

HB3334



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3334

Introduced 2/19/2021, by Rep. Jeff Keicher

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-47 new

Amends the Illinois Procurement Code. Provides that each chief procurement officer has authority to designate as Main Street business set-asides a fair proportion of construction, supply, and service contracts for award to businesses in Illinois that have been affected by the coronavirus pandemic of 2020 and 2021. Provides limitations for designating Main Street businesses. Provides for the withdrawal of a Main Street business designation. Requires each chief procurement officer to designate one or more individuals to serve as its Main Street business specialist with specified duties. Provides reporting requirements. Repeals provisions on January 1, 2032. Defines "Main Street business".

LRB102 14985 RJF 20340 b

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 adding Section 45-47 as follows:

6 (30 ILCS 500/45-47 new)

7 Sec. 45-47. Main Street business procurement.

8 (a) Set-asides. Each chief procurement officer has
9 authority to designate as Main Street business set-asides a
10 fair proportion of construction, supply, and service contracts
11 for award to businesses in Illinois that have been affected by
12 the coronavirus pandemic of 2020 and 2021. Advertisements for
13 bids or offers for those contracts shall specify designation
14 as Main Street set-asides. In awarding the contracts, only
15 bids or offers from qualified Main Street businesses shall be
16 considered.

17 (b) Main Street business. "Main Street business" means a
18 business that: (i) is independently owned and operated; (ii)
19 is not dominant in its field of operation; (iii) does a
20 significant proportion of its business on a face-to-face
21 (rather than electronic, video, or audio) basis; and (iv) was
22 disproportionately affected by the public emergency orders
23 issued by the Governor in 2020 and 2021 relating to conditions

1 of the coronavirus pandemic. The chief procurement officer
2 shall establish a detailed definition by rule, and may also
3 utilize other criteria, including the number of employees and
4 the dollar volume of business of the applicant firm. When
5 computing the size status of a potential contractor, annual
6 sales and receipts of the potential contractor and all of its
7 affiliates shall be included. The maximum number of employees
8 and the maximum dollar volume that a Main Street business may
9 have under the rules adopted by the chief procurement officer
10 may vary from industry to industry to the extent necessary to
11 reflect differing characteristics of those industries, subject
12 to the following limitations:

13 (1) No wholesale business is a Main Street business if
14 its annual sales for its most recently completed fiscal
15 year exceed \$13,000,000.

16 (2) No retail business or business selling services is
17 a Main Street business if its annual sales and receipts
18 exceed \$8,000,000.

19 (3) No manufacturing business is a Main Street
20 business if it employs more than 250 persons.

21 (4) No construction business is a Main Street business
22 if its annual sales and receipts exceed \$14,000,000.

23 (c) Fair proportion. For the purpose of subsection (a),
24 for State agencies of the executive branch, a fair proportion
25 of construction contracts shall be no less than 10% nor more
26 than 25% of the annual total contracts for construction.

1 (d) Withdrawal of designation. A Main Street business
2 set-aside designation may be withdrawn by the purchasing
3 agency when deemed in the best interests of the State. Upon
4 withdrawal, all bids or offers shall be rejected, and the
5 bidders or offerors shall be notified of the reason for
6 rejection. The contract shall then be awarded in accordance
7 with this Code without the designation of Main Street business
8 set-aside.

9 (e) Main Street business specialist. Each chief
10 procurement officer shall designate one or more individuals to
11 serve as its Main Street business specialist. The Main Street
12 business specialists shall collectively work together to
13 accomplish the following duties:

14 (1) Compiling and maintaining a comprehensive list of
15 potential Main Street contractors.

16 (2) Assisting Main Street businesses in complying with
17 the procedures for bidding on State contracts.

18 (3) Examining requests from State agencies for the
19 purchase of property or services to help determine which
20 invitations to bid are to be designated as Main Street
21 business set-asides.

22 (4) Making recommendations to the chief procurement
23 officer for the simplification of specifications and terms
24 in order to increase the opportunities for Main Street
25 business participation.

26 (5) Assisting in investigations by purchasing agencies

1 to determine the responsibility of bidders or offerors on
2 Main Street business set-asides.

3 (f) Main Street business annual report. Each Main Street
4 business specialist designated under subsection (e) shall
5 annually before November 1 report in writing to the General
6 Assembly concerning the awarding of contracts to Main Street
7 businesses. The report shall include the total value of awards
8 made in the preceding fiscal year under the designation of
9 Main Street business set-aside. The report shall also include
10 the total value of awards made to businesses owned by
11 minorities, women, and persons with disabilities, as defined
12 in the Business Enterprise for Minorities, Women, and Persons
13 with Disabilities Act, in the preceding fiscal year under the
14 designation of Main Street business set-aside.

15 The requirement for reporting to the General Assembly
16 shall be satisfied by filing copies of the report as required
17 by Section 3.1 of the General Assembly Organization Act.

18 (g) This Section is repealed on January 1, 2032.