

SB1584



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1584

Introduced 2/26/2021, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

30 ILCS 575/4

from Ch. 127, par. 132.604

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Modifies the percentages of the total dollar amount of State contracts required to be established as an aspirational goal to be awarded to businesses owned by minorities, women, and persons with disabilities. Requires the Department of Central Management Services to by rule further establish committed diversity aspirational goals (currently, numbers) for State contracts awarded to businesses owned by minorities, women, and persons with disabilities. Makes conforming changes.

LRB102 11892 RJF 17228 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 Business Enterprise for Minorities, Women,
5 and Persons with Disabilities Act is amended by changing
6 Section 4 as follows:

7 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

8 (Section scheduled to be repealed on June 30, 2024)

9 Sec. 4. Award of State contracts.

10 (a) Except as provided in subsection (b), not less than
11 30% ~~20%~~ of the total dollar amount of State contracts, as
12 defined by the Secretary of the Council and approved by the
13 Council, shall be established as an aspirational goal to be
14 awarded to businesses owned by minorities, women, and persons
15 with disabilities; provided, however, that of the total amount
16 of all State contracts awarded to businesses owned by
17 minorities, women, and persons with disabilities pursuant to
18 this Section, contracts representing at least 16% ~~11%~~ shall be
19 awarded to businesses owned by minorities, contracts
20 representing at least 10% ~~7%~~ shall be awarded to women-owned
21 businesses, and contracts representing at least 4% ~~2%~~ shall be
22 awarded to businesses owned by persons with disabilities.

23 The above percentage relates to the total dollar amount of

1 State contracts during each State fiscal year, calculated by
2 examining independently each type of contract for each agency
3 or public institutions of higher education which lets such
4 contracts. Only that percentage of arrangements which
5 represents the participation of businesses owned by
6 minorities, women, and persons with disabilities on such
7 contracts shall be included. State contracts subject to the
8 requirements of this Act shall include the requirement that
9 only expenditures to businesses owned by minorities, women,
10 and persons with disabilities that perform a commercially
11 useful function may be counted toward the goals set forth by
12 this Act. Contracts shall include a definition of
13 "commercially useful function" that is consistent with 49 CFR
14 26.55(c).

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

23 (b) Not less than 20% of the total dollar amount of State
24 construction contracts is established as an aspirational goal
25 to be awarded to businesses owned by minorities, women, and
26 persons with disabilities; provided that, contracts

1 representing at least 11% of the total dollar amount of State
2 construction contracts shall be awarded to businesses owned by
3 minorities; contracts representing at least 7% of the total
4 dollar amount of State construction contracts shall be awarded
5 to women-owned businesses; and contracts representing at least
6 2% of the total dollar amount of State construction contracts
7 shall be awarded to businesses owned by persons with
8 disabilities.

9 (c) (Blank).

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

21 By December 1, 2020, the Department of Central Management
22 Services shall conduct a new social scientific study that
23 measures the impact of discrimination on minority and women
24 business development in Illinois. By June 1, 2022, the
25 Department shall issue a report of its findings and any
26 recommendations on whether to adjust the goals for minority

1 and women participation established in this Act. Copies of
2 this report and the social scientific study shall be filed
3 with the Governor, ~~the Advisory Board,~~ and the General
4 Assembly. By December 1, 2022, the Department of Central
5 Management Services Business Enterprise Program shall develop
6 a model for social scientific disparity study sourcing for
7 local governmental units to adapt and implement to address
8 regional disparities in public procurement.

9 (e) Except as permitted under this Act or as otherwise
10 mandated by federal law or regulation, those who submit bids
11 or proposals for State contracts subject to the provisions of
12 this Act, whose bids or proposals are successful and include a
13 utilization plan but that fail to meet the goals set forth in
14 subsection (b) of this Section, shall be notified of that
15 deficiency and shall be afforded a period not to exceed 10
16 calendar days from the date of notification to cure that
17 deficiency in the bid or proposal. The deficiency in the bid or
18 proposal may only be cured by contracting with additional
19 subcontractors who are owned by minorities or women. Any
20 increase in cost to a contract for the addition of a
21 subcontractor to cure a bid's deficiency shall not affect the
22 bid price, shall not be used in the request for an exemption in
23 this Act, and in no case shall an identified subcontractor
24 with a certification made pursuant to this Act be terminated
25 from the contract without the written consent of the State
26 agency or public institution of higher education entering into

1 the contract.

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

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