

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Section 45-35 as follows:

6 (30 ILCS 500/45-35)

7 Sec. 45-35. Not-for-profit agencies for persons with  
8 significant disabilities.

9 (a) Qualification. Supplies and services may be procured  
10 without advertising or calling for bids from any qualified  
11 not-for-profit agency for persons with significant  
12 disabilities that:

13 (1) complies with Illinois laws governing private  
14 not-for-profit organizations;

15 (2) is certified as a work center by the Wage and Hour  
16 Division of the United States Department of Labor or is an  
17 accredited vocational program that provides transition  
18 services to youth between the ages of 14 1/2 and 22 in  
19 accordance with individualized education plans under  
20 Section 14-8.03 of the School Code and that provides  
21 residential services at a child care institution, as  
22 defined under Section 2.06 of the Child Care Act of 1969,  
23 or at a group home, as defined under Section 2.16 of the

1 Child Care Act of 1969; and

2 (3) is accredited by a nationally-recognized  
3 accrediting organization or certified as a developmental  
4 training provider by the Department of Human Services.

5 (b) Participation. To participate, the not-for-profit  
6 agency must have indicated an interest in providing the  
7 supplies and services, must meet the specifications and needs  
8 of the using agency, and must set a fair and reasonable price.

9 (c) Committee. There is created within the Department of  
10 Central Management Services a committee to facilitate the  
11 purchase of products and services from not-for-profit agencies  
12 that provide employment opportunities to persons with physical  
13 disabilities, intellectual or developmental disabilities,  
14 mental illnesses, or any combination thereof ~~of persons with a~~  
15 ~~significant physical, developmental, or mental disability or a~~  
16 ~~combination of any of those disabilities who cannot engage in~~  
17 ~~normal competitive employment due to the significant~~  
18 ~~disability or combination of those disabilities.~~ This  
19 committee is called the State Use Committee. The State Use  
20 Committee shall consist of the Director of the Department of  
21 Central Management Services or his or her designee, the  
22 Secretary ~~Director~~ of the Department of Human Services or his  
23 or her designee, the Director of Commerce and Economic  
24 Opportunity or his or her designee, one public member  
25 representing private business who is knowledgeable of the  
26 employment needs and concerns of persons with developmental

1 disabilities, one public member representing private business  
2 who is knowledgeable of the needs and concerns of  
3 rehabilitation facilities, one public member who is  
4 knowledgeable of the employment needs and concerns of persons  
5 with developmental disabilities, one public member who is  
6 knowledgeable of the needs and concerns of rehabilitation  
7 facilities, 2 members who have a disability, ~~and~~ 2 public  
8 members from a statewide association that represents  
9 community-based rehabilitation facilities serving or  
10 supporting individuals with intellectual or developmental  
11 disabilities, and one public member from a disability-focused  
12 statewide advocacy group, all appointed by the Governor. The  
13 public members shall serve 2 year terms, commencing upon  
14 appointment and every 2 years thereafter. A public member may  
15 be reappointed, and vacancies shall be filled by appointment  
16 for the completion of the term. In the event there is a vacancy  
17 on the State Use Committee, the Governor must make an  
18 appointment to fill that vacancy within 30 calendar days after  
19 the notice of vacancy. The members shall serve without  
20 compensation but shall be reimbursed for expenses at a rate  
21 equal to that of State employees on a per diem basis by the  
22 Department of Central Management Services. All members shall  
23 be entitled to vote on issues before the State Use Committee.

24 The State Use Committee shall have the following powers  
25 and duties:

26 (1) To request from any State agency information as to

1 product specification and service requirements in order to  
2 carry out its purpose.

3 (2) To meet quarterly or more often as necessary to  
4 carry out its purposes.

5 (3) To request a quarterly report from each  
6 participating qualified not-for-profit agency for persons  
7 with significant disabilities describing the volume of  
8 sales for each product or service sold under this Section.

9 (4) To prepare a report for the Governor and General  
10 Assembly no later than December 31 of each year. The  
11 requirement for reporting to the General Assembly shall be  
12 satisfied by following the procedures set forth in Section  
13 3.1 of the General Assembly Organization Act.

14 (5) To prepare a publication that lists all supplies  
15 and services currently available from any qualified  
16 not-for-profit agency for persons with significant  
17 disabilities. This list and any revisions shall be  
18 distributed to all purchasing agencies.

19 (6) To encourage diversity in supplies and services  
20 provided by qualified not-for-profit agencies for persons  
21 with significant disabilities and discourage unnecessary  
22 duplication or competition among not-for-profit agencies.

23 (7) To develop guidelines to be followed by qualifying  
24 agencies for participation under the provisions of this  
25 Section. Guidelines shall include a list of national  
26 accrediting organizations which satisfy the requirements

1 of item (3) of subsection (a) of this Section. The  
2 guidelines shall be developed within 6 months after the  
3 effective date of this Code and made available on a  
4 nondiscriminatory basis to all qualifying agencies. The  
5 new guidelines required under this item (7) by Public Act  
6 100-203 ~~this amendatory Act of the 100th General Assembly~~  
7 shall be developed within 6 months after August 18, 2017  
8 (the effective date of Public Act 100-203) ~~this amendatory~~  
9 ~~Act of the 100th General Assembly~~ and made available on a  
10 non-discriminatory basis to all qualifying not-for-profit  
11 agencies.

12 (8) To review all pricing submitted under the  
13 provisions of this Section and may approve a proposed  
14 agreement for supplies or services where the price  
15 submitted is fair and reasonable. Review of pricing under  
16 this paragraph may include, but is not limited to:

17 (A) Amounts private businesses would pay for  
18 similar products or services.

19 (B) Amounts the federal government would pay  
20 contractors for similar products or services.

21 (C) The amount paid by the State for similar  
22 products or services.

23 (D) The actual cost of manufacturing the product  
24 or performing a service at a community rehabilitation  
25 program offering employment services on or off  
26 premises to persons with disabilities or mental

1           illnesses, with adequate consideration given to legal  
2           and moral imperatives to pay workers with disabilities  
3           equitable wages.

4           (E) The usual, customary, and reasonable costs of  
5           manufacturing, marketing, and distribution.

6           (9) To, not less than every 3 years, adopt a strategic  
7           plan for increasing the number of products and services  
8           purchased from qualified not-for-profit agencies for  
9           persons with ~~significant~~ disabilities or mental illnesses,  
10          including the feasibility of developing mandatory  
11          set-aside contracts.

12          (c-5) Conditions for Use. Each chief procurement officer  
13          shall, in consultation with the State Use Committee, determine  
14          which articles, materials, services, food stuffs, and supplies  
15          that are produced, manufactured, or provided by persons with  
16          significant disabilities in qualified not-for-profit agencies  
17          shall be given preference by purchasing agencies procuring  
18          those items.

19          (d) (Blank).

20          (e) Subcontracts. Subcontracts shall be permitted for  
21          agreements authorized under this Section. For the purposes of  
22          this subsection (e), "subcontract" means any acquisition from  
23          another source of supplies, not including raw materials, or  
24          services required by a qualified not-for-profit agency to  
25          provide the supplies or services that are the subject of the  
26          contract between the State and the qualified not-for-profit

1 agency.

2 The State Use Committee shall develop guidelines to be  
3 followed by qualified not-for-profit agencies when seeking and  
4 establishing subcontracts with other persons or not-for-profit  
5 agencies in order to fulfill State contract requirements.  
6 These guidelines shall include the following:

7 (i) The State Use Committee must approve all  
8 subcontracts and substantive amendments to subcontracts  
9 prior to execution or amendment of the subcontract.

10 (ii) A qualified not-for-profit agency shall not enter  
11 into a subcontract, or any combination of subcontracts, to  
12 fulfill an entire requirement, contract, or order without  
13 written State Use Committee approval.

14 (iii) A qualified not-for-profit agency shall make  
15 reasonable efforts to utilize subcontracts with other  
16 not-for-profit agencies for persons with significant  
17 disabilities.

18 (iv) For any subcontract not currently performed by a  
19 qualified not-for-profit agency, the primary qualified  
20 not-for-profit agency must provide to the State Use  
21 Committee the following: (A) a written explanation as to  
22 why the subcontract is not performed by a qualified  
23 not-for-profit agency, and (B) a written plan to transfer  
24 the subcontract to a qualified not-for-profit agency, as  
25 reasonable.

26 (Source: P.A. 100-203, eff. 8-18-17; revised 7-18-19.)

1 Section 10. The Illinois Public Aid Code is amended by  
2 adding Section 5-36.1 as follows:

3 (305 ILCS 5/5-36.1 new)

4 Sec. 5-36.1. Earned income for residents of  
5 community-integrated living arrangements.

6 (a) Beginning no later than July 1, 2021, residents of  
7 facilities licensed under the Community-Integrated Living  
8 Arrangements Licensure and Certification Act who are  
9 determined to be eligible for medical assistance under this  
10 Code and who are enrolled in the State's home and  
11 community-based services waiver program for adults with  
12 developmental disabilities shall retain all earned income from  
13 employment or community day services activities.

14 (b) No portion of earned income shall be applied toward  
15 the facilities rate reimbursement methodology. The Department  
16 of Human Services shall ensure the rates of payments paid to  
17 facilities under the Code are held harmless.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.