptroller Act
3 exceeds the funds available in the General Revenue Fund by
4 \$1,000,000,000 or more, then the State Treasurer may invest any
5 State money in the Treasury, other than money in the General
6 Revenue Fund, Health Insurance Reserve Fund, Attorney General
7 Court Ordered and Voluntary Compliance Payment Projects Fund,
8 Attorney General Whistleblower Reward and Protection Fund, and
9 Attorney General's State Projects and Court Ordered
10 Distribution Fund, which is not needed for current
11 expenditures, due or about to become due, or any money in the
12 State Treasury which has been set aside and held for the
13 payment of the principal of and the interest on any State bonds
14 with the Office of the Comptroller in order to enable the
15 Comptroller to pay outstanding vouchers. At any time, and from
16 time to time outstanding, such investment shall not be greater
17 than \$2,000,000,000. Such investment shall be deposited into
18 the General Revenue Fund or Health Insurance Reserve Fund as
19 determined by the Comptroller. Such investment shall be repaid
20 by the Comptroller with an interest rate tied to the London
21 Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an
22 equivalent market established variable rate, but in no case
23 shall such interest rate exceed the lesser of the penalty rate
24 established under the State Prompt Payment Act or the timely
25 pay interest rate under Section 368a of the Illinois Insurance
26 Code. The State Treasurer and the Comptroller shall enter into

1 an intergovernmental agreement to establish procedures for
2 such investments, which market established variable rate to
3 which the interest rate for the investments should be tied, and
4 other terms which the State Treasurer and Comptroller
5 reasonably believe to be mutually beneficial concerning these
6 investments by the State Treasurer. The State Treasurer and
7 Comptroller shall also enter into a written agreement for each
8 such investment that specifies the period of the investment,
9 the payment interval, the interest rate to be paid, the funds
10 in the Treasury from which the Treasurer will draw the
11 investment, and other terms upon which the State Treasurer and
12 Comptroller mutually agree. Such investment agreements shall
13 be public records and the State Treasurer shall post the terms
14 of all such investment agreements on the State Treasurer's
15 official website. In compliance with the intergovernmental
16 agreement, the Comptroller shall order and the State Treasurer
17 shall transfer amounts sufficient for the payment of principal
18 and interest invested by the State Treasurer with the Office of
19 the Comptroller under this paragraph from the General Revenue
20 Fund or the Health Insurance Reserve Fund to the respective
21 funds in the Treasury from which the State Treasurer drew the
22 investment. Public Act 100-1107 shall constitute an
23 irrevocable and continuing authority for all amounts necessary
24 for the payment of principal and interest on the investments
25 made with the Office of the Comptroller by the State Treasurer
26 under this paragraph, and the irrevocable and continuing

1 authority for and direction to the Comptroller and Treasurer to
2 make the necessary transfers.

3 The State Treasurer may, with the approval of the Governor,
4 invest or reinvest any State money in the Treasury that is not
5 needed for current expenditure, due or about to become due, or
6 any money in the State Treasury that has been set aside and
7 held for the payment of the principal of and the interest on
8 any State bonds, in any of the following:

9 (1) Bonds, notes, certificates of indebtedness,
10 Treasury bills, or other securities now or hereafter issued
11 that are guaranteed by the full faith and credit of the
12 United States of America as to principal and interest.

13 (2) Bonds, notes, debentures, or other similar
14 obligations of the United States of America, its agencies,
15 and instrumentalities.

16 (2.5) Bonds, notes, debentures, or other similar
17 obligations of a foreign government, other than the
18 Republic of the Sudan, that are guaranteed by the full
19 faith and credit of that government as to principal and
20 interest, but only if the foreign government has not
21 defaulted and has met its payment obligations in a timely
22 manner on all similar obligations for a period of at least
23 25 years immediately before the time of acquiring those
24 obligations.

25 (3) Interest-bearing savings accounts,
26 interest-bearing certificates of deposit, interest-bearing

1 time deposits, or any other investments constituting
2 direct obligations of any bank as defined by the Illinois
3 Banking Act.

4 (4) Interest-bearing accounts, certificates of
5 deposit, or any other investments constituting direct
6 obligations of any savings and loan associations
7 incorporated under the laws of this State or any other
8 state or under the laws of the United States.

9 (5) Dividend-bearing share accounts, share certificate
10 accounts, or class of share accounts of a credit union
11 chartered under the laws of this State or the laws of the
12 United States; provided, however, the principal office of
13 the credit union must be located within the State of
14 Illinois.

15 (6) Bankers' acceptances of banks whose senior
16 obligations are rated in the top 2 rating categories by 2
17 national rating agencies and maintain that rating during
18 the term of the investment.

19 (7) Short-term obligations of either corporations or
20 limited liability companies organized in the United States
21 with assets exceeding \$500,000,000 if (i) the obligations
22 are rated at the time of purchase at one of the 3 highest
23 classifications established by at least 2 standard rating
24 services and mature not later than 270 days from the date
25 of purchase, (ii) the purchases do not exceed 10% of the
26 corporation's or the limited liability company's

1 outstanding obligations, (iii) no more than one-third of
2 the public agency's funds are invested in short-term
3 obligations of either corporations or limited liability
4 companies, and (iv) the corporation or the limited
5 liability company has not been placed on the list of
6 restricted companies by the Illinois Investment Policy
7 Board under Section 1-110.16 of the Illinois Pension Code.

8 (7.5) Obligations of either corporations or limited
9 liability companies organized in the United States, that
10 have a significant presence in this State, with assets
11 exceeding \$500,000,000 if: (i) the obligations are rated at
12 the time of purchase at one of the 3 highest
13 classifications established by at least 2 standard rating
14 services and mature more than 270 days, but less than 10
15 years, from the date of purchase; (ii) the purchases do not
16 exceed 10% of the corporation's or the limited liability
17 company's outstanding obligations; (iii) no more than
18 one-third of the public agency's funds are invested in such
19 obligations of corporations or limited liability
20 companies; and (iv) the corporation or the limited
21 liability company has not been placed on the list of
22 restricted companies by the Illinois Investment Policy
23 Board under Section 1-110.16 of the Illinois Pension Code.

24 (8) Money market mutual funds registered under the
25 Investment Company Act of 1940.

26 (9) The Public Treasurers' Investment Pool created

1 under Section 17 of the State Treasurer Act or in a fund
2 managed, operated, and administered by a bank.

3 (10) Repurchase agreements of government securities
4 having the meaning set out in the Government Securities Act
5 of 1986, as now or hereafter amended or succeeded, subject
6 to the provisions of that Act and the regulations issued
7 thereunder.

8 (11) Investments made in accordance with the
9 Technology Development Act.

10 (12) Investments made in accordance with the Student
11 Investment Account Act.

12 (13) Investments constituting direct obligations of a
13 community development financial institution, which is
14 certified by the United States Treasury Community
15 Development Financial Institutions Fund and is operating
16 in the State of Illinois.

17 (14) Investments constituting direct obligations of a
18 minority depository institution, as designated by the
19 Federal Deposit Insurance Corporation, that is operating
20 in the State of Illinois.

21 For purposes of this Section, "agencies" of the United
22 States Government includes:

23 (i) the federal land banks, federal intermediate
24 credit banks, banks for cooperatives, federal farm credit
25 banks, or any other entity authorized to issue debt
26 obligations under the Farm Credit Act of 1971 (12 U.S.C.

1 2001 et seq.) and Acts amendatory thereto;

2 (ii) the federal home loan banks and the federal home
3 loan mortgage corporation;

4 (iii) the Commodity Credit Corporation; and

5 (iv) any other agency created by Act of Congress.

6 The Treasurer may, with the approval of the Governor, lend
7 any securities acquired under this Act. However, securities may
8 be lent under this Section only in accordance with Federal
9 Financial Institution Examination Council guidelines and only
10 if the securities are collateralized at a level sufficient to
11 assure the safety of the securities, taking into account market
12 value fluctuation. The securities may be collateralized by cash
13 or collateral acceptable under Sections 11 and 11.1.

14 (Source: P.A. 100-1107, eff. 8-27-18; 101-81, eff. 7-12-19;
15 101-206, eff. 8-2-19; 101-586, eff. 8-26-19; revised 9-25-19.)

16 Article 25.

17 Section 25-5. The Department of Central Management
18 Services Law of the Civil Administrative Code of Illinois is
19 amended by adding Section 405-535 as follows:

20 (20 ILCS 405/405-535 new)

21 Sec. 405-535. Race and gender wage reports.

22 (a) Each State agency and public institution of higher
23 education shall annually submit to the Department a report,

1 categorized by both race and gender, specifying the respective
2 wage earnings of employees of that State agency or public
3 institution of higher education.

4 (b) The Department shall compile the information submitted
5 under this Section, and make that information available to the
6 public on the Internet website of the Department.

7 (c) The Department shall annually submit a report of the
8 information compiled under this Section to the Governor, the
9 General Assembly, and the Business Enterprise Council for
10 Minorities, Women, and Persons with Disabilities.

11 (d) As used in this Section:

12 "Public institution of higher education" has the meaning
13 provided in Section 1 of the Board of Higher Education Act.

14 "State agency" has the meaning provided in subsection (b)
15 of Section 405-5.

16 Section 25-10. The Business Enterprise for Minorities,
17 Women, and Persons with Disabilities Act is amended by adding
18 Section 8k as follows:

19 (30 ILCS 575/8k new)

20 Sec. 8k. Race and gender wage report. The Department of
21 Central Management Services shall annually submit a report to
22 the Council, categorized by both race and gender, specifying
23 the respective wage earnings of State employees as compiled
24 under Section 405-535 of the Department of Central Management

1 Law of the Civil Administrative Code of Illinois.

2 Article 30.

3 Section 30-1. Short title. This Act may be cited as the
4 Community Development Loan Guarantee Act. References in this
5 Article to "this Act" mean this Article.

6 Section 30-5. Policy. The General Assembly finds that it is
7 vital for the State to invest in community economic
8 development, particularly in communities which have been
9 historically excluded from investment opportunities due to
10 redlining, discriminatory banking practices, and racism. The
11 purpose of this Act is to establish a Program for guaranteeing
12 small business loans and consumer loans to borrowers who would
13 otherwise not qualify in communities of color and low-income
14 communities.

15 Section 30-10. Definitions. As used in this Act:

16 "Financial institution" means a bank, a savings and loan
17 association, a savings bank, a credit union, a minority
18 depository institution as designated by the Federal Deposit
19 Insurance Corporation, or a community development financial
20 institution certified by the United States Treasury Community
21 Development Financial Institutions Fund, which is operating in
22 the State of Illinois.

1 "Loan Guarantee Account" means an account at a financial
2 institution outside the State Treasury of which the State
3 Treasurer is custodian with the purpose of guaranteeing loans
4 made by a financial institution in accordance with this Act.

5 Section 30-15. Establishment of the Loan Guarantee
6 Program. The State Treasurer may establish at any eligible
7 financial institution a Loan Guarantee Account as a special
8 account outside the State treasury and with the State Treasurer
9 as custodian. This Account may be used to cover the losses on
10 guaranteed loans at the participating financial institution.

11 Section 30-20. Eligible institutions. The State Treasurer
12 shall determine the eligibility of financial institutions to
13 participate in the Program. In addition to any other
14 requirements of this Act and in accordance with any applicable
15 federal law or program, the State Treasurer in determining
16 eligibility of financial institutions shall consider (i) the
17 financial institution's commitment to low-income communities
18 as defined in Section 45D(e) of the Internal Revenue Code of
19 1986 codified at 26 U.S.C. Section 45D(e), and (ii) the
20 financial institution's commitment to communities considered
21 disproportionately impacted areas, depressed areas, or
22 enterprise zones as determined, designated, or certified by the
23 Department of Commerce and Economic Opportunity in accordance
24 with any applicable federal law or program.

1 Section 30-25. Fees. The State Treasurer may establish, as
2 a component of the Program, fees of no more than 5% of the
3 total guaranteed loan amount. The fees shall be deposited into
4 the Loan Guarantee Account.

5 Section 30-30. Use of the Loan Guarantee Account.

6 (a) Moneys in the Account may be used by the participating
7 financial institution to cover losses on guaranteed loans up to
8 the full amount in the Account or the amount of loss, whichever
9 is lesser. The State of Illinois and the State Treasurer shall
10 not be responsible for any losses in excess of the full amount
11 in the Loan Guarantee Account at the financial institution.

12 (b) The State Treasurer may set a cap on the total funds
13 held in any Loan Guarantee Account at any participating
14 financial institution. Funds in excess of the cap may be
15 withdrawn by the Treasurer.

16 (c) The State Treasurer shall withdraw the full amount in
17 the Account in the event the Loan Guarantee Program is
18 discontinued, or the financial institution leaves the Program.

19 Section 30-35. Limitations on Funding. The State Treasurer
20 may use up to \$10,000,000 of investment earnings each year for
21 the Loan Guarantee Program, provided that no more than
22 \$50,000,000 may be used for guaranteeing loans at any given
23 time.

1 Section 30-40. Rules. The State Treasurer shall adopt rules
2 that are necessary and proper to implement and administer this
3 Act including, but not limited to, fees and eligibility.

4 Article 35.

5 Section 35-1. Short title. This Act may be cited as the
6 Illinois Community Reinvestment Act. References in this
7 Article to "this Act" mean this Article.

8 Section 35-5. Definitions. As used in this Act:

9 "Covered financial institution" means a bank chartered
10 under the Illinois Banking Act, a savings bank chartered under
11 the Illinois Savings Bank Act, a credit union incorporated
12 under the Illinois Credit Union Act, an entity licensed under
13 the Illinois Residential Mortgage License Act of 1987 which
14 lent or originated 50 or more residential mortgage loans in the
15 previous calendar year, and any other financial institution
16 under the jurisdiction of the Department as designated by rule
17 by the Secretary.

18 "Department" means the Department of Financial and
19 Professional Regulation.

20 "Division of Banking" means the Division of Banking within
21 the Department.

22 "Division of Financial Institutions" means the Division of

1 Financial Institutions within the Department.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation, or his or her designee, including the
4 Director of the Division of Banking or the Director of the
5 Division of Financial Institutions.

6 Section 35-10. Financial services needs of local
7 communities; assessment factors.

8 (a) Each covered financial institution shall have a
9 continuing and affirmative obligation to meet the financial
10 services needs of the communities in which its offices,
11 branches, and other facilities are maintained, consistent with
12 the safe and sound operation of the financial institution, and
13 for credit unions, consistent with its common bond. In
14 addition, each covered financial institution that provides all
15 or a majority of its products and services via mobile and other
16 digital channels shall have a continuing and affirmative
17 obligation to help meet the financial services needs of
18 deposit-based assessment areas, including areas contiguous
19 thereto, low-income and moderate-income neighborhoods, and
20 areas where there is a lack of access to safe and affordable
21 banking and lending services, consistent with the safe and
22 sound operation of such financial institutions, and for credit
23 unions, consistent with its common bond.

24 (b) The Secretary shall assess the record of each covered
25 financial institution in satisfying its obligation under

1 subsection (a). To assist in carrying out this Act, the
2 Secretary shall adopt rules incorporating the regulations
3 applicable to covered financial institutions under federal
4 law, and the Secretary may make such adjustments and exceptions
5 thereto as are deemed necessary.

6 (c) In addition, the Secretary shall adopt rules providing
7 for an assessment of the following factors pertaining to
8 whether covered financial institutions are meeting the
9 financial services needs of local communities:

10 (1) activities to ascertain the financial services
11 needs of the community, including communication with
12 community members regarding the financial services
13 provided;

14 (2) extent of marketing to make members of the
15 community aware of the financial services offered;

16 (3) origination of mortgage loans, including, but not
17 limited to, home improvement and rehabilitation loans, and
18 other efforts to assist existing low-income and
19 moderate-income residents to be able to remain in
20 affordable housing in their neighborhoods;

21 (4) for small business lenders, the origination of
22 loans to businesses with gross annual revenues of
23 \$1,000,000 or less, particularly those in low-income and
24 moderate-income neighborhoods;

25 (5) participation, including investments, in community
26 development and redevelopment programs, small business

1 technical assistance programs, minority-owned depository
2 institutions, community development financial
3 institutions, and mutually-owned financial institutions;

4 (6) efforts working with delinquent customers to
5 facilitate a resolution of the delinquency;

6 (7) origination of loans that show an undue
7 concentration and a systematic pattern of lending
8 resulting in the loss of affordable housing units;

9 (8) evidence of discriminatory and prohibited
10 practices; and

11 (9) such other factors or requirements as in the
12 judgment of the Secretary reasonably bear upon the extent
13 to which a covered financial institution is meeting the
14 financial services needs of its entire community,
15 including responsiveness to community needs as reflected
16 by public comments.

17 Section 35-15. Examinations.

18 (a) The Secretary shall have the authority to examine each
19 covered financial institution for compliance with this Act, in
20 consultation with State and federal regulators with an
21 appropriate regulatory interest, for and in compliance with
22 applicable State and federal fair lending laws, including, but
23 not limited to, the Illinois Human Rights Act, the federal
24 Equal Credit Opportunity Act, and the federal Home Mortgage
25 Disclosure Act, as often as the Secretary deems necessary and

1 proper. The Secretary may adopt rules with respect to the
2 frequency and manner of examination including the imposition of
3 examination fees. The Secretary shall appoint a suitable person
4 to perform such examination. The Secretary and his or her
5 appointees may examine the entire books, records, documents,
6 and operations of each covered financial institution, its
7 parent company, and its subsidiaries, affiliates, or agents,
8 and may examine any of the covered financial institution's, its
9 parent company's or its subsidiaries', affiliates', or agents'
10 officers, directors, employees, and agents under oath. Any
11 document or record prepared or obtained in connection with or
12 relating to any such examination, and any record prepared or
13 obtained by the Secretary to the extent that the record
14 summarizes or contains information derived from any document or
15 record described in this subsection (a), shall not be disclosed
16 to the public unless otherwise provided by this Act.

17 (b) Upon the completion of the examination of a covered
18 financial institution under this Section, the Secretary shall
19 prepare a written evaluation of the covered financial
20 institution's record of performance relative to this Act. Each
21 written evaluation required under this subsection (b) shall
22 have a public section, which shall include no less information
23 than would be disclosed in a written evaluation under the
24 federal Community Reinvestment Act, and a confidential
25 section. The Secretary shall give the covered financial
26 institution an opportunity to comment on the evaluation, and

1 then shall make the public section of the written evaluation
2 open to public inspection upon request. The written evaluation
3 shall include, but is not limited to:

4 (1) the assessment factors utilized to determine the
5 covered financial institution's descriptive rating;

6 (2) the Secretary's conclusions with respect to each
7 such assessment factor;

8 (3) a discussion of the facts supporting such
9 conclusions;

10 (4) the covered financial institution's descriptive
11 rating and the basis therefor; and

12 (5) a summary of public comments.

13 (c) Based upon the examination, the covered financial
14 institution shall be assigned one of the following ratings:

15 (1) outstanding record of performance in meeting its
16 community financial services needs;

17 (2) satisfactory record of performance in meeting its
18 community financial services needs;

19 (3) needs to improve record of performance in meeting
20 its community services needs; or

21 (4) substantial noncompliance in meeting its community
22 financial services needs.

23 (d) Notwithstanding the foregoing provisions of this
24 Section, the Secretary may establish an alternative
25 examination procedure for any covered financial institution,
26 which, as of the most recent examination, has been assigned a

1 rating of outstanding or satisfactory for its record of
2 performance in meeting its community financial services needs.

3 Section 35-20. Public notice. Each covered financial
4 institution shall provide, in the public lobby of each of its
5 offices, if any, and on its website, a public notice that is
6 substantially similar to the following:

7 "STATE OF ILLINOIS

8 COMMUNITY REINVESTMENT NOTICE

9 The Department of Financial and Professional Regulation
10 (Department) evaluates our performance in meeting the
11 financial services needs of this community, including the needs
12 of low-income to moderate-income households. The Department
13 takes this evaluation into account when deciding on certain
14 applications submitted by us for approval by the Department.
15 Your involvement is encouraged. You may obtain a copy of our
16 evaluation. You may also submit signed, written comments about
17 our performance in meeting community financial services needs
18 to the Department."

19 Section 35-25. Cooperative agreements.

20 (a) For the purposes of this Act, the Secretary may conduct
21 any examinations under this Act with State, other state, and
22 federal regulators, and may enter into cooperative agreements
23 relative to the coordination of or joint participation in any

1 such examinations, the amount and assessment of fees therefor
2 or enforcement actions relevant thereto, and may accept reports
3 of examinations by such regulators under such arrangements or
4 agreements.

5 (b) Nothing in this Section shall be construed as limiting
6 in any way the authority of the Secretary to independently
7 conduct examinations of and enforcement actions against any
8 covered financial institution.

9 (c) Any coordination or joint participation established
10 under this Section may seek to promote efficient regulation and
11 effect cost reductions for the Department and covered financial
12 institutions. Any information or material shared for purposes
13 of such coordination or joint participation shall continue to
14 be subject to the requirements under any federal law or State
15 law regarding the privacy or confidentiality of the information
16 or material, and any privilege arising under federal or State
17 law, including the rules of any federal or State court, with
18 respect to the information or material, shall continue to apply
19 to the information or material, but any such coordination or
20 joint participation shall not limit public participation as
21 permitted under certain federal regulations.

22 Section 35-30. Corporate activities and renewal
23 applications. In considering an application for the
24 establishment of a branch, office, or other facility, the
25 relocation of a main office, branch, office, or other facility,

1 a license renewal, change in control of a covered financial
2 institution, or a merger or consolidation with or the
3 acquisition of assets or assumption of liabilities of any
4 covered financial institution, out-of-state bank, credit
5 union, or residential mortgage licensee, national bank or
6 credit union, or foreign financial institution, the Secretary
7 shall consider, but not be limited to, the record of
8 performance of the covered financial institution and its parent
9 company, including all subsidiaries thereof, relative to this
10 Act. The record of performance of the covered financial
11 institution may be the basis for the denial of any such
12 application.

13 Section 35-35. Rules. In addition to such powers as may be
14 prescribed by this Act, the Secretary is hereby authorized and
15 empowered to adopt rules consistent with the purposes of this
16 Act, including, but not limited to: (i) rules in connection
17 with the lending, service, and investment activities of covered
18 financial institutions as may be necessary and appropriate for
19 promoting access to appropriate financial services for all
20 communities in this State; (ii) rules as may be necessary and
21 appropriate to define fair lending practices in connection with
22 the activities of covered financial institutions in this State;
23 (iii) rules that define the terms used in this Act and as may
24 be necessary and appropriate to interpret and implement the
25 provisions of this Act; (iv) rules that create a public

1 comments process; and (v) rules as may be necessary for the
2 enforcement of this Act.

3 Section 35-40. Superiority of Act. To the extent this Act
4 conflicts with any other State law, this Act is superior and
5 supersedes those laws; provided that, nothing herein shall
6 apply to any lender that is a bank, savings bank, savings and
7 loan association, or credit union chartered under the laws of
8 the United States.

9 Section 35-45. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 35-100. The Deposit of State Moneys Act is amended
12 by changing Section 16.3 as follows:

13 (15 ILCS 520/16.3)

14 Sec. 16.3. Consideration of financial institution's
15 commitment to its community.

16 (a) In addition to any other requirements of this Act, the
17 State Treasurer shall ~~is authorized to~~ consider the financial
18 institution's record and current level of financial commitment
19 to its local community when deciding whether to deposit State
20 funds in that financial institution. The State Treasurer may
21 consider factors including, but not necessarily limited to:

22 (1) for financial institutions subject to the federal

1 Community Reinvestment Act of 1977, the current and
2 historical ratings that the financial institution has
3 received, to the extent that those ratings are publicly
4 available, under the federal Community Reinvestment Act of
5 1977;

6 (2) any changes in ownership, management, policies, or
7 practices of the financial institution that may affect the
8 level of the financial institution's commitment to its
9 community;

10 (3) the financial impact that the withdrawal or denial
11 of deposits of State funds might have on the financial
12 institution; and

13 (4) the financial impact to the State as a result of
14 withdrawing State funds or refusing to deposit additional
15 State funds in the financial institution.

16 (a-5) Effective January 1, 2022, no State funds may be
17 deposited in a financial institution subject to the federal
18 Community Reinvestment Act of 1977 unless the institution has a
19 current rating of satisfactory or outstanding under the
20 Community Reinvestment Act of 1977.

21 (a-10) When investing or depositing State funds, the State
22 Treasurer may give preference to financial institutions that
23 have a current rating of outstanding under the federal
24 Community Reinvestment Act of 1977.

25 (b) Nothing in this Section shall be construed as
26 authorizing the State Treasurer to conduct an examination or

1 investigation of a financial institution or to receive
2 information that is not publicly available and the disclosure
3 of which is otherwise prohibited by law.

4 (Source: P.A. 93-251, eff. 7-1-04.)

5 Section 35-105. The Public Funds Investment Act is amended
6 by changing Section 8 as follows:

7 (30 ILCS 235/8)

8 Sec. 8. Consideration of financial institution's
9 commitment to its community.

10 (a) In addition to any other requirements of this Act, a
11 public agency shall ~~is authorized to~~ consider the financial
12 institution's record and current level of financial commitment
13 to its local community when deciding whether to deposit public
14 funds in that financial institution. The public agency may
15 consider factors including, but not necessarily limited to:

16 (1) for financial institutions subject to the federal
17 Community Reinvestment Act of 1977, the current and
18 historical ratings that the financial institution has
19 received, to the extent that those ratings are publicly
20 available, under the federal Community Reinvestment Act of
21 1977;

22 (2) any changes in ownership, management, policies, or
23 practices of the financial institution that may affect the
24 level of the financial institution's commitment to its

1 community;

2 (3) the financial impact that the withdrawal or denial
3 of deposits of public funds might have on the financial
4 institution;

5 (4) the financial impact to the public agency as a
6 result of withdrawing public funds or refusing to deposit
7 additional public funds in the financial institution; and

8 (5) any additional burden on the resources of the
9 public agency that might result from ceasing to maintain
10 deposits of public funds at the financial institution under
11 consideration.

12 (a-5) Effective January 1, 2022, no public funds may be
13 deposited in a financial institution subject to the federal
14 Community Reinvestment Act of 1977 unless the institution has a
15 current rating of satisfactory or outstanding under the
16 Community Reinvestment Act of 1977.

17 (a-10) When investing or depositing public funds, the
18 public agency may give preference to financial institutions
19 that have a current rating of outstanding under the federal
20 Community Reinvestment Act of 1977.

21 (b) Nothing in this Section shall be construed as
22 authorizing the public agency to conduct an examination or
23 investigation of a financial institution or to receive
24 information that is not publicly available and the disclosure
25 of which is otherwise prohibited by law.

26 (Source: P.A. 93-251, eff. 7-1-04.)

1 Article 40.

2 Section 40-1. Short title. This Act may be cited as the
3 Commission on Equity and Inclusion Act. References in this
4 Article to "this Act" mean this Article.

5 Section 40-5. Commission on Equity and Inclusion.

6 (a) There is hereby created the Commission on Equity and
7 Inclusion, which shall consist of 7 members appointed by the
8 Governor with the advice and consent of the Senate. No more
9 than 4 members shall be of the same political party. The
10 Governor shall designate one member as chairperson, who shall
11 be the chief administrative and executive officer of the
12 Commission, and shall have general supervisory authority over
13 all personnel of the Commission.

14 (b) Of the members first appointed, 4 shall be appointed
15 for a term to expire on the third Monday of January, 2023, and
16 3 (including the Chairperson) shall be appointed for a term to
17 expire on the third Monday of January, 2025.

18 Thereafter, each member shall serve for a term of 4 years
19 and until his or her successor is appointed and qualified;
20 except that any member chosen to fill a vacancy occurring
21 otherwise than by expiration of a term shall be appointed only
22 for the unexpired term of the member whom he or she shall
23 succeed and until his or her successor is appointed and

1 qualified.

2 (c) In case of a vacancy on the Commission during the
3 recess of the Senate, the Governor shall make a temporary
4 appointment until the next meeting of the Senate, when he or
5 she shall appoint a person to fill the vacancy. Any person so
6 nominated who is confirmed by the Senate shall hold office
7 during the remainder of the term and until his or her successor
8 is appointed and qualified. Vacancies in the Commission shall
9 not impair the right of the remaining members to exercise all
10 the powers of the Commission.

11 (d) The Chairperson of the Commission shall be compensated
12 at the rate of \$128,000 per year, or as otherwise set by this
13 Section, during his or her service as Chairperson, and each
14 other member shall be compensated at the rate of \$121,856 per
15 year, or as otherwise set by this Section. In addition, all
16 members of the Commission shall be reimbursed for expenses
17 actually and necessarily incurred by them in the performance of
18 their duties. Members of the Commission are eligible to receive
19 pension under the State Employees' Retirement System of
20 Illinois as provided under Article 14 of the Illinois Pension
21 Code.

22 (e) The budget established for the Commission for any given
23 fiscal year shall be no less than that established for the
24 Human Rights Commission for that same fiscal year.

25 Section 40-10. Powers and duties. In addition to the other

1 powers and duties which may be prescribed in this Act or
2 elsewhere, the Commission shall have the following powers and
3 duties:

4 (1) The Commission shall have a role in all State and
5 university procurement by facilitating and streamlining
6 communications between the Business Enterprise Council for
7 Minorities, Women, and Persons with Disabilities, the
8 purchasing entities, the Chief Procurement Officers, and
9 others.

10 (2) The Commission may create a scoring evaluation for
11 State agency directors, public university presidents and
12 chancellors, and public community college presidents. The
13 scoring shall be based on the following 3 principles: (i)
14 increasing capacity; (ii) growing revenue; and (iii)
15 enhancing credentials. These principles should be the
16 foundation of the agency compliance plan required under
17 Section 6 of the Business Enterprise for Minorities, Women,
18 and Persons with Disabilities Act.

19 (4) The Commission shall exercise the oversight powers
20 and duties provided to it under Section 5-7 of the Illinois
21 Procurement Code.

22 (5) The Commission, working with State agencies, shall
23 provide support for diversity in State hiring.

24 (6) The Commission shall oversee the implementation of
25 diversity training of the State workforce.

26 (7) Each January, and as otherwise frequently as may be

1 deemed necessary and appropriate by the Commission, the
2 Commission shall propose and submit to the Governor and the
3 General Assembly legislative changes to increase inclusion
4 and diversity in State government.

5 (8) The Commission shall have oversight over the
6 following entities:

7 (A) the Illinois African-American Family
8 Commission;

9 (B) the Illinois Latino Family Commission;

10 (C) the Asian American Family Commission;

11 (D) the Illinois Muslim American Advisory Council;

12 (E) the Illinois African-American Fair Contracting
13 Commission created under Executive Order 2018-07; and

14 (F) the Business Enterprise Council for
15 Minorities, Women, and Persons with Disabilities.

16 (9) The Commission shall adopt any rules necessary for
17 the implementation and administration of the requirements
18 of this Act.

19 Section 40-100. The Department of Transportation Law of the
20 Civil Administrative Code of Illinois is amended by adding
21 Section 2705-597 as follows:

22 (20 ILCS 2705/2705-597 new)

23 Sec. 2705-597. Equal Employment Opportunity Contract
24 Compliance Officers. Notwithstanding any Department policy or

1 rule to the contrary, the Secretary shall have jurisdiction
2 over all Equal Employment Opportunity Contract Compliance
3 Officers within the Department, or within districts controlled
4 by the Department, and shall be responsible for the evaluation
5 of such officers.

6 Section 40-105. The Illinois African-American Family
7 Commission Act is amended by changing Section 30 and by adding
8 Section 35 as follows:

9 (20 ILCS 3903/30)

10 Sec. 30. Reporting. The Illinois African-American Family
11 Commission shall annually report to the Governor, ~~and~~ the
12 General Assembly, and the Commission on Equity and Inclusion on
13 the Commission's progress toward its goals and objectives.

14 (Source: P.A. 93-867, eff. 8-5-04.)

15 (20 ILCS 3903/35 new)

16 Sec. 35. Oversight. Notwithstanding any provision of law
17 to the contrary, the Commission on Equity and Inclusion
18 established under the Commission on Equity and Inclusion Act
19 shall have general oversight of the operations of the Illinois
20 African-American Family Commission.

21 Section 40-110. The Asian American Family Commission Act is
22 amended by changing Section 20 and by adding Section 25 as

1 follows:

2 (20 ILCS 3916/20)

3 Sec. 20. Report. The Asian American Family Commission shall
4 annually report to the Governor, ~~and~~ the General Assembly, and
5 the Commission on Equity and Inclusion on the Commission's
6 progress toward its goals and objectives.

7 (Source: P.A. 101-392, eff. 1-1-20.)

8 (20 ILCS 3916/25 new)

9 Sec. 25. Oversight. Notwithstanding any provision of law to
10 the contrary, the Commission on Equity and Inclusion
11 established under the Commission on Equity and Inclusion Act
12 shall have general oversight of the operations of the Asian
13 American Family Commission.

14 Section 40-115. The Illinois Latino Family Commission Act
15 is amended by changing Section 30 and by adding Section 35 as
16 follows:

17 (20 ILCS 3983/30)

18 Sec. 30. Reporting. The Illinois Latino Family Commission
19 shall annually report to the Governor, ~~and~~ the General
20 Assembly, and the Commission on Equity and Inclusion on the
21 Commission's progress towards its goals and objectives.

22 (Source: P.A. 95-619, eff. 9-14-07.)

1 (20 ILCS 3983/35 new)

2 Sec. 35. Oversight. Notwithstanding any provision of law to
3 the contrary, the Commission on Equity and Inclusion
4 established under the Commission on Equity and Inclusion Act
5 shall have general oversight of the operations of the Illinois
6 Latino Family Commission.

7 Section 40-120. The Illinois Muslim American Advisory
8 Council Act is amended by changing Section 30 and by adding
9 Section 35 as follows:

10 (20 ILCS 5110/30)

11 Sec. 30. Reports. The Council shall issue semi-annual
12 reports on its policy recommendations by June 30th and December
13 31st of each year to the Governor, ~~and~~ the General Assembly,
14 and the Commission on Equity and Inclusion.

15 (Source: P.A. 100-459, eff. 8-25-17.)

16 (20 ILCS 5110/35 new)

17 Sec. 35. Oversight. Notwithstanding any provision of law to
18 the contrary, the Commission on Equity and Inclusion
19 established under the Commission on Equity and Inclusion Act
20 shall have general oversight of the operations of the Council.

21 Section 40-125. The Illinois Procurement Code is amended by

1 changing Sections 5-30, 10-20, 20-10, 20-25, 20-30, 20-60,
2 35-15, 35-30, 40-20, 50-20, and 50-35 and by adding Section 5-7
3 as follows:

4 (30 ILCS 500/5-7 new)

5 Sec. 5-7. Commission on Equity and Inclusion; powers and
6 duties.

7 (a) The Commission on Equity and Inclusion, as created
8 under the Commission on Equity and Inclusion Act, shall have
9 the powers and duties provided under this Section with respect
10 to this Code. Nothing in this Section shall be construed as
11 overriding the authority and duties of the Procurement Policy
12 Board as provided under Section 5-5. The powers and duties of
13 the Commission as provided under this Section shall be
14 exercised alongside, but independent of, that of the
15 Procurement Policy Board.

16 (b) The Commission on Equity and Inclusion shall have the
17 authority and responsibility to review, comment upon, and
18 recommend, consistent with this Code, rules and practices
19 governing the procurement, management, control, and disposal
20 of supplies, services, professional or artistic services,
21 construction, and real property and capital improvement leases
22 procured by the State. The Commission on Equity and Inclusion
23 shall also have the authority to recommend a program for
24 professional development and provide opportunities for
25 training in procurement practices and policies to chief

1 procurement officers and their staffs in order to ensure that
2 all procurement is conducted in an efficient, professional, and
3 appropriately transparent manner.

4 (c) Upon a majority vote of its members, the Commission on
5 Equity and Inclusion may review a contract. Upon a three-fifths
6 vote of its members, the Commission may propose procurement
7 rules for consideration by chief procurement officers. These
8 proposals shall be published in each volume of the Procurement
9 Bulletin. Except as otherwise provided by law, the Commission
10 on Equity and Inclusion shall act upon the vote of a majority
11 of its members who have been appointed and are serving.

12 (d) The Commission on Equity and Inclusion may review,
13 study, and hold public hearings concerning the implementation
14 and administration of this Code. Each chief procurement
15 officer, State purchasing officer, procurement compliance
16 monitor, and State agency shall cooperate with the Commission,
17 provide information to the Commission on Equity and Inclusion,
18 and be responsive to the Commission in the Commission's conduct
19 of its reviews, studies, and hearings.

20 (e) Upon a three-fifths vote of its members, the Commission
21 on Equity and Inclusion shall review a proposal, bid, or
22 contract and issue a recommendation to void a contract or
23 reject a proposal or bid based on any conflict of interest or
24 violation of this Code. A recommendation of the Commission
25 shall be delivered to the appropriate chief procurement officer
26 and Executive Ethics Commission within 7 calendar days and must

1 be published in the next volume of the Procurement Bulletin.
2 The bidder, offeror, potential contractor, contractor, or
3 subcontractor shall have 15 calendar days to provide a written
4 response to the notice, and a hearing before the Commission on
5 the alleged conflict of interest or violation shall be held
6 upon request by the bidder, offeror, potential contractor,
7 contractor, or subcontractor. The requested hearing date and
8 time shall be determined by the Commission on Equity and
9 Inclusion, but in no event shall the hearing occur later than
10 15 calendar days after the date of the request.

11 (30 ILCS 500/5-30)

12 Sec. 5-30. Proposed contracts; Procurement Policy Board;
13 Commission on Equity and Inclusion.

14 (a) Except as provided in subsection (c), within 14
15 calendar days after notice of the awarding or letting of a
16 contract has appeared in the Procurement Bulletin in accordance
17 with subsection (b) of Section 15-25, the Board or the
18 Commission on Equity and Inclusion may request in writing from
19 the contracting agency and the contracting agency shall
20 promptly, but in no event later than 7 calendar days after
21 receipt of the request, provide to the requesting entity Board,
22 by electronic or other means satisfactory to the requesting
23 entity Board, documentation in the possession of the
24 contracting agency concerning the proposed contract. Nothing
25 in this subsection is intended to waive or abrogate any

1 privilege or right of confidentiality authorized by law.

2 (b) No contract subject to this Section may be entered into
3 until the 14-day period described in subsection (a) has
4 expired, unless the contracting agency requests in writing that
5 the Board and the Commission on Equity and Inclusion waive the
6 period and the Board and the Commission on Equity and Inclusion
7 grant ~~grants~~ the waiver in writing.

8 (c) This Section does not apply to (i) contracts entered
9 into under this Code for small and emergency procurements as
10 those procurements are defined in Article 20 and (ii) contracts
11 for professional and artistic services that are nonrenewable,
12 one year or less in duration, and have a value of less than
13 \$20,000. If requested in writing by the Board or the Commission
14 on Equity and Inclusion, however, the contracting agency must
15 promptly, but in no event later than 10 calendar days after
16 receipt of the request, transmit to the Board or the Commission
17 on Equity and Inclusion a copy of the contract for an emergency
18 procurement and documentation in the possession of the
19 contracting agency concerning the contract.

20 (Source: P.A. 100-43, eff. 8-9-17.)

21 (30 ILCS 500/20-10)

22 (Text of Section from P.A. 96-159, 96-588, 97-96, 97-895,
23 98-1076, 99-906, 100-43, and 101-31)

24 Sec. 20-10. Competitive sealed bidding; reverse auction.

25 (a) Conditions for use. All contracts shall be awarded by

1 competitive sealed bidding except as otherwise provided in
2 Section 20-5.

3 (b) Invitation for bids. An invitation for bids shall be
4 issued and shall include a purchase description and the
5 material contractual terms and conditions applicable to the
6 procurement.

7 (c) Public notice. Public notice of the invitation for bids
8 shall be published in the Illinois Procurement Bulletin at
9 least 14 calendar days before the date set in the invitation
10 for the opening of bids.

11 (d) Bid opening. Bids shall be opened publicly or through
12 an electronic procurement system in the presence of one or more
13 witnesses at the time and place designated in the invitation
14 for bids. The name of each bidder, including earned and applied
15 bid credit from the Illinois Works Jobs Program Act, the amount
16 of each bid, and other relevant information as may be specified
17 by rule shall be recorded. After the award of the contract, the
18 winning bid and the record of each unsuccessful bid shall be
19 open to public inspection.

20 (e) Bid acceptance and bid evaluation. Bids shall be
21 unconditionally accepted without alteration or correction,
22 except as authorized in this Code. Bids shall be evaluated
23 based on the requirements set forth in the invitation for bids,
24 which may include criteria to determine acceptability such as
25 inspection, testing, quality, workmanship, delivery, and
26 suitability for a particular purpose. Those criteria that will

1 affect the bid price and be considered in evaluation for award,
2 such as discounts, transportation costs, and total or life
3 cycle costs, shall be objectively measurable. The invitation
4 for bids shall set forth the evaluation criteria to be used.

5 (f) Correction or withdrawal of bids. Correction or
6 withdrawal of inadvertently erroneous bids before or after
7 award, or cancellation of awards of contracts based on bid
8 mistakes, shall be permitted in accordance with rules. After
9 bid opening, no changes in bid prices or other provisions of
10 bids prejudicial to the interest of the State or fair
11 competition shall be permitted. All decisions to permit the
12 correction or withdrawal of bids based on bid mistakes shall be
13 supported by written determination made by a State purchasing
14 officer.

15 (g) Award. The contract shall be awarded with reasonable
16 promptness by written notice to the lowest responsible and
17 responsive bidder whose bid meets the requirements and criteria
18 set forth in the invitation for bids, except when a State
19 purchasing officer determines it is not in the best interest of
20 the State and by written explanation determines another bidder
21 shall receive the award. The explanation shall appear in the
22 appropriate volume of the Illinois Procurement Bulletin. The
23 written explanation must include:

24 (1) a description of the agency's needs;

25 (2) a determination that the anticipated cost will be
26 fair and reasonable;

1 (3) a listing of all responsible and responsive
2 bidders; and

3 (4) the name of the bidder selected, the total contract
4 price, and the reasons for selecting that bidder.

5 Each chief procurement officer may adopt guidelines to
6 implement the requirements of this subsection (g).

7 The written explanation shall be filed with the Legislative
8 Audit Commission, and the Commission on Equity and Inclusion,
9 and the Procurement Policy Board, and be made available for
10 inspection by the public, within 30 calendar days after the
11 agency's decision to award the contract.

12 (h) Multi-step sealed bidding. When it is considered
13 impracticable to initially prepare a purchase description to
14 support an award based on price, an invitation for bids may be
15 issued requesting the submission of unpriced offers to be
16 followed by an invitation for bids limited to those bidders
17 whose offers have been qualified under the criteria set forth
18 in the first solicitation.

19 (i) Alternative procedures. Notwithstanding any other
20 provision of this Act to the contrary, the Director of the
21 Illinois Power Agency may create alternative bidding
22 procedures to be used in procuring professional services under
23 Section 1-56, subsections (a) and (c) of Section 1-75 and
24 subsection (d) of Section 1-78 of the Illinois Power Agency Act
25 and Section 16-111.5(c) of the Public Utilities Act and to
26 procure renewable energy resources under Section 1-56 of the

1 Illinois Power Agency Act. These alternative procedures shall
2 be set forth together with the other criteria contained in the
3 invitation for bids, and shall appear in the appropriate volume
4 of the Illinois Procurement Bulletin.

5 (j) Reverse auction. Notwithstanding any other provision
6 of this Section and in accordance with rules adopted by the
7 chief procurement officer, that chief procurement officer may
8 procure supplies or services through a competitive electronic
9 auction bidding process after the chief procurement officer
10 determines that the use of such a process will be in the best
11 interest of the State. The chief procurement officer shall
12 publish that determination in his or her next volume of the
13 Illinois Procurement Bulletin.

14 An invitation for bids shall be issued and shall include
15 (i) a procurement description, (ii) all contractual terms,
16 whenever practical, and (iii) conditions applicable to the
17 procurement, including a notice that bids will be received in
18 an electronic auction manner.

19 Public notice of the invitation for bids shall be given in
20 the same manner as provided in subsection (c).

21 Bids shall be accepted electronically at the time and in
22 the manner designated in the invitation for bids. During the
23 auction, a bidder's price shall be disclosed to other bidders.
24 Bidders shall have the opportunity to reduce their bid prices
25 during the auction. At the conclusion of the auction, the
26 record of the bid prices received and the name of each bidder

1 shall be open to public inspection.

2 After the auction period has terminated, withdrawal of bids
3 shall be permitted as provided in subsection (f).

4 The contract shall be awarded within 60 calendar days after
5 the auction by written notice to the lowest responsible bidder,
6 or all bids shall be rejected except as otherwise provided in
7 this Code. Extensions of the date for the award may be made by
8 mutual written consent of the State purchasing officer and the
9 lowest responsible bidder.

10 This subsection does not apply to (i) procurements of
11 professional and artistic services, (ii) telecommunications
12 services, communication services, and information services,
13 and (iii) contracts for construction projects, including
14 design professional services.

15 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

16 (Text of Section from P.A. 96-159, 96-795, 97-96, 97-895,
17 98-1076, 99-906, 100-43, and 101-31)

18 Sec. 20-10. Competitive sealed bidding; reverse auction.

19 (a) Conditions for use. All contracts shall be awarded by
20 competitive sealed bidding except as otherwise provided in
21 Section 20-5.

22 (b) Invitation for bids. An invitation for bids shall be
23 issued and shall include a purchase description and the
24 material contractual terms and conditions applicable to the
25 procurement.

1 (c) Public notice. Public notice of the invitation for bids
2 shall be published in the Illinois Procurement Bulletin at
3 least 14 calendar days before the date set in the invitation
4 for the opening of bids.

5 (d) Bid opening. Bids shall be opened publicly or through
6 an electronic procurement system in the presence of one or more
7 witnesses at the time and place designated in the invitation
8 for bids. The name of each bidder, including earned and applied
9 bid credit from the Illinois Works Jobs Program Act, the amount
10 of each bid, and other relevant information as may be specified
11 by rule shall be recorded. After the award of the contract, the
12 winning bid and the record of each unsuccessful bid shall be
13 open to public inspection.

14 (e) Bid acceptance and bid evaluation. Bids shall be
15 unconditionally accepted without alteration or correction,
16 except as authorized in this Code. Bids shall be evaluated
17 based on the requirements set forth in the invitation for bids,
18 which may include criteria to determine acceptability such as
19 inspection, testing, quality, workmanship, delivery, and
20 suitability for a particular purpose. Those criteria that will
21 affect the bid price and be considered in evaluation for award,
22 such as discounts, transportation costs, and total or life
23 cycle costs, shall be objectively measurable. The invitation
24 for bids shall set forth the evaluation criteria to be used.

25 (f) Correction or withdrawal of bids. Correction or
26 withdrawal of inadvertently erroneous bids before or after

1 award, or cancellation of awards of contracts based on bid
2 mistakes, shall be permitted in accordance with rules. After
3 bid opening, no changes in bid prices or other provisions of
4 bids prejudicial to the interest of the State or fair
5 competition shall be permitted. All decisions to permit the
6 correction or withdrawal of bids based on bid mistakes shall be
7 supported by written determination made by a State purchasing
8 officer.

9 (g) Award. The contract shall be awarded with reasonable
10 promptness by written notice to the lowest responsible and
11 responsive bidder whose bid meets the requirements and criteria
12 set forth in the invitation for bids, except when a State
13 purchasing officer determines it is not in the best interest of
14 the State and by written explanation determines another bidder
15 shall receive the award. The explanation shall appear in the
16 appropriate volume of the Illinois Procurement Bulletin. The
17 written explanation must include:

18 (1) a description of the agency's needs;

19 (2) a determination that the anticipated cost will be
20 fair and reasonable;

21 (3) a listing of all responsible and responsive
22 bidders; and

23 (4) the name of the bidder selected, the total contract
24 price, and the reasons for selecting that bidder.

25 Each chief procurement officer may adopt guidelines to
26 implement the requirements of this subsection (g).

1 The written explanation shall be filed with the Legislative
2 Audit Commission, and the Commission on Equity and Inclusion,
3 and the Procurement Policy Board, and be made available for
4 inspection by the public, within 30 days after the agency's
5 decision to award the contract.

6 (h) Multi-step sealed bidding. When it is considered
7 impracticable to initially prepare a purchase description to
8 support an award based on price, an invitation for bids may be
9 issued requesting the submission of unpriced offers to be
10 followed by an invitation for bids limited to those bidders
11 whose offers have been qualified under the criteria set forth
12 in the first solicitation.

13 (i) Alternative procedures. Notwithstanding any other
14 provision of this Act to the contrary, the Director of the
15 Illinois Power Agency may create alternative bidding
16 procedures to be used in procuring professional services under
17 subsections (a) and (c) of Section 1-75 and subsection (d) of
18 Section 1-78 of the Illinois Power Agency Act and Section
19 16-111.5(c) of the Public Utilities Act and to procure
20 renewable energy resources under Section 1-56 of the Illinois
21 Power Agency Act. These alternative procedures shall be set
22 forth together with the other criteria contained in the
23 invitation for bids, and shall appear in the appropriate volume
24 of the Illinois Procurement Bulletin.

25 (j) Reverse auction. Notwithstanding any other provision
26 of this Section and in accordance with rules adopted by the

1 chief procurement officer, that chief procurement officer may
2 procure supplies or services through a competitive electronic
3 auction bidding process after the chief procurement officer
4 determines that the use of such a process will be in the best
5 interest of the State. The chief procurement officer shall
6 publish that determination in his or her next volume of the
7 Illinois Procurement Bulletin.

8 An invitation for bids shall be issued and shall include
9 (i) a procurement description, (ii) all contractual terms,
10 whenever practical, and (iii) conditions applicable to the
11 procurement, including a notice that bids will be received in
12 an electronic auction manner.

13 Public notice of the invitation for bids shall be given in
14 the same manner as provided in subsection (c).

15 Bids shall be accepted electronically at the time and in
16 the manner designated in the invitation for bids. During the
17 auction, a bidder's price shall be disclosed to other bidders.
18 Bidders shall have the opportunity to reduce their bid prices
19 during the auction. At the conclusion of the auction, the
20 record of the bid prices received and the name of each bidder
21 shall be open to public inspection.

22 After the auction period has terminated, withdrawal of bids
23 shall be permitted as provided in subsection (f).

24 The contract shall be awarded within 60 calendar days after
25 the auction by written notice to the lowest responsible bidder,
26 or all bids shall be rejected except as otherwise provided in

1 this Code. Extensions of the date for the award may be made by
2 mutual written consent of the State purchasing officer and the
3 lowest responsible bidder.

4 This subsection does not apply to (i) procurements of
5 professional and artistic services, (ii) telecommunications
6 services, communication services, and information services,
7 and (iii) contracts for construction projects, including
8 design professional services.

9 (Source: P.A. 100-43, eff. 8-9-17; 101-31, eff. 6-28-19.)

10 (30 ILCS 500/20-25)

11 Sec. 20-25. Sole source procurements.

12 (a) In accordance with standards set by rule, contracts may
13 be awarded without use of the specified method of source
14 selection when there is only one economically feasible source
15 for the item. A State contract may be awarded as a sole source
16 contract unless an interested party submits a written request
17 for a public hearing at which the chief procurement officer and
18 purchasing agency present written justification for the
19 procurement method. Any interested party may present
20 testimony. A sole source contract where a hearing was requested
21 by an interested party may be awarded after the hearing is
22 conducted with the approval of the chief procurement officer.

23 (b) This Section may not be used as a basis for amending a
24 contract for professional or artistic services if the amendment
25 would result in an increase in the amount paid under the

1 contract of more than 5% of the initial award, or would extend
2 the contract term beyond the time reasonably needed for a
3 competitive procurement, not to exceed 2 months.

4 (c) Notice of intent to enter into a sole source contract
5 shall be provided to the Procurement Policy Board and the
6 Commission on Equity and Inclusion, and published in the online
7 electronic Bulletin at least 14 calendar days before the public
8 hearing required in subsection (a). The notice shall include
9 the sole source procurement justification form prescribed by
10 the Board, a description of the item to be procured, the
11 intended sole source contractor, and the date, time, and
12 location of the public hearing. A copy of the notice and all
13 documents provided at the hearing shall be included in the
14 subsequent Procurement Bulletin.

15 (d) By August 1 each year, each chief procurement officer
16 shall file a report with the General Assembly identifying each
17 contract the officer sought under the sole source procurement
18 method and providing the justification given for seeking sole
19 source as the procurement method for each of those contracts.

20 (Source: P.A. 100-43, eff. 8-9-17.)

21 (30 ILCS 500/20-30)

22 Sec. 20-30. Emergency purchases.

23 (a) Conditions for use. In accordance with standards set by
24 rule, a purchasing agency may make emergency procurements
25 without competitive sealed bidding or prior notice when there

1 exists a threat to public health or public safety, or when
2 immediate expenditure is necessary for repairs to State
3 property in order to protect against further loss of or damage
4 to State property, to prevent or minimize serious disruption in
5 critical State services that affect health, safety, or
6 collection of substantial State revenues, or to ensure the
7 integrity of State records; provided, however, that the term of
8 the emergency purchase shall be limited to the time reasonably
9 needed for a competitive procurement, not to exceed 90 calendar
10 days. A contract may be extended beyond 90 calendar days if the
11 chief procurement officer determines additional time is
12 necessary and that the contract scope and duration are limited
13 to the emergency. Prior to execution of the extension, the
14 chief procurement officer must hold a public hearing and
15 provide written justification for all emergency contracts.
16 Members of the public may present testimony. Emergency
17 procurements shall be made with as much competition as is
18 practicable under the circumstances, and shall include best
19 efforts to include contractors certified under the Business
20 Enterprise Program. A written description of the basis for the
21 emergency and reasons for the selection of the particular
22 contractor shall be included in the contract file.

23 (b) Notice. Notice of all emergency procurements shall be
24 provided to the Procurement Policy Board and the Commission on
25 Equity and Inclusion, and published in the online electronic
26 Bulletin no later than 5 calendar days after the contract is

1 awarded. Notice of intent to extend an emergency contract shall
2 be provided to the Procurement Policy Board and the Commission
3 on Equity and Inclusion, and published in the online electronic
4 Bulletin at least 14 calendar days before the public hearing.
5 Notice shall include at least a description of the need for the
6 emergency purchase, the contractor, and if applicable, the
7 date, time, and location of the public hearing. A copy of this
8 notice and all documents provided at the hearing shall be
9 included in the subsequent Procurement Bulletin. Before the
10 next appropriate volume of the Illinois Procurement Bulletin,
11 the purchasing agency shall publish in the Illinois Procurement
12 Bulletin a copy of each written description and reasons and the
13 total cost of each emergency procurement made during the
14 previous month. When only an estimate of the total cost is
15 known at the time of publication, the estimate shall be
16 identified as an estimate and published. When the actual total
17 cost is determined, it shall also be published in like manner
18 before the 10th day of the next succeeding month.

19 (c) Statements. A chief procurement officer making a
20 procurement under this Section shall file statements with the
21 Procurement Policy Board, the Commission on Equity and
22 Inclusion, and the Auditor General within 10 calendar days
23 after the procurement setting forth the amount expended, the
24 name of the contractor involved, and the conditions and
25 circumstances requiring the emergency procurement. When only
26 an estimate of the cost is available within 10 calendar days

1 after the procurement, the actual cost shall be reported
2 immediately after it is determined. At the end of each fiscal
3 quarter, the Auditor General shall file with the Legislative
4 Audit Commission and the Governor a complete listing of all
5 emergency procurements reported during that fiscal quarter.
6 The Legislative Audit Commission shall review the emergency
7 procurements so reported and, in its annual reports, advise the
8 General Assembly of procurements that appear to constitute an
9 abuse of this Section.

10 (d) Quick purchases. The chief procurement officer may
11 promulgate rules extending the circumstances by which a
12 purchasing agency may make purchases under this Section,
13 including but not limited to the procurement of items available
14 at a discount for a limited period of time. The chief
15 procurement officer shall adopt rules regarding good faith and
16 best efforts from contractors and companies certified under the
17 Business Enterprise Program.

18 (e) The changes to this Section made by this amendatory Act
19 of the 96th General Assembly apply to procurements executed on
20 or after its effective date.

21 (Source: P.A. 100-43, eff. 8-9-17.)

22 (30 ILCS 500/20-60)

23 Sec. 20-60. Duration of contracts.

24 (a) Maximum duration. A contract may be entered into for
25 any period of time deemed to be in the best interests of the

1 State but not exceeding 10 years inclusive, beginning January
2 1, 2010, of proposed contract renewals. Third parties may lease
3 State-owned dark fiber networks for any period of time deemed
4 to be in the best interest of the State, but not exceeding 20
5 years. The length of a lease for real property or capital
6 improvements shall be in accordance with the provisions of
7 Section 40-25. The length of energy conservation program
8 contracts or energy savings contracts or leases shall be in
9 accordance with the provisions of Section 25-45. A contract for
10 bond or mortgage insurance awarded by the Illinois Housing
11 Development Authority, however, may be entered into for any
12 period of time less than or equal to the maximum period of time
13 that the subject bond or mortgage may remain outstanding.

14 (b) Subject to appropriation. All contracts made or entered
15 into shall recite that they are subject to termination and
16 cancellation in any year for which the General Assembly fails
17 to make an appropriation to make payments under the terms of
18 the contract.

19 (c) The chief procurement officer shall file a proposed
20 extension or renewal of a contract with the Procurement Policy
21 Board and the Commission on Equity and Inclusion prior to
22 entering into any extension or renewal if the cost associated
23 with the extension or renewal exceeds \$249,999. The Procurement
24 Policy Board or the Commission on Equity and Inclusion may
25 object to the proposed extension or renewal within 30 calendar
26 days and require a hearing before the Board or the Commission

1 on Equity and Inclusion prior to entering into the extension or
2 renewal. If the Procurement Policy Board or the Commission on
3 Equity and Inclusion does not object within 30 calendar days or
4 takes affirmative action to recommend the extension or renewal,
5 the chief procurement officer may enter into the extension or
6 renewal of a contract. This subsection does not apply to any
7 emergency procurement, any procurement under Article 40, or any
8 procurement exempted by Section 1-10(b) of this Code. If any
9 State agency contract is paid for in whole or in part with
10 federal-aid funds, grants, or loans and the provisions of this
11 subsection would result in the loss of those federal-aid funds,
12 grants, or loans, then the contract is exempt from the
13 provisions of this subsection in order to remain eligible for
14 those federal-aid funds, grants, or loans, and the State agency
15 shall file notice of this exemption with the Procurement Policy
16 Board or the Commission on Equity and Inclusion prior to
17 entering into the proposed extension or renewal. Nothing in
18 this subsection permits a chief procurement officer to enter
19 into an extension or renewal in violation of subsection (a). By
20 August 1 each year, the Procurement Policy Board and the
21 Commission on Equity and Inclusion shall each ~~shall~~ file a
22 report with the General Assembly identifying for the previous
23 fiscal year (i) the proposed extensions or renewals that were
24 filed and whether such extensions and renewals were objected to
25 ~~with the Board and whether the Board objected~~ and (ii) the
26 contracts exempt from this subsection.

1 (d) Notwithstanding the provisions of subsection (a) of
2 this Section, the Department of Innovation and Technology may
3 enter into leases for dark fiber networks for any period of
4 time deemed to be in the best interests of the State but not
5 exceeding 20 years inclusive. The Department of Innovation and
6 Technology may lease dark fiber networks from third parties
7 only for the primary purpose of providing services (i) to the
8 offices of Governor, Lieutenant Governor, Attorney General,
9 Secretary of State, Comptroller, or Treasurer and State
10 agencies, as defined under Section 5-15 of the Civil
11 Administrative Code of Illinois or (ii) for anchor
12 institutions, as defined in Section 7 of the Illinois Century
13 Network Act. Dark fiber network lease contracts shall be
14 subject to all other provisions of this Code and any applicable
15 rules or requirements, including, but not limited to,
16 publication of lease solicitations, use of standard State
17 contracting terms and conditions, and approval of vendor
18 certifications and financial disclosures.

19 (e) As used in this Section, "dark fiber network" means a
20 network of fiber optic cables laid but currently unused by a
21 third party that the third party is leasing for use as network
22 infrastructure.

23 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;
24 101-81, eff. 7-12-19.)

1 Sec. 35-15. Prequalification.

2 (a) The chief procurement officer for matters other than
3 construction and the higher education chief procurement
4 officer shall each develop appropriate and reasonable
5 prequalification standards and categories of professional and
6 artistic services.

7 (b) The prequalifications and categorizations shall be
8 submitted to the Procurement Policy Board and the Commission on
9 Equity and Inclusion, and published for public comment prior to
10 their submission to the Joint Committee on Administrative Rules
11 for approval.

12 (c) The chief procurement officer for matters other than
13 construction and the higher education chief procurement
14 officer shall each also assemble and maintain a comprehensive
15 list of prequalified and categorized businesses and persons.

16 (d) Prequalification shall not be used to bar or prevent
17 any qualified business or person from bidding or responding to
18 invitations for bid or requests for proposal.

19 (Source: P.A. 100-43, eff. 8-9-17.)

20 (30 ILCS 500/35-30)

21 Sec. 35-30. Awards.

22 (a) All State contracts for professional and artistic
23 services, except as provided in this Section, shall be awarded
24 using the competitive request for proposal process outlined in
25 this Section.

1 (b) For each contract offered, the chief procurement
2 officer, State purchasing officer, or his or her designee shall
3 use the appropriate standard solicitation forms available from
4 the chief procurement officer for matters other than
5 construction or the higher education chief procurement
6 officer.

7 (c) Prepared forms shall be submitted to the chief
8 procurement officer for matters other than construction or the
9 higher education chief procurement officer, whichever is
10 appropriate, for publication in its Illinois Procurement
11 Bulletin and circulation to the chief procurement officer for
12 matters other than construction or the higher education chief
13 procurement officer's list of prequalified vendors. Notice of
14 the offer or request for proposal shall appear at least 14
15 calendar days before the response to the offer is due.

16 (d) All interested respondents shall return their
17 responses to the chief procurement officer for matters other
18 than construction or the higher education chief procurement
19 officer, whichever is appropriate, which shall open and record
20 them. The chief procurement officer for matters other than
21 construction or higher education chief procurement officer
22 then shall forward the responses, together with any information
23 it has available about the qualifications and other State work
24 of the respondents.

25 (e) After evaluation, ranking, and selection, the
26 responsible chief procurement officer, State purchasing

1 officer, or his or her designee shall notify the chief
2 procurement officer for matters other than construction or the
3 higher education chief procurement officer, whichever is
4 appropriate, of the successful respondent and shall forward a
5 copy of the signed contract for the chief procurement officer
6 for matters other than construction or higher education chief
7 procurement officer's file. The chief procurement officer for
8 matters other than construction or higher education chief
9 procurement officer shall publish the names of the responsible
10 procurement decision-maker, the agency letting the contract,
11 the successful respondent, a contract reference, and value of
12 the let contract in the next appropriate volume of the Illinois
13 Procurement Bulletin.

14 (f) For all professional and artistic contracts with
15 annualized value that exceeds \$100,000, evaluation and ranking
16 by price are required. Any chief procurement officer or State
17 purchasing officer, but not their designees, may select a
18 respondent other than the lowest respondent by price. In any
19 case, when the contract exceeds the \$100,000 threshold and the
20 lowest respondent is not selected, the chief procurement
21 officer or the State purchasing officer shall forward together
22 with the contract notice of who the low respondent by price was
23 and a written decision as to why another was selected to the
24 chief procurement officer for matters other than construction
25 or the higher education chief procurement officer, whichever is
26 appropriate. The chief procurement officer for matters other

1 than construction or higher education chief procurement
2 officer shall publish as provided in subsection (e) of Section
3 35-30, but shall include notice of the chief procurement
4 officer's or State purchasing officer's written decision.

5 (g) The chief procurement officer for matters other than
6 construction and higher education chief procurement officer
7 may each refine, but not contradict, this Section by
8 promulgating rules for submission to the Procurement Policy
9 Board and the Commission on Equity and Inclusion, and then to
10 the Joint Committee on Administrative Rules. Any refinement
11 shall be based on the principles and procedures of the federal
12 Architect-Engineer Selection Law, Public Law 92-582 Brooks
13 Act, and the Architectural, Engineering, and Land Surveying
14 Qualifications Based Selection Act; except that pricing shall
15 be an integral part of the selection process.

16 (Source: P.A. 100-43, eff. 8-9-17.)

17 (30 ILCS 500/40-20)

18 Sec. 40-20. Request for information.

19 (a) Conditions for use. Leases shall be procured by request
20 for information except as otherwise provided in Section 40-15.

21 (b) Form. A request for information shall be issued and
22 shall include:

23 (1) the type of property to be leased;

24 (2) the proposed uses of the property;

25 (3) the duration of the lease;

1 (4) the preferred location of the property; and

2 (5) a general description of the configuration
3 desired.

4 (c) Public notice. Public notice of the request for
5 information for the availability of real property to lease
6 shall be published in the appropriate volume of the Illinois
7 Procurement Bulletin at least 14 calendar days before the date
8 set forth in the request for receipt of responses and shall
9 also be published in similar manner in a newspaper of general
10 circulation in the community or communities where the using
11 agency is seeking space.

12 (d) Response. The request for information response shall
13 consist of written information sufficient to show that the
14 respondent can meet minimum criteria set forth in the request.
15 State purchasing officers may enter into discussions with
16 respondents for the purpose of clarifying State needs and the
17 information supplied by the respondents. On the basis of the
18 information supplied and discussions, if any, a State
19 purchasing officer shall make a written determination
20 identifying the responses that meet the minimum criteria set
21 forth in the request for information. Negotiations shall be
22 entered into with all qualified respondents for the purpose of
23 securing a lease that is in the best interest of the State. A
24 written report of the negotiations shall be retained in the
25 lease files and shall include the reasons for the final
26 selection. All leases shall be reduced to writing; one copy

1 shall be filed with the Comptroller in accordance with the
2 provisions of Section 20-80, and one copy each shall be filed
3 with the Board and the Commission on Equity and Inclusion.

4 When the lowest response by price is not selected, the
5 State purchasing officer shall forward to the chief procurement
6 officer, along with the lease, notice of the identity of the
7 lowest respondent by price and written reasons for the
8 selection of a different response. The chief procurement
9 officer shall publish the written reasons in the next volume of
10 the Illinois Procurement Bulletin.

11 (e) Board and Commission on Equity and Inclusion review.
12 Upon receipt of (1) any proposed lease of real property of
13 10,000 or more square feet or (2) any proposed lease of real
14 property with annual rent payments of \$100,000 or more, the
15 Procurement Policy Board and the Commission on Equity and
16 Inclusion shall have 30 calendar days to review the proposed
17 lease. If neither the Board nor the Commission on Equity and
18 Inclusion ~~the Board does not~~ object in writing within 30
19 calendar days, then the proposed lease shall become effective
20 according to its terms as submitted. The leasing agency shall
21 make any and all materials available to the Board and the
22 Commission on Equity and Inclusion to assist in the review
23 process.

24 (Source: P.A. 98-1076, eff. 1-1-15.)

1 Sec. 50-20. Exemptions. The appropriate chief procurement
2 officer may file a request with the Executive Ethics Commission
3 to exempt named individuals from the prohibitions of Section
4 50-13 when, in his or her judgment, the public interest in
5 having the individual in the service of the State outweighs the
6 public policy evidenced in that Section. The Executive Ethics
7 Commission may grant an exemption after a public hearing at
8 which any person may present testimony. The chief procurement
9 officer shall publish notice of the date, time, and location of
10 the hearing in the online electronic Bulletin at least 14
11 calendar days prior to the hearing and provide notice to the
12 individual subject to the waiver, ~~and~~ the Procurement Policy
13 Board, and the Commission on Equity and Inclusion. The
14 Executive Ethics Commission shall also provide public notice of
15 the date, time, and location of the hearing on its website. If
16 the Commission grants an exemption, the exemption is effective
17 only if it is filed with the Secretary of State and the
18 Comptroller prior to the execution of any contract and includes
19 a statement setting forth the name of the individual and all
20 the pertinent facts that would make that Section applicable,
21 setting forth the reason for the exemption, and declaring the
22 individual exempted from that Section. Notice of each exemption
23 shall be published in the Illinois Procurement Bulletin. A
24 contract for which a waiver has been issued but has not been
25 filed in accordance with this Section is voidable by the State.
26 The changes to this Section made by this amendatory Act of the

1 96th General Assembly shall apply to exemptions granted on or
2 after its effective date.

3 (Source: P.A. 98-1076, eff. 1-1-15.)

4 (30 ILCS 500/50-35)

5 Sec. 50-35. Financial disclosure and potential conflicts
6 of interest.

7 (a) All bids and offers from responsive bidders, offerors,
8 vendors, or contractors with an annual value of more than
9 \$50,000, and all submissions to a vendor portal, shall be
10 accompanied by disclosure of the financial interests of the
11 bidder, offeror, potential contractor, or contractor and each
12 subcontractor to be used. In addition, all subcontracts
13 identified as provided by Section 20-120 of this Code with an
14 annual value of more than \$50,000 shall be accompanied by
15 disclosure of the financial interests of each subcontractor.
16 The financial disclosure of each successful bidder, offeror,
17 potential contractor, or contractor and its subcontractors
18 shall be incorporated as a material term of the contract and
19 shall become part of the publicly available contract or
20 procurement file maintained by the appropriate chief
21 procurement officer. Each disclosure under this Section shall
22 be signed and made under penalty of perjury by an authorized
23 officer or employee on behalf of the bidder, offeror, potential
24 contractor, contractor, or subcontractor, and must be filed
25 with the Procurement Policy Board and the Commission on Equity

1 and Inclusion.

2 (b) Disclosure shall include any ownership or distributive
3 income share that is in excess of 5%, or an amount greater than
4 60% of the annual salary of the Governor, of the disclosing
5 entity or its parent entity, whichever is less, unless the
6 bidder, offeror, potential contractor, contractor, or
7 subcontractor (i) is a publicly traded entity subject to
8 Federal 10K reporting, in which case it may submit its 10K
9 disclosure in place of the prescribed disclosure, or (ii) is a
10 privately held entity that is exempt from Federal 10k reporting
11 but has more than 100 shareholders, in which case it may submit
12 the information that Federal 10k reporting companies are
13 required to report under 17 CFR 229.401 and list the names of
14 any person or entity holding any ownership share that is in
15 excess of 5% in place of the prescribed disclosure. The form of
16 disclosure shall be prescribed by the applicable chief
17 procurement officer and must include at least the names,
18 addresses, and dollar or proportionate share of ownership of
19 each person identified in this Section, their instrument of
20 ownership or beneficial relationship, and notice of any
21 potential conflict of interest resulting from the current
22 ownership or beneficial relationship of each individual
23 identified in this Section having in addition any of the
24 following relationships:

25 (1) State employment, currently or in the previous 3
26 years, including contractual employment of services.

1 (2) State employment of spouse, father, mother, son, or
2 daughter, including contractual employment for services in
3 the previous 2 years.

4 (3) Elective status; the holding of elective office of
5 the State of Illinois, the government of the United States,
6 any unit of local government authorized by the Constitution
7 of the State of Illinois or the statutes of the State of
8 Illinois currently or in the previous 3 years.

9 (4) Relationship to anyone holding elective office
10 currently or in the previous 2 years; spouse, father,
11 mother, son, or daughter.

12 (5) Appointive office; the holding of any appointive
13 government office of the State of Illinois, the United
14 States of America, or any unit of local government
15 authorized by the Constitution of the State of Illinois or
16 the statutes of the State of Illinois, which office
17 entitles the holder to compensation in excess of expenses
18 incurred in the discharge of that office currently or in
19 the previous 3 years.

20 (6) Relationship to anyone holding appointive office
21 currently or in the previous 2 years; spouse, father,
22 mother, son, or daughter.

23 (7) Employment, currently or in the previous 3 years,
24 as or by any registered lobbyist of the State government.

25 (8) Relationship to anyone who is or was a registered
26 lobbyist in the previous 2 years; spouse, father, mother,

1 son, or daughter.

2 (9) Compensated employment, currently or in the
3 previous 3 years, by any registered election or re-election
4 committee registered with the Secretary of State or any
5 county clerk in the State of Illinois, or any political
6 action committee registered with either the Secretary of
7 State or the Federal Board of Elections.

8 (10) Relationship to anyone; spouse, father, mother,
9 son, or daughter; who is or was a compensated employee in
10 the last 2 years of any registered election or re-election
11 committee registered with the Secretary of State or any
12 county clerk in the State of Illinois, or any political
13 action committee registered with either the Secretary of
14 State or the Federal Board of Elections.

15 (b-1) The disclosure required under this Section must also
16 include the name and address of each lobbyist required to
17 register under the Lobbyist Registration Act and other agent of
18 the bidder, offeror, potential contractor, contractor, or
19 subcontractor who is not identified under subsections (a) and
20 (b) and who has communicated, is communicating, or may
21 communicate with any State officer or employee concerning the
22 bid or offer. The disclosure under this subsection is a
23 continuing obligation and must be promptly supplemented for
24 accuracy throughout the process and throughout the term of the
25 contract if the bid or offer is successful.

26 (b-2) The disclosure required under this Section must also

1 include, for each of the persons identified in subsection (b)
2 or (b-1), each of the following that occurred within the
3 previous 10 years: suspension or debarment from contracting
4 with any governmental entity; professional licensure
5 discipline; bankruptcies; adverse civil judgments and
6 administrative findings; and criminal felony convictions. The
7 disclosure under this subsection is a continuing obligation and
8 must be promptly supplemented for accuracy throughout the
9 process and throughout the term of the contract if the bid or
10 offer is successful.

11 (c) The disclosure in subsection (b) is not intended to
12 prohibit or prevent any contract. The disclosure is meant to
13 fully and publicly disclose any potential conflict to the chief
14 procurement officers, State purchasing officers, their
15 designees, and executive officers so they may adequately
16 discharge their duty to protect the State.

17 (d) When a potential for a conflict of interest is
18 identified, discovered, or reasonably suspected, the chief
19 procurement officer or State procurement officer shall send the
20 contract to the Procurement Policy Board and the Commission on
21 Equity and Inclusion. In accordance with the objectives of
22 subsection (c), if the Procurement Policy Board or the
23 Commission on Equity and Inclusion finds evidence of a
24 potential conflict of interest not originally disclosed by the
25 bidder, offeror, potential contractor, contractor, or
26 subcontractor, the Board or the Commission on Equity and

1 Inclusion shall provide written notice to the bidder, offeror,
2 potential contractor, contractor, or subcontractor that is
3 identified, discovered, or reasonably suspected of having a
4 potential conflict of interest. The bidder, offeror, potential
5 contractor, contractor, or subcontractor shall have 15
6 calendar days to respond in writing to the Board or the
7 Commission on Equity and Inclusion, and a hearing before the
8 Board or the Commission on Equity and Inclusion will be granted
9 upon request by the bidder, offeror, potential contractor,
10 contractor, or subcontractor, at a date and time to be
11 determined by the Board or the Commission on Equity and
12 Inclusion, but which in no event shall occur later than 15
13 calendar days after the date of the request. Upon
14 consideration, the Board or the Commission on Equity and
15 Inclusion shall recommend, in writing, whether to allow or void
16 the contract, bid, offer, or subcontract weighing the best
17 interest of the State of Illinois. All recommendations shall be
18 submitted to the Executive Ethics Commission. The Executive
19 Ethics Commission must hold a public hearing within 30 calendar
20 days after receiving the Board's or the Commission on Equity
21 and Inclusion's recommendation if the Procurement Policy Board
22 or the Commission on Equity and Inclusion makes a
23 recommendation to (i) void a contract or (ii) void a bid or
24 offer and the chief procurement officer selected or intends to
25 award the contract to the bidder, offeror, or potential
26 contractor. A chief procurement officer is prohibited from

1 awarding a contract before a hearing if the Board or the
2 Commission on Equity and Inclusion recommendation does not
3 support a bid or offer. The recommendation and proceedings of
4 any hearing, if applicable, shall be available to the public.

5 (e) These thresholds and disclosure do not relieve the
6 chief procurement officer, the State purchasing officer, or
7 their designees from reasonable care and diligence for any
8 contract, bid, offer, or submission to a vendor portal. The
9 chief procurement officer, the State purchasing officer, or
10 their designees shall be responsible for using any reasonably
11 known and publicly available information to discover any
12 undisclosed potential conflict of interest and act to protect
13 the best interest of the State of Illinois.

14 (f) Inadvertent or accidental failure to fully disclose
15 shall render the contract, bid, offer, proposal, subcontract,
16 or relationship voidable by the chief procurement officer if he
17 or she deems it in the best interest of the State of Illinois
18 and, at his or her discretion, may be cause for barring from
19 future contracts, bids, offers, proposals, subcontracts, or
20 relationships with the State for a period of up to 2 years.

21 (g) Intentional, willful, or material failure to disclose
22 shall render the contract, bid, offer, proposal, subcontract,
23 or relationship voidable by the chief procurement officer if he
24 or she deems it in the best interest of the State of Illinois
25 and shall result in debarment from future contracts, bids,
26 offers, proposals, subcontracts, or relationships for a period

1 of not less than 2 years and not more than 10 years.
2 Reinstatement after 2 years and before 10 years must be
3 reviewed and commented on in writing by the Governor of the
4 State of Illinois, or by an executive ethics board or
5 commission he or she might designate. The comment shall be
6 returned to the responsible chief procurement officer who must
7 rule in writing whether and when to reinstate.

8 (h) In addition, all disclosures shall note any other
9 current or pending contracts, bids, offers, proposals,
10 subcontracts, leases, or other ongoing procurement
11 relationships the bidder, offeror, potential contractor,
12 contractor, or subcontractor has with any other unit of State
13 government and shall clearly identify the unit and the
14 contract, offer, proposal, lease, or other relationship.

15 (i) The bidder, offeror, potential contractor, or
16 contractor has a continuing obligation to supplement the
17 disclosure required by this Section throughout the bidding
18 process during the term of any contract, and during the vendor
19 portal registration process.

20 (Source: P.A. 97-490, eff. 8-22-11; 97-895, eff. 8-3-12;
21 98-1076, eff. 1-1-15.)

22 Section 40-130. The Business Enterprise for Minorities,
23 Women, and Persons with Disabilities Act is amended by changing
24 Sections 2, 4, 4f, 5, 7, and 8 and by adding Section 5.5 as
25 follows:

1 (30 ILCS 575/2)

2 (Section scheduled to be repealed on June 30, 2024)

3 Sec. 2. Definitions.

4 (A) For the purpose of this Act, the following terms shall
5 have the following definitions:

6 (1) "Minority person" shall mean a person who is a
7 citizen or lawful permanent resident of the United States
8 and who is any of the following:

9 (a) American Indian or Alaska Native (a person
10 having origins in any of the original peoples of North
11 and South America, including Central America, and who
12 maintains tribal affiliation or community attachment).

13 (b) Asian (a person having origins in any of the
14 original peoples of the Far East, Southeast Asia, or
15 the Indian subcontinent, including, but not limited
16 to, Cambodia, China, India, Japan, Korea, Malaysia,
17 Pakistan, the Philippine Islands, Thailand, and
18 Vietnam).

19 (c) Black or African American (a person having
20 origins in any of the black racial groups of Africa).

21 (d) Hispanic or Latino (a person of Cuban, Mexican,
22 Puerto Rican, South or Central American, or other
23 Spanish culture or origin, regardless of race).

24 (e) Native Hawaiian or Other Pacific Islander (a
25 person having origins in any of the original peoples of

1 Hawaii, Guam, Samoa, or other Pacific Islands).

2 (2) "Woman" shall mean a person who is a citizen or
3 lawful permanent resident of the United States and who is
4 of the female gender.

5 (2.05) "Person with a disability" means a person who is
6 a citizen or lawful resident of the United States and is a
7 person qualifying as a person with a disability under
8 subdivision (2.1) of this subsection (A).

9 (2.1) "Person with a disability" means a person with a
10 severe physical or mental disability that:

11 (a) results from:

12 amputation,

13 arthritis,

14 autism,

15 blindness,

16 burn injury,

17 cancer,

18 cerebral palsy,

19 Crohn's disease,

20 cystic fibrosis,

21 deafness,

22 head injury,

23 heart disease,

24 hemiplegia,

25 hemophilia,

26 respiratory or pulmonary dysfunction,

1 an intellectual disability,
2 mental illness,
3 multiple sclerosis,
4 muscular dystrophy,
5 musculoskeletal disorders,
6 neurological disorders, including stroke and
7 epilepsy,
8 paraplegia,
9 quadriplegia and other spinal cord conditions,
10 sickle cell anemia,
11 ulcerative colitis,
12 specific learning disabilities, or
13 end stage renal failure disease; and

14 (b) substantially limits one or more of the
15 person's major life activities.

16 Another disability or combination of disabilities may
17 also be considered as a severe disability for the purposes
18 of item (a) of this subdivision (2.1) if it is determined
19 by an evaluation of rehabilitation potential to cause a
20 comparable degree of substantial functional limitation
21 similar to the specific list of disabilities listed in item
22 (a) of this subdivision (2.1).

23 (3) "Minority-owned business" means a business which
24 is at least 51% owned by one or more minority persons, or
25 in the case of a corporation, at least 51% of the stock in
26 which is owned by one or more minority persons; and the

1 management and daily business operations of which are
2 controlled by one or more of the minority individuals who
3 own it.

4 (4) "Women-owned business" means a business which is at
5 least 51% owned by one or more women, or, in the case of a
6 corporation, at least 51% of the stock in which is owned by
7 one or more women; and the management and daily business
8 operations of which are controlled by one or more of the
9 women who own it.

10 (4.1) "Business owned by a person with a disability"
11 means a business that is at least 51% owned by one or more
12 persons with a disability and the management and daily
13 business operations of which are controlled by one or more
14 of the persons with disabilities who own it. A
15 not-for-profit agency for persons with disabilities that
16 is exempt from taxation under Section 501 of the Internal
17 Revenue Code of 1986 is also considered a "business owned
18 by a person with a disability".

19 (4.2) "Council" means the Business Enterprise Council
20 for Minorities, Women, and Persons with Disabilities
21 created under Section 5 of this Act.

22 (4.3) "Commission" means, unless the context clearly
23 indicates otherwise, the Commission on Equity and
24 Inclusion created under the Commission on Equity and
25 Inclusion Act.

26 (5) "State contracts" means all contracts entered into

1 by the State, any agency or department thereof, or any
2 public institution of higher education, including
3 community college districts, regardless of the source of
4 the funds with which the contracts are paid, which are not
5 subject to federal reimbursement. "State contracts" does
6 not include contracts awarded by a retirement system,
7 pension fund, or investment board subject to Section
8 1-109.1 of the Illinois Pension Code. This definition shall
9 control over any existing definition under this Act or
10 applicable administrative rule.

11 "State construction contracts" means all State
12 contracts entered into by a State agency or public
13 institution of higher education for the repair,
14 remodeling, renovation or construction of a building or
15 structure, or for the construction or maintenance of a
16 highway defined in Article 2 of the Illinois Highway Code.

17 (6) "State agencies" shall mean all departments,
18 officers, boards, commissions, institutions and bodies
19 politic and corporate of the State, but does not include
20 the Board of Trustees of the University of Illinois, the
21 Board of Trustees of Southern Illinois University, the
22 Board of Trustees of Chicago State University, the Board of
23 Trustees of Eastern Illinois University, the Board of
24 Trustees of Governors State University, the Board of
25 Trustees of Illinois State University, the Board of
26 Trustees of Northeastern Illinois University, the Board of

1 Trustees of Northern Illinois University, the Board of
2 Trustees of Western Illinois University, municipalities or
3 other local governmental units, or other State
4 constitutional officers.

5 (7) "Public institutions of higher education" means
6 the University of Illinois, Southern Illinois University,
7 Chicago State University, Eastern Illinois University,
8 Governors State University, Illinois State University,
9 Northeastern Illinois University, Northern Illinois
10 University, Western Illinois University, the public
11 community colleges of the State, and any other public
12 universities, colleges, and community colleges now or
13 hereafter established or authorized by the General
14 Assembly.

15 (8) "Certification" means a determination made by the
16 Council or by one delegated authority from the Council to
17 make certifications, or by a State agency with statutory
18 authority to make such a certification, that a business
19 entity is a business owned by a minority, woman, or person
20 with a disability for whatever purpose. A business owned
21 and controlled by women shall be certified as a
22 "woman-owned business". A business owned and controlled by
23 women who are also minorities shall be certified as both a
24 "women-owned business" and a "minority-owned business".

25 (9) "Control" means the exclusive or ultimate and sole
26 control of the business including, but not limited to,

1 capital investment and all other financial matters,
2 property, acquisitions, contract negotiations, legal
3 matters, officer-director-employee selection and
4 comprehensive hiring, operating responsibilities,
5 cost-control matters, income and dividend matters,
6 financial transactions and rights of other shareholders or
7 joint partners. Control shall be real, substantial and
8 continuing, not pro forma. Control shall include the power
9 to direct or cause the direction of the management and
10 policies of the business and to make the day-to-day as well
11 as major decisions in matters of policy, management and
12 operations. Control shall be exemplified by possessing the
13 requisite knowledge and expertise to run the particular
14 business and control shall not include simple majority or
15 absentee ownership.

16 (10) "Business" means a business that has annual gross
17 sales of less than \$75,000,000 as evidenced by the federal
18 income tax return of the business. A firm with gross sales
19 in excess of this cap may apply to the Council for
20 certification for a particular contract if the firm can
21 demonstrate that the contract would have significant
22 impact on businesses owned by minorities, women, or persons
23 with disabilities as suppliers or subcontractors or in
24 employment of minorities, women, or persons with
25 disabilities.

26 (11) "Utilization plan" means a form and additional

1 documentations included in all bids or proposals that
2 demonstrates a vendor's proposed utilization of vendors
3 certified by the Business Enterprise Program to meet the
4 targeted goal. The utilization plan shall demonstrate that
5 the Vendor has either: (1) met the entire contract goal or
6 (2) requested a full or partial waiver and made good faith
7 efforts towards meeting the goal.

8 (12) "Business Enterprise Program" means the Business
9 Enterprise Program of the Department of Central Management
10 Services.

11 (B) When a business is owned at least 51% by any
12 combination of minority persons, women, or persons with
13 disabilities, even though none of the 3 classes alone holds at
14 least a 51% interest, the ownership requirement for purposes of
15 this Act is considered to be met or in excess of the entire
16 contract goal. The certification category for the business is
17 that of the class holding the largest ownership interest in the
18 business. If 2 or more classes have equal ownership interests,
19 the certification category shall be determined by the business.
20 (Source: P.A. 100-391, eff. 8-25-17; 101-601, eff. 1-1-20.)

21 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

22 (Section scheduled to be repealed on June 30, 2024)

23 Sec. 4. Award of State contracts.

24 (a) Except as provided in subsection (b), not less than 20%
25 of the total dollar amount of State contracts, as defined by

1 the Secretary of the Council and approved by the Council, shall
2 be established as an aspirational goal to be awarded to
3 businesses owned by minorities, women, and persons with
4 disabilities; provided, however, that of the total amount of
5 all State contracts awarded to businesses owned by minorities,
6 women, and persons with disabilities pursuant to this Section,
7 contracts representing at least 11% shall be awarded to
8 businesses owned by minorities, contracts representing at
9 least 7% shall be awarded to women-owned businesses, and
10 contracts representing at least 2% shall be awarded to
11 businesses owned by persons with disabilities.

12 The above percentage relates to the total dollar amount of
13 State contracts during each State fiscal year, calculated by
14 examining independently each type of contract for each agency
15 or public institutions of higher education which lets such
16 contracts. Only that percentage of arrangements which
17 represents the participation of businesses owned by
18 minorities, women, and persons with disabilities on such
19 contracts shall be included. State contracts subject to the
20 requirements of this Act shall include the requirement that
21 only expenditures to businesses owned by minorities, women, and
22 persons with disabilities that perform a commercially useful
23 function may be counted toward the goals set forth by this Act.
24 Contracts shall include a definition of "commercially useful
25 function" that is consistent with 49 CFR 26.55(c).

26 (b) Not less than 20% of the total dollar amount of State

1 construction contracts is established as an aspirational goal
2 to be awarded to businesses owned by minorities, women, and
3 persons with disabilities; provided that, contracts
4 representing at least 11% of the total dollar amount of State
5 construction contracts shall be awarded to businesses owned by
6 minorities; contracts representing at least 7% of the total
7 dollar amount of State construction contracts shall be awarded
8 to women-owned businesses; and contracts representing at least
9 2% of the total dollar amount of State construction contracts
10 shall be awarded to businesses owned by persons with
11 disabilities.

12 (c) (Blank).

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

24 By December 1, 2020, the Department of Central Management
25 Services shall conduct a new social scientific study that
26 measures the impact of discrimination on minority and women

1 business development in Illinois. By June 1, 2022, the
2 Department shall issue a report of its findings and any
3 recommendations on whether to adjust the goals for minority and
4 women participation established in this Act. Copies of this
5 report and the social scientific study shall be filed with the
6 Governor, ~~the Advisory Board,~~ and the General Assembly. By
7 December 1, 2022, the Department of Central Management Services
8 Business Enterprise Program shall develop a model for social
9 scientific disparity study sourcing for local governmental
10 units to adapt and implement to address regional disparities in
11 public procurement.

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

1 a certification made pursuant to this Act be terminated from
2 the contract without the written consent of the State agency or
3 public institution of higher education entering into the
4 contract. The Commission on Equity and Inclusion shall be
5 notified of all utilization plan deficiencies on submitted bids
6 or proposals for State contracts under this subsection (e).

7 (f) Non-construction solicitations that include Business
8 Enterprise Program participation goals shall require bidders
9 and offerors to include utilization plans. Utilization plans
10 are due at the time of bid or offer submission. Failure to
11 complete and include a utilization plan, including
12 documentation demonstrating good faith effort when requesting
13 a waiver, shall render the bid or offer non-responsive. The
14 Commission on Equity and Inclusion shall be notified of all
15 bids and offers that fail to include a utilization plan as
16 required under this subsection (f).

17 (g) Bids or proposals for State contracts shall be examined
18 to determine if the bid or proposal is responsible,
19 competitive, and whether the services to be provided are likely
20 to be completed based upon the pricing. If the bid or proposal
21 is responsible, competitive, and the services to be provided
22 are likely to be completed based on the prices listed, then the
23 bid is deemed responsive. If the bid or proposal is not
24 responsible, competitive, and the services to be provided are
25 not likely to be completed based on the prices listed, then the
26 entire bid is deemed non-responsive. The Commission on Equity

1 and Inclusion shall be notified of all non-responsive bids or
2 proposals for State contracts under this subsection (g).

3 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
4 101-601, eff. 1-1-20; revised 10-26-20.)

5 (30 ILCS 575/4f)

6 (Section scheduled to be repealed on June 30, 2024)

7 Sec. 4f. Award of State contracts.

8 (1) It is hereby declared to be the public policy of the
9 State of Illinois to promote and encourage each State agency
10 and public institution of higher education to use businesses
11 owned by minorities, women, and persons with disabilities in
12 the area of goods and services, including, but not limited to,
13 insurance services, investment management services,
14 information technology services, accounting services,
15 architectural and engineering services, and legal services.
16 Furthermore, each State agency and public institution of higher
17 education shall utilize such firms to the greatest extent
18 feasible within the bounds of financial and fiduciary prudence,
19 and take affirmative steps to remove any barriers to the full
20 participation of such firms in the procurement and contracting
21 opportunities afforded.

22 (a) When a State agency or public institution of higher
23 education, other than a community college, awards a
24 contract for insurance services, for each State agency or
25 public institution of higher education, it shall be the

1 aspirational goal to use insurance brokers owned by
2 minorities, women, and persons with disabilities as
3 defined by this Act, for not less than 20% of the total
4 annual premiums or fees; provided that, contracts
5 representing at least 11% of the total annual premiums or
6 fees shall be awarded to businesses owned by minorities;
7 contracts representing at least 7% of the total annual
8 premiums or fees shall be awarded to women-owned
9 businesses; and contracts representing at least 2% of the
10 total annual premiums or fees shall be awarded to
11 businesses owned by persons with disabilities.

12 (b) When a State agency or public institution of higher
13 education, other than a community college, awards a
14 contract for investment services, for each State agency or
15 public institution of higher education, it shall be the
16 aspirational goal to use emerging investment managers
17 owned by minorities, women, and persons with disabilities
18 as defined by this Act, for not less than 20% of the total
19 funds under management; provided that, contracts
20 representing at least 11% of the total funds under
21 management shall be awarded to businesses owned by
22 minorities; contracts representing at least 7% of the total
23 funds under management shall be awarded to women-owned
24 businesses; and contracts representing at least 2% of the
25 total funds under management shall be awarded to businesses
26 owned by persons with disabilities. Furthermore, it is the

1 aspirational goal that not less than 20% of the direct
2 asset managers of the State funds be minorities, women, and
3 persons with disabilities.

4 (c) When a State agency or public institution of higher
5 education, other than a community college, awards
6 contracts for information technology services, accounting
7 services, architectural and engineering services, and
8 legal services, for each State agency and public
9 institution of higher education, it shall be the
10 aspirational goal to use such firms owned by minorities,
11 women, and persons with disabilities as defined by this Act
12 and lawyers who are minorities, women, and persons with
13 disabilities as defined by this Act, for not less than 20%
14 of the total dollar amount of State contracts; provided
15 that, contracts representing at least 11% of the total
16 dollar amount of State contracts shall be awarded to
17 businesses owned by minorities or minority lawyers;
18 contracts representing at least 7% of the total dollar
19 amount of State contracts shall be awarded to women-owned
20 businesses or women who are lawyers; and contracts
21 representing at least 2% of the total dollar amount of
22 State contracts shall be awarded to businesses owned by
23 persons with disabilities or persons with disabilities who
24 are lawyers.

25 (d) When a community college awards a contract for
26 insurance services, investment services, information

1 technology services, accounting services, architectural
2 and engineering services, and legal services, it shall be
3 the aspirational goal of each community college to use
4 businesses owned by minorities, women, and persons with
5 disabilities as defined in this Act for not less than 20%
6 of the total amount spent on contracts for these services
7 collectively; provided that, contracts representing at
8 least 11% of the total amount spent on contracts for these
9 services shall be awarded to businesses owned by
10 minorities; contracts representing at least 7% of the total
11 amount spent on contracts for these services shall be
12 awarded to women-owned businesses; and contracts
13 representing at least 2% of the total amount spent on
14 contracts for these services shall be awarded to businesses
15 owned by persons with disabilities. When a community
16 college awards contracts for investment services,
17 contracts awarded to investment managers who are not
18 emerging investment managers as defined in this Act shall
19 not be considered businesses owned by minorities, women, or
20 persons with disabilities for the purposes of this Section.

21 (2) As used in this Section:

22 "Accounting services" means the measurement,
23 processing and communication of financial information
24 about economic entities including, but is not limited to,
25 financial accounting, management accounting, auditing,
26 cost containment and auditing services, taxation and

1 accounting information systems.

2 "Architectural and engineering services" means
3 professional services of an architectural or engineering
4 nature, or incidental services, that members of the
5 architectural and engineering professions, and individuals
6 in their employ, may logically or justifiably perform,
7 including studies, investigations, surveying and mapping,
8 tests, evaluations, consultations, comprehensive planning,
9 program management, conceptual designs, plans and
10 specifications, value engineering, construction phase
11 services, soils engineering, drawing reviews, preparation
12 of operating and maintenance manuals, and other related
13 services.

14 "Emerging investment manager" means an investment
15 manager or claims consultant having assets under
16 management below \$10 billion or otherwise adjudicating
17 claims.

18 "Information technology services" means, but is not
19 limited to, specialized technology-oriented solutions by
20 combining the processes and functions of software,
21 hardware, networks, telecommunications, web designers,
22 cloud developing resellers, and electronics.

23 "Insurance broker" means an insurance brokerage firm,
24 claims administrator, or both, that procures, places all
25 lines of insurance, or administers claims with annual
26 premiums or fees of at least \$5,000,000 but not more than

1 \$10,000,000.

2 "Legal services" means work performed by a lawyer
3 including, but not limited to, contracts in anticipation of
4 litigation, enforcement actions, or investigations.

5 (3) Each State agency and public institution of higher
6 education shall adopt policies that identify its plan and
7 implementation procedures for increasing the use of service
8 firms owned by minorities, women, and persons with
9 disabilities. All plan and implementation procedures for
10 increasing the use of service firms owned by minorities, women,
11 and persons with disabilities must be submitted to and approved
12 by the Commission on Equity and Inclusion on an annual basis.

13 (4) Except as provided in subsection (5), the Council shall
14 file no later than March 1 of each year an annual report to the
15 Governor, the Bureau on Apprenticeship Programs, and the
16 General Assembly. The report filed with the General Assembly
17 shall be filed as required in Section 3.1 of the General
18 Assembly Organization Act. This report shall: (i) identify the
19 service firms used by each State agency and public institution
20 of higher education, (ii) identify the actions it has
21 undertaken to increase the use of service firms owned by
22 minorities, women, and persons with disabilities, including
23 encouraging non-minority-owned firms to use other service
24 firms owned by minorities, women, and persons with disabilities
25 as subcontractors when the opportunities arise, (iii) state any
26 recommendations made by the Council to each State agency and

1 public institution of higher education to increase
2 participation by the use of service firms owned by minorities,
3 women, and persons with disabilities, and (iv) include the
4 following:

5 (A) For insurance services: the names of the insurance
6 brokers or claims consultants used, the total of risk
7 managed by each State agency and public institution of
8 higher education by insurance brokers, the total
9 commissions, fees paid, or both, the lines or insurance
10 policies placed, and the amount of premiums placed; and the
11 percentage of the risk managed by insurance brokers, the
12 percentage of total commission, fees paid, or both, the
13 lines or insurance policies placed, and the amount of
14 premiums placed with each by the insurance brokers owned by
15 minorities, women, and persons with disabilities by each
16 State agency and public institution of higher education.

17 (B) For investment management services: the names of
18 the investment managers used, the total funds under
19 management of investment managers; the total commissions,
20 fees paid, or both; the total and percentage of funds under
21 management of emerging investment managers owned by
22 minorities, women, and persons with disabilities,
23 including the total and percentage of total commissions,
24 fees paid, or both by each State agency and public
25 institution of higher education.

26 (C) The names of service firms, the percentage and

1 total dollar amount paid for professional services by
2 category by each State agency and public institution of
3 higher education.

4 (D) The names of service firms, the percentage and
5 total dollar amount paid for services by category to firms
6 owned by minorities, women, and persons with disabilities
7 by each State agency and public institution of higher
8 education.

9 (E) The total number of contracts awarded for services
10 by category and the total number of contracts awarded to
11 firms owned by minorities, women, and persons with
12 disabilities by each State agency and public institution of
13 higher education.

14 (5) For community college districts, the Business
15 Enterprise Council shall only report the following information
16 for each community college district: (i) the name of the
17 community colleges in the district, (ii) the name and contact
18 information of a person at each community college appointed to
19 be the single point of contact for vendors owned by minorities,
20 women, or persons with disabilities, (iii) the policy of the
21 community college district concerning certified vendors, (iv)
22 the certifications recognized by the community college
23 district for determining whether a business is owned or
24 controlled by a minority, woman, or person with a disability,
25 (v) outreach efforts conducted by the community college
26 district to increase the use of certified vendors, (vi) the

1 total expenditures by the community college district in the
2 prior fiscal year in the divisions of work specified in
3 paragraphs (a), (b), and (c) of subsection (1) of this Section
4 and the amount paid to certified vendors in those divisions of
5 work, and (vii) the total number of contracts entered into for
6 the divisions of work specified in paragraphs (a), (b), and (c)
7 of subsection (1) of this Section and the total number of
8 contracts awarded to certified vendors providing these
9 services to the community college district. The Business
10 Enterprise Council shall not make any utilization reports under
11 this Act for community college districts for Fiscal Year 2015
12 and Fiscal Year 2016, but shall make the report required by
13 this subsection for Fiscal Year 2017 and for each fiscal year
14 thereafter. The Business Enterprise Council shall report the
15 information in items (i), (ii), (iii), and (iv) of this
16 subsection beginning in September of 2016. The Business
17 Enterprise Council may collect the data needed to make its
18 report from the Illinois Community College Board.

19 (6) The status of the utilization of services shall be
20 discussed at each of the regularly scheduled Business
21 Enterprise Council meetings. Time shall be allotted for the
22 Council to receive, review, and discuss the progress of the use
23 of service firms owned by minorities, women, and persons with
24 disabilities by each State agency and public institution of
25 higher education; and any evidence regarding past or present
26 racial, ethnic, or gender-based discrimination which directly

1 impacts a State agency or public institution of higher
2 education contracting with such firms. If after reviewing such
3 evidence the Council finds that there is or has been such
4 discrimination against a specific group, race or sex, the
5 Council shall establish sheltered markets or adjust existing
6 sheltered markets tailored to address the Council's specific
7 findings for the divisions of work specified in paragraphs (a),
8 (b), and (c) of subsection (1) of this Section.

9 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

10 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

11 (Section scheduled to be repealed on June 30, 2024)

12 Sec. 5. Business Enterprise Council.

13 (1) To help implement, monitor, and enforce the goals of
14 this Act, there is created the Business Enterprise Council for
15 Minorities, Women, and Persons with Disabilities, hereinafter
16 referred to as the Council, composed of the Chairperson of the
17 Commission on Equity and Inclusion, the Secretary of Human
18 Services and the Directors of the Department of Human Rights,
19 the Department of Commerce and Economic Opportunity, the
20 Department of Central Management Services, the Department of
21 Transportation and the Capital Development Board, or their duly
22 appointed representatives, with the Comptroller, or his or her
23 designee, serving as an advisory member of the Council. Ten
24 individuals representing businesses that are minority-owned,
25 ~~or~~ women-owned, or owned by persons with disabilities, 2

1 individuals representing the business community, and a
2 representative of public institutions of higher education
3 shall be appointed by the Governor. These members shall serve
4 2-year ~~2-year~~ terms and shall be eligible for reappointment.
5 Any vacancy occurring on the Council shall also be filled by
6 the Governor. Any member appointed to fill a vacancy occurring
7 prior to the expiration of the term for which his or her
8 predecessor was appointed shall be appointed for the remainder
9 of such term. Members of the Council shall serve without
10 compensation but shall be reimbursed for any ordinary and
11 necessary expenses incurred in the performance of their duties.

12 The Chairperson of the Commission ~~Director of the~~
13 ~~Department of Central Management Services~~ shall serve as the
14 Council chairperson and shall select, subject to approval of
15 the council, a Secretary responsible for the operation of the
16 program who shall serve as the Division Manager of the Business
17 Enterprise for Minorities, Women, and Persons with
18 Disabilities Division of the Department of Central Management
19 Services.

20 The Director of each State agency and the chief executive
21 officer of each public institution ~~institutions~~ of higher
22 education shall appoint a liaison to the Council. The liaison
23 shall be responsible for submitting to the Council any reports
24 and documents necessary under this Act.

25 (2) The Council's authority and responsibility shall be to:

26 (a) Devise a certification procedure to assure that

1 businesses taking advantage of this Act are legitimately
2 classified as businesses owned by minorities, women, or
3 persons with disabilities and a registration procedure to
4 recognize, without additional evidence of Business
5 Enterprise Program eligibility, the certification of
6 businesses owned by minorities, women, or persons with
7 disabilities certified by the City of Chicago, Cook County,
8 or other jurisdictional programs with requirements and
9 procedures equaling or exceeding those in this Act.

10 (b) Maintain a list of all businesses legitimately
11 classified as businesses owned by minorities, women, or
12 persons with disabilities to provide to State agencies and
13 public institutions of higher education.

14 (c) Review rules and regulations for the
15 implementation of the program for businesses owned by
16 minorities, women, and persons with disabilities.

17 (d) Review compliance plans submitted by each State
18 agency and public institution ~~institutions~~ of higher
19 education pursuant to this Act.

20 (e) Make annual reports as provided in Section 8f to
21 the Governor and the General Assembly on the status of the
22 program.

23 (f) Serve as a central clearinghouse for information on
24 State contracts, including the maintenance of a list of all
25 pending State contracts upon which businesses owned by
26 minorities, women, and persons with disabilities may bid.

1 At the Council's discretion, maintenance of the list may
2 include 24-hour electronic access to the list along with
3 the bid and application information.

4 (g) Establish a toll-free ~~toll-free~~ telephone number to
5 facilitate information requests concerning the
6 certification process and pending contracts.

7 (3) No premium bond rate of a surety company for a bond
8 required of a business owned by a minority, woman, or person
9 with a disability bidding for a State contract shall be higher
10 than the lowest rate charged by that surety company for a
11 similar bond in the same classification of work that would be
12 written for a business not owned by a minority, woman, or
13 person with a disability.

14 (4) Any Council member who has direct financial or personal
15 interest in any measure pending before the Council shall
16 disclose this fact to the Council and refrain from
17 participating in the determination upon such measure.

18 (5) The Secretary shall have the following duties and
19 responsibilities:

20 (a) To be responsible for the day-to-day operation of
21 the Council.

22 (b) To serve as a coordinator for all of the State's
23 programs for businesses owned by minorities, women, and
24 persons with disabilities and as the information and
25 referral center for all State initiatives for businesses
26 owned by minorities, women, and persons with disabilities.

1 (c) To establish an enforcement procedure whereby the
2 Council may recommend to the appropriate State legal
3 officer that the State exercise its legal remedies which
4 shall include (1) termination of the contract involved, (2)
5 prohibition of participation by the respondent in public
6 contracts for a period not to exceed 3 years, (3)
7 imposition of a penalty not to exceed any profit acquired
8 as a result of violation, or (4) any combination thereof.
9 Such procedures shall require prior approval by Council.
10 All funds collected as penalties under this subsection
11 shall be used exclusively for maintenance and further
12 development of the Business Enterprise Program and
13 encouragement of participation in State procurement by
14 minorities, women, and persons with disabilities.

15 (d) To devise appropriate policies, regulations, and
16 procedures for including participation by businesses owned
17 by minorities, women, and persons with disabilities as
18 prime contractors, including, but not limited to: (i)
19 encouraging the inclusions of qualified businesses owned
20 by minorities, women, and persons with disabilities on
21 solicitation lists, (ii) investigating the potential of
22 blanket bonding programs for small construction jobs, and
23 (iii) investigating and making recommendations concerning
24 the use of the sheltered market process.

25 (e) To devise procedures for the waiver of the
26 participation goals in appropriate circumstances.

1 (f) To accept donations and, with the approval of the
2 Council or the Chairperson ~~Director of Central Management~~
3 ~~Services~~, grants related to the purposes of this Act; to
4 conduct seminars related to the purpose of this Act and to
5 charge reasonable registration fees; and to sell
6 directories, vendor lists, and other such information to
7 interested parties, except that forms necessary to become
8 eligible for the program shall be provided free of charge
9 to a business or individual applying for the program.

10 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
11 101-601, eff. 1-1-20; revised 8-18-20.)

12 (30 ILCS 575/5.5 new)

13 Sec. 5.5. Transfer of Council functions.

14 (a) Notwithstanding any provision of law to the contrary,
15 beginning on and after the effective date of this amendatory
16 Act of the 101st General Assembly, the Commission on Equity and
17 Inclusion shall have jurisdiction over the functions of the
18 Business Enterprise Council.

19 (b) All powers, duties, rights, and responsibilities of the
20 Department of Central Management Services relating to
21 jurisdiction over the Council are transferred to the
22 Commission.

23 (c) All books, records, papers, documents, property,
24 contracts, causes of action, and pending business pertaining to
25 the powers, duties, rights, and responsibilities of the

1 Department of Central Management Services relating to
2 jurisdiction over the Council are transferred to the
3 Commission.

4 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

5 (Section scheduled to be repealed on June 30, 2024)

6 Sec. 7. Exemptions; waivers; publication of data.

7 (1) Individual contract exemptions. The Council, at the
8 written request of the affected agency, public institution of
9 higher education, or recipient of a grant or loan of State
10 funds of \$250,000 or more complying with Section 45 of the
11 State Finance Act, may permit an individual contract or
12 contract package, (related contracts being bid or awarded
13 simultaneously for the same project or improvements) be made
14 wholly or partially exempt from State contracting goals for
15 businesses owned by minorities, women, and persons with
16 disabilities prior to the advertisement for bids or
17 solicitation of proposals whenever there has been a
18 determination, reduced to writing and based on the best
19 information available at the time of the determination, that
20 there is an insufficient number of businesses owned by
21 minorities, women, and persons with disabilities to ensure
22 adequate competition and an expectation of reasonable prices on
23 bids or proposals solicited for the individual contract or
24 contract package in question. Any such exemptions shall be
25 given by the Council to the Bureau on Apprenticeship Programs.

1 (a) Written request for contract exemption. A written
2 request for an individual contract exemption must include,
3 but is not limited to, the following:

4 (i) a list of eligible businesses owned by
5 minorities, women, and persons with disabilities;

6 (ii) a clear demonstration that the number of
7 eligible businesses identified in subparagraph (i)
8 above is insufficient to ensure adequate competition;

9 (iii) the difference in cost between the contract
10 proposals being offered by businesses owned by
11 minorities, women, and persons with disabilities and
12 the agency or public institution of higher education's
13 expectations of reasonable prices on bids or proposals
14 within that class; and

15 (iv) a list of eligible businesses owned by
16 minorities, women, and persons with disabilities that
17 the contractor has used in the current and prior fiscal
18 years.

19 (b) Determination. The Council's determination
20 concerning an individual contract exemption must consider,
21 at a minimum, the following:

22 (i) the justification for the requested exemption,
23 including whether diligent efforts were undertaken to
24 identify and solicit eligible businesses owned by
25 minorities, women, and persons with disabilities;

26 (ii) the total number of exemptions granted to the

1 affected agency, public institution of higher
2 education, or recipient of a grant or loan of State
3 funds of \$250,000 or more complying with Section 45 of
4 the State Finance Act that have been granted by the
5 Council in the current and prior fiscal years; and

6 (iii) the percentage of contracts awarded by the
7 agency or public institution of higher education to
8 eligible businesses owned by minorities, women, and
9 persons with disabilities in the current and prior
10 fiscal years.

11 (2) Class exemptions.

12 (a) Creation. The Council, at the written request of
13 the affected agency or public institution of higher
14 education, may permit an entire class of contracts be made
15 exempt from State contracting goals for businesses owned by
16 minorities, women, and persons with disabilities whenever
17 there has been a determination, reduced to writing and
18 based on the best information available at the time of the
19 determination, that there is an insufficient number of
20 qualified businesses owned by minorities, women, and
21 persons with disabilities to ensure adequate competition
22 and an expectation of reasonable prices on bids or
23 proposals within that class. Any such exemption shall be
24 given by the Council to the Bureau on Apprenticeship
25 Programs.

26 (a-1) Written request for class exemption. A written

1 request for a class exemption must include, but is not
2 limited to, the following:

3 (i) a list of eligible businesses owned by
4 minorities, women, and persons with disabilities;

5 (ii) a clear demonstration that the number of
6 eligible businesses identified in subparagraph (i)
7 above is insufficient to ensure adequate competition;

8 (iii) the difference in cost between the contract
9 proposals being offered by eligible businesses owned
10 by minorities, women, and persons with disabilities
11 and the agency or public institution of higher
12 education's expectations of reasonable prices on bids
13 or proposals within that class; and

14 (iv) the number of class exemptions the affected
15 agency or public institution of higher education
16 requested in the current and prior fiscal years.

17 (a-2) Determination. The Council's determination
18 concerning class exemptions must consider, at a minimum,
19 the following:

20 (i) the justification for the requested exemption,
21 including whether diligent efforts were undertaken to
22 identify and solicit eligible businesses owned by
23 minorities, women, and persons with disabilities;

24 (ii) the total number of class exemptions granted
25 to the requesting agency or public institution of
26 higher education that have been granted by the Council

1 in the current and prior fiscal years; and

2 (iii) the percentage of contracts awarded by the
3 agency or public institution of higher education to
4 eligible businesses owned by minorities, women, and
5 persons with disabilities the current and prior fiscal
6 years.

7 (b) Limitation. Any such class exemption shall not be
8 permitted for a period of more than one year at a time.

9 (3) Waivers. Where a particular contract requires a
10 contractor to meet a goal established pursuant to this Act, the
11 contractor shall have the right to request from the Council, in
12 consultation with the Commission, a waiver from such
13 requirements. The Council may grant the waiver only upon a
14 demonstration by the contractor of unreasonable responses to
15 the request for proposals given the class of contract ~~shall~~
16 ~~grant the waiver where the contractor demonstrates that there~~
17 ~~has been made a good faith effort to comply with the goals for~~
18 ~~participation by businesses owned by minorities, women, and~~
19 ~~persons with disabilities.~~ Any such waiver shall also be
20 transmitted in writing to the Bureau on Apprenticeship
21 Programs.

22 (a) Request for waiver. A contractor's request for a
23 waiver under this subsection (3) must include, but is not
24 limited to, the following, if available:

25 (i) a list of eligible businesses owned by
26 minorities, women, and persons with disabilities that

1 pertain to the class of contracts in the requested
2 waiver. Eligible businesses are only eligible if the
3 business is certified for the products or work
4 advertised in the solicitation;

5 (ii) (Blank); ~~a clear demonstration that the~~
6 ~~number of eligible businesses identified in~~
7 ~~subparagraph (i) above is insufficient to ensure~~
8 ~~competition;~~

9 (iii) the difference in cost between the contract
10 proposals being offered by businesses owned by
11 minorities, women, and persons with disabilities and
12 the agency or the public institution of higher
13 education's expectations of reasonable prices on bids
14 or proposals within that class; and

15 (iv) a list of businesses owned by minorities,
16 women, and persons with disabilities that the
17 contractor has used in the current and prior fiscal
18 years.

19 (b) Determination. The Council's determination, in
20 consultation with the Commission, concerning waivers must
21 include following:

22 (i) the justification for the requested waiver,
23 including whether the requesting contractor made a
24 proper demonstration of unreasonable responses to the
25 request for proposals given the class of contract ~~good~~
26 ~~faith effort to identify and solicit eligible~~

1 ~~businesses owned by minorities, women, and persons~~
2 ~~with disabilities;~~

3 (ii) the total number of waivers the contractor has
4 been granted by the Council in the current and prior
5 fiscal years;

6 (iii) the percentage of contracts awarded by the
7 agency or public institution of higher education to
8 eligible businesses owned by minorities, women, and
9 persons with disabilities in the current and prior
10 fiscal years; and

11 (iv) the contractor's use of businesses owned by
12 minorities, women, and persons with disabilities in
13 the current and prior fiscal years.

14 (3.5) (Blank).

15 (4) Conflict with other laws. In the event that any State
16 contract, which otherwise would be subject to the provisions of
17 this Act, is or becomes subject to federal laws or regulations
18 which conflict with the provisions of this Act or actions of
19 the State taken pursuant hereto, the provisions of the federal
20 laws or regulations shall apply and the contract shall be
21 interpreted and enforced accordingly.

22 (5) Each chief procurement officer, as defined in the
23 Illinois Procurement Code, shall maintain on his or her
24 official Internet website a database of the following: (i)
25 waivers granted under this Section with respect to contracts
26 under his or her jurisdiction; (ii) a State agency or public

1 institution of higher education's written request for an
2 exemption of an individual contract or an entire class of
3 contracts; and (iii) the Council's written determination
4 granting or denying a request for an exemption of an individual
5 contract or an entire class of contracts. The database, which
6 shall be updated periodically as necessary, shall be searchable
7 by contractor name and by contracting State agency.

8 (6) Each chief procurement officer, as defined by the
9 Illinois Procurement Code, shall maintain on its website a list
10 of all firms that have been prohibited from bidding, offering,
11 or entering into a contract with the State of Illinois as a
12 result of violations of this Act.

13 Each public notice required by law of the award of a State
14 contract shall include for each bid or offer submitted for that
15 contract the following: (i) the bidder's or offeror's name,
16 (ii) the bid amount, (iii) the name or names of the certified
17 firms identified in the bidder's or offeror's submitted
18 utilization plan, and (iv) the bid's amount and percentage of
19 the contract awarded to businesses owned by minorities, women,
20 and persons with disabilities identified in the utilization
21 plan.

22 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
23 101-601, eff. 1-1-20.)

24 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

25 (Section scheduled to be repealed on June 30, 2024)

1 Sec. 8. Enforcement.

2 (1) The Commission on Equity and Inclusion ~~Council~~ shall
3 make such findings, recommendations and proposals to the
4 Governor as are necessary and appropriate to enforce this Act.
5 If, as a result of its monitoring activities, the Commission
6 ~~Council~~ determines that its goals and policies are not being
7 met by any State agency or public institution of higher
8 education, the Commission ~~Council~~ may recommend any or all of
9 the following actions:

10 (a) Establish enforcement procedures whereby the
11 Commission ~~Council~~ may recommend to the appropriate State
12 agency, public institutions of higher education, or law
13 enforcement officer that legal or administrative remedies
14 be initiated for violations of contract provisions or rules
15 issued hereunder or by a contracting State agency or public
16 institutions of higher education. State agencies and
17 public institutions of higher education shall be
18 authorized to adopt remedies for such violations which
19 shall include (1) termination of the contract involved, (2)
20 prohibition of participation of the respondents in public
21 contracts for a period not to exceed one year, (3)
22 imposition of a penalty not to exceed any profit acquired
23 as a result of violation, or (4) any combination thereof.

24 (b) If the Commission ~~Council~~ concludes that a
25 compliance plan submitted under Section 6 is unlikely to
26 produce the participation goals for businesses owned by

1 minorities, women, and persons with disabilities within
2 the then current fiscal year, the Commission ~~Council~~ may
3 recommend that the State agency or public institution of
4 higher education revise its plan to provide additional
5 opportunities for participation by businesses owned by
6 minorities, women, and persons with disabilities. Such
7 recommended revisions may include, but shall not be limited
8 to, the following:

9 (i) assurances of stronger and better focused
10 solicitation efforts to obtain more businesses owned
11 by minorities, women, and persons with disabilities as
12 potential sources of supply;

13 (ii) division of job or project requirements, when
14 economically feasible, into tasks or quantities to
15 permit participation of businesses owned by
16 minorities, women, and persons with disabilities;

17 (iii) elimination of extended experience or
18 capitalization requirements, when programmatically
19 feasible, to permit participation of businesses owned
20 by minorities, women, and persons with disabilities;

21 (iv) identification of specific proposed contracts
22 as particularly attractive or appropriate for
23 participation by businesses owned by minorities,
24 women, and persons with disabilities, such
25 identification to result from and be coupled with the
26 efforts of subparagraphs (i) through (iii);

1 (v) implementation of those regulations
2 established for the use of the sheltered market
3 process.

4 (2) State agencies and public institutions of higher
5 education shall review a vendor's compliance with its
6 utilization plan and the terms of its contract. Without
7 limitation, a vendor's failure to comply with its contractual
8 commitments as contained in the utilization plan; failure to
9 cooperate in providing information regarding its compliance
10 with its utilization plan; or the provision of false or
11 misleading information or statements concerning compliance,
12 certification status, or eligibility of the Business
13 Enterprise Program-certified vendor, good faith efforts, or
14 any other material fact or representation shall constitute a
15 material breach of the contract and entitle the State agency or
16 public institution of higher education to declare a default,
17 terminate the contract, or exercise those remedies provided for
18 in the contract, at law, or in equity.

19 (3) A vendor shall be in breach of the contract and may be
20 subject to penalties for failure to meet contract goals
21 established under this Act, unless the vendor can show that it
22 made good faith efforts to meet the contract goals.

23 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

1 Section 45-5. The Technology Development Act is amended by
2 changing Sections 10, 11, and 20 as follows:

3 (30 ILCS 265/10)

4 Sec. 10. Technology Development Account.

5 (a) The State Treasurer may segregate a portion of the
6 Treasurer's investment portfolio, that at no time shall be
7 greater than 1% of the portfolio, in the Technology Development
8 Account, an account that shall be maintained separately and
9 apart from other moneys invested by the Treasurer. The
10 Treasurer may make investments from the Account that help
11 attract, assist, and retain quality technology businesses in
12 Illinois. The earnings on the Account shall be accounted for
13 separately from other investments made by the Treasurer.

14 (b) Moneys in the Account may be invested by the State
15 Treasurer to provide venture capital to technology businesses
16 seeking to locate, expand, or remain in Illinois by placing
17 money with Illinois venture capital firms for investment by the
18 venture capital firms in technology businesses. "Venture
19 capital", as used in this Act, means equity financing that is
20 provided for starting up, expanding, or relocating a company,
21 or related purposes such as financing for seed capital,
22 research and development, introduction of a product or process
23 into the marketplace, or similar needs requiring risk capital.
24 "Technology business", as used in this Act, means a company
25 that has as its principal function the providing of services

1 including computer, information transfer, communication,
2 distribution, processing, administrative, laboratory,
3 experimental, developmental, technical, testing services,
4 manufacture of goods or materials, the processing of goods or
5 materials by physical or chemical change, computer related
6 activities, robotics, biological or pharmaceutical industrial
7 activity, or technology oriented or emerging industrial
8 activity. "Illinois venture capital firms", as used in this
9 Act, means an entity that has a majority of its employees in
10 Illinois or that has at least one managing partner domiciled in
11 Illinois that has made significant capital investments in
12 Illinois companies and that provides equity financing for
13 starting up or expanding a company, or related purposes such as
14 financing for seed capital, research and development,
15 introduction of a product or process into the marketplace, or
16 similar needs requiring risk capital.

17 (c) Any fund created by an Illinois venture capital firm in
18 which the State Treasurer places money pursuant to this Act
19 shall be required by the State Treasurer to seek investments in
20 technology businesses seeking to locate, expand, or remain in
21 Illinois.

22 (d) The investment of the State Treasurer in any fund
23 created by an Illinois venture capital firm in which the State
24 Treasurer places money pursuant to this Section Act shall not
25 exceed 10% of the total investments in the fund.

26 (e) The State Treasurer shall not invest more than

1 one-third of the Technology Development Account in any given
2 calendar year.

3 (f) The Treasurer may deposit no more than 15% ~~10%~~ of the
4 earnings of the investments in the Technology Development
5 Account into the Technology Development Fund.

6 (Source: P.A. 94-395, eff. 8-1-05.)

7 (30 ILCS 265/11)

8 Sec. 11. Technology Development Account II.

9 (a) Including the amount provided in Section 10 of this
10 Act, the State Treasurer shall segregate a portion of the
11 Treasurer's State investment portfolio, that at no time shall
12 be greater than 5% of the portfolio, in the Technology
13 Development Account IIa ("TDA IIa"), an account that shall be
14 maintained separately and apart from other moneys invested by
15 the Treasurer. Distributions from the investments in TDA IIa
16 may be reinvested into TDA IIa without being counted against
17 the 5% cap. The aggregate investment in TDA IIa and the
18 aggregate commitment of investment capital in a TDA
19 II-Recipient Fund shall at no time be greater than 5% of the
20 State's investment portfolio, which shall be calculated as: (1)
21 the balance at the inception of the State's fiscal year; or (2)
22 the average balance in the immediately preceding 5 fiscal
23 years, whichever number is greater. Distributions from a TDA
24 II-Recipient Fund, in an amount not to exceed the commitment
25 amount and total distributions received, may be reinvested into

1 TDA IIa without being counted against the 5% cap. The Treasurer
2 may make investments from TDA IIa that help attract, assist,
3 and retain quality technology businesses in Illinois. The
4 earnings on TDA IIa shall be accounted for separately from
5 other investments made by the Treasurer.

6 (b) The Treasurer may solicit proposals from entities to
7 manage and be the General Partner of a separate fund
8 ("Technology Development Account IIb" or "TDA IIb") consisting
9 of investments from private sector investors that must invest,
10 at the direction of the general partner, in tandem with TDA IIa
11 in a pro-rata portion. The Treasurer may enter into an
12 agreement with the entity managing TDA IIb to advise on the
13 investment strategy of TDA IIa and TDA IIb (collectively
14 "Technology Development Account II" or "TDA II") and fulfill
15 other mutually agreeable terms. Funds in TDA IIb shall be kept
16 separate and apart from moneys in the State treasury.

17 (c) All or a portion of the moneys in TDA IIa shall be
18 invested by the State Treasurer to provide venture capital to
19 technology businesses, including co-investments, seeking to
20 locate, expand, or remain in Illinois by placing money with
21 Illinois venture capital firms for investment by the venture
22 capital firms in technology businesses. "Venture capital", as
23 used in this Section, means equity financing that is provided
24 for starting up, expanding, or relocating a company, or related
25 purposes such as financing for seed capital, research and
26 development, introduction of a product or process into the

1 marketplace, or similar needs requiring risk capital.
2 "Technology business", as used in this Section, means a company
3 that has as its principal function the providing of services,
4 including computer, information transfer, communication,
5 distribution, processing, administrative, laboratory,
6 experimental, developmental, technical, or testing services;
7 manufacture of goods or materials; the processing of goods or
8 materials by physical or chemical change; computer related
9 activities; robotics, biological, or pharmaceutical industrial
10 activities; or technology-oriented or emerging industrial
11 activity. "Illinois venture capital firm", as used in this
12 Section, means an entity that: (1) has a majority of its
13 employees in Illinois (more than 50%) or that has at least one
14 general partner or principal domiciled in Illinois, and that
15 (2) provides equity financing for starting up or expanding a
16 company, or related purposes such as financing for seed
17 capital, research and development, introduction of a product or
18 process into the marketplace, or similar needs requiring risk
19 capital. "Illinois venture capital firm" may also mean an
20 entity that has a track record of identifying, evaluating, and
21 investing in Illinois companies and that provides equity
22 financing for starting up or expanding a company, or related
23 purposes such as financing for seed capital, research and
24 development, introduction of a product or process into the
25 marketplace, or similar needs requiring risk capital. For
26 purposes of this Section, "track record" means having made, on

1 average, at least one investment in an Illinois company in each
2 of its funds if the Illinois venture capital firm has multiple
3 funds or at least 2 investments in Illinois companies if the
4 Illinois venture capital firm has only one fund. In no case
5 shall more than 15% of the capital in the TDA IIa be invested
6 in firms based outside of Illinois.

7 (d) Any fund created by an Illinois venture capital firm in
8 which the State Treasurer places money pursuant to this Section
9 shall be required by the State Treasurer to seek investments in
10 technology businesses seeking to locate, expand, or remain in
11 Illinois. Any fund created by an Illinois venture capital firm
12 in which the State Treasurer places money under this Section
13 ("TDA II-Recipient Fund") shall invest a minimum of twice (2x)
14 the aggregate amount of investable capital that is received
15 from the State Treasurer under this Section in Illinois
16 companies during the life of the fund. "Illinois companies", as
17 used in this Section, are companies that are headquartered or
18 that otherwise have a significant presence in the State at the
19 time of initial or follow-on investment. Investable capital is
20 calculated as committed capital, as defined in the firm's
21 applicable fund's governing documents, less related estimated
22 fees and expenses to be incurred during the life of the fund.
23 For the purposes of this subsection (d), "significant presence"
24 means at least one physical office and one full-time employee
25 within the geographic borders of this State.

26 Any TDA II-Recipient Fund shall also invest additional

1 capital in Illinois companies during the life of the fund if,
2 as determined by the fund's manager, the investment:

3 (1) is consistent with the firm's fiduciary
4 responsibility to its limited partners;

5 (2) is consistent with the fund manager's investment
6 strategy; and

7 (3) demonstrates the potential to create risk-adjusted
8 financial returns consistent with the fund manager's
9 investment goals.

10 In addition to any reporting requirements set forth in
11 Section 10 of this Act, any TDA II-Recipient Fund shall report
12 the following additional information to the Treasurer on a
13 quarterly or annual basis, as determined by the Treasurer, for
14 all investments:

15 (1) the names of portfolio companies invested in during
16 the applicable investment period;

17 (2) the addresses of reported portfolio companies;

18 (3) the date of the initial (and follow-on) investment;

19 (4) the cost of the investment;

20 (5) the current fair market value of the investment;

21 (6) for Illinois companies, the number of Illinois
22 employees on the investment date; and

23 (7) for Illinois companies, the current number of
24 Illinois employees.

25 If, as of the earlier to occur of (i) the fourth year of
26 the investment period of any TDA II-Recipient Fund or (ii) when

1 that TDA II-Recipient Fund has drawn more than 60% of the
2 investable capital of all limited partners, that TDA
3 II-Recipient Fund has failed to invest the minimum amount
4 required under this subsection (d) in Illinois companies, then
5 the Treasurer shall deliver written notice to the manager of
6 that fund seeking compliance with the minimum amount
7 requirement under this subsection (d). If, after 180 days of
8 delivery of notice, the TDA II-Recipient Fund has still failed
9 to invest the minimum amount required under this subsection (d)
10 in Illinois companies, then the Treasurer may elect, in
11 writing, to terminate any further commitment to make capital
12 contributions to that fund which otherwise would have been made
13 under this Section.

14 (e) ~~The Notwithstanding the limitation found in subsection~~
15 ~~(d) of Section 10 of this Act, the~~ investment of the State
16 Treasurer in any fund created by an Illinois venture capital
17 firm in which the State Treasurer places money pursuant to this
18 Section shall not exceed 15% of the total TDA IIa account
19 balance.

20 (f) (Blank).

21 (g) The Treasurer may deposit no more than 15% ~~10%~~ of the
22 earnings of the investments in the Technology Development
23 Account IIa into the Technology Development Fund.

24 (Source: P.A. 100-1081, eff. 8-24-18.)

1 are transitioning from welfare to work, often struggle to pay
2 the costs of day care. The General Assembly understands the
3 importance of helping low-income working families become and
4 remain self-sufficient. The General Assembly also believes
5 that it is the responsibility of families to share in the costs
6 of child care. It is also the preference of the General
7 Assembly that all working poor families should be treated
8 equally, regardless of their welfare status.

9 (b) To the extent resources permit, the Illinois Department
10 shall provide child care services to parents or other relatives
11 as defined by rule who are working or participating in
12 employment or Department approved education or training
13 programs. At a minimum, the Illinois Department shall cover the
14 following categories of families:

15 (1) recipients of TANF under Article IV participating
16 in work and training activities as specified in the
17 personal plan for employment and self-sufficiency;

18 (2) families transitioning from TANF to work;

19 (3) families at risk of becoming recipients of TANF;

20 (4) families with special needs as defined by rule;

21 (5) working families with very low incomes as defined
22 by rule;

23 (6) families that are not recipients of TANF and that
24 need child care assistance to participate in education and
25 training activities; and

26 (7) families with children under the age of 5 who have

1 an open intact family services case with the Department of
2 Children and Family Services. Any family that receives
3 child care assistance in accordance with this paragraph
4 shall remain eligible for child care assistance 6 months
5 after the child's intact family services case is closed,
6 regardless of whether the child's parents or other
7 relatives as defined by rule are working or participating
8 in Department approved employment or education or training
9 programs. The Department of Human Services, in
10 consultation with the Department of Children and Family
11 Services, shall adopt rules to protect the privacy of
12 families who are the subject of an open intact family
13 services case when such families enroll in child care
14 services. Additional rules shall be adopted to offer
15 children who have an open intact family services case the
16 opportunity to receive an Early Intervention screening and
17 other services that their families may be eligible for as
18 provided by the Department of Human Services.

19 The Department shall specify by rule the conditions of
20 eligibility, the application process, and the types, amounts,
21 and duration of services. Eligibility for child care benefits
22 and the amount of child care provided may vary based on family
23 size, income, and other factors as specified by rule.

24 The Department shall update the Child Care Assistance
25 Program Eligibility Calculator posted on its website to include
26 a question on whether a family is applying for child care

1 assistance for the first time or is applying for a
2 redetermination of eligibility.

3 A family's eligibility for child care services shall be
4 redetermined no sooner than 12 months following the initial
5 determination or most recent redetermination. During the
6 12-month periods, the family shall remain eligible for child
7 care services regardless of (i) a change in family income,
8 unless family income exceeds 85% of State median income, or
9 (ii) a temporary change in the ongoing status of the parents or
10 other relatives, as defined by rule, as working or attending a
11 job training or educational program.

12 In determining income eligibility for child care benefits,
13 the Department annually, at the beginning of each fiscal year,
14 shall establish, by rule, one income threshold for each family
15 size, in relation to percentage of State median income for a
16 family of that size, that makes families with incomes below the
17 specified threshold eligible for assistance and families with
18 incomes above the specified threshold ineligible for
19 assistance. Through and including fiscal year 2007, the
20 specified threshold must be no less than 50% of the
21 then-current State median income for each family size.
22 Beginning in fiscal year 2008, the specified threshold must be
23 no less than 185% of the then-current federal poverty level for
24 each family size. Notwithstanding any other provision of law or
25 administrative rule to the contrary, beginning in fiscal year
26 2019, the specified threshold for working families with very

1 low incomes as defined by rule must be no less than 185% of the
2 then-current federal poverty level for each family size.

3 In determining eligibility for assistance, the Department
4 shall not give preference to any category of recipients or give
5 preference to individuals based on their receipt of benefits
6 under this Code.

7 Nothing in this Section shall be construed as conferring
8 entitlement status to eligible families.

9 The Illinois Department is authorized to lower income
10 eligibility ceilings, raise parent co-payments, create waiting
11 lists, or take such other actions during a fiscal year as are
12 necessary to ensure that child care benefits paid under this
13 Article do not exceed the amounts appropriated for those child
14 care benefits. These changes may be accomplished by emergency
15 rule under Section 5-45 of the Illinois Administrative
16 Procedure Act, except that the limitation on the number of
17 emergency rules that may be adopted in a 24-month period shall
18 not apply.

19 The Illinois Department may contract with other State
20 agencies or child care organizations for the administration of
21 child care services.

22 (c) Payment shall be made for child care that otherwise
23 meets the requirements of this Section and applicable standards
24 of State and local law and regulation, including any
25 requirements the Illinois Department promulgates by rule in
26 addition to the licensure requirements promulgated by the

1 Department of Children and Family Services and Fire Prevention
2 and Safety requirements promulgated by the Office of the State
3 Fire Marshal, and is provided in any of the following:

4 (1) a child care center which is licensed or exempt
5 from licensure pursuant to Section 2.09 of the Child Care
6 Act of 1969;

7 (2) a licensed child care home or home exempt from
8 licensing;

9 (3) a licensed group child care home;

10 (4) other types of child care, including child care
11 provided by relatives or persons living in the same home as
12 the child, as determined by the Illinois Department by
13 rule.

14 (c-5) Solely for the purposes of coverage under the
15 Illinois Public Labor Relations Act, child and day care home
16 providers, including licensed and license exempt,
17 participating in the Department's child care assistance
18 program shall be considered to be public employees and the
19 State of Illinois shall be considered to be their employer as
20 of January 1, 2006 (the effective date of Public Act 94-320),
21 but not before. The State shall engage in collective bargaining
22 with an exclusive representative of child and day care home
23 providers participating in the child care assistance program
24 concerning their terms and conditions of employment that are
25 within the State's control. Nothing in this subsection shall be
26 understood to limit the right of families receiving services

1 defined in this Section to select child and day care home
2 providers or supervise them within the limits of this Section.
3 The State shall not be considered to be the employer of child
4 and day care home providers for any purposes not specifically
5 provided in Public Act 94-320, including, but not limited to,
6 purposes of vicarious liability in tort and purposes of
7 statutory retirement or health insurance benefits. Child and
8 day care home providers shall not be covered by the State
9 Employees Group Insurance Act of 1971.

10 In according child and day care home providers and their
11 selected representative rights under the Illinois Public Labor
12 Relations Act, the State intends that the State action
13 exemption to application of federal and State antitrust laws be
14 fully available to the extent that their activities are
15 authorized by Public Act 94-320.

16 (d) The Illinois Department shall establish, by rule, a
17 co-payment scale that provides for cost sharing by families
18 that receive child care services, including parents whose only
19 income is from assistance under this Code. The co-payment shall
20 be based on family income and family size and may be based on
21 other factors as appropriate. Co-payments may be waived for
22 families whose incomes are at or below the federal poverty
23 level.

24 (d-5) The Illinois Department, in consultation with its
25 Child Care and Development Advisory Council, shall develop a
26 plan to revise the child care assistance program's co-payment

1 scale. The plan shall be completed no later than February 1,
2 2008, and shall include:

3 (1) findings as to the percentage of income that the
4 average American family spends on child care and the
5 relative amounts that low-income families and the average
6 American family spend on other necessities of life;

7 (2) recommendations for revising the child care
8 co-payment scale to assure that families receiving child
9 care services from the Department are paying no more than
10 they can reasonably afford;

11 (3) recommendations for revising the child care
12 co-payment scale to provide at-risk children with complete
13 access to Preschool for All and Head Start; and

14 (4) recommendations for changes in child care program
15 policies that affect the affordability of child care.

16 (e) (Blank).

17 (f) The Illinois Department shall, by rule, set rates to be
18 paid for the various types of child care. Child care may be
19 provided through one of the following methods:

20 (1) arranging the child care through eligible
21 providers by use of purchase of service contracts or
22 vouchers;

23 (2) arranging with other agencies and community
24 volunteer groups for non-reimbursed child care;

25 (3) (blank); or

26 (4) adopting such other arrangements as the Department

1 determines appropriate.

2 (f-1) Within 30 days after June 4, 2018 (the effective date
3 of Public Act 100-587), the Department of Human Services shall
4 establish rates for child care providers that are no less than
5 the rates in effect on January 1, 2018 increased by 4.26%.

6 (f-5) (Blank).

7 (g) Families eligible for assistance under this Section
8 shall be given the following options:

9 (1) receiving a child care certificate issued by the
10 Department or a subcontractor of the Department that may be
11 used by the parents as payment for child care and
12 development services only; or

13 (2) if space is available, enrolling the child with a
14 child care provider that has a purchase of service contract
15 with the Department or a subcontractor of the Department
16 for the provision of child care and development services.
17 The Department may identify particular priority
18 populations for whom they may request special
19 consideration by a provider with purchase of service
20 contracts, provided that the providers shall be permitted
21 to maintain a balance of clients in terms of household
22 incomes and families and children with special needs, as
23 defined by rule.

24 (Source: P.A. 100-387, eff. 8-25-17; 100-587, eff. 6-4-18;
25 100-860, eff. 2-14-19; 100-909, eff. 10-1-18; 100-916, eff.
26 8-17-18; 101-81, eff. 7-12-19.)

1

Article 99.

2

Section 99-99. Effective date. This Act takes effect upon becoming law, except that Articles 1 and 40 take effect January 1, 2022.".

3

4