

1 AMENDMENT TO SENATE BILL 802

2 AMENDMENT NO. _____. Amend Senate Bill 802, AS AMENDED,
3 with reference to page and line number of House Amendment No.
4 1, on page 5, immediately below line 14, by inserting the
5 following:

6 "Section 28. Affirmative action.

7 (a) The City of Chicago shall, within 90 days after the
8 effective date of this Act, establish and maintain an
9 affirmative action program designed to promote equal
10 employment opportunity with respect to the O'Hare
11 Modernization Program and eliminate the effects of past
12 discrimination. The program shall include a plan, including
13 timetables where appropriate, which shall specify goals and
14 methods for increasing participation by women and minorities
15 in employment by the City and by parties that contract with
16 the City with respect to the O'Hare Modernization Program.
17 The City shall submit a detailed plan to the General Assembly
18 prior to September 1 of each year. The program shall also
19 establish procedures and sanctions (including debarment),
20 which the City shall enforce to ensure compliance with the
21 plan established pursuant to this Section and with State and
22 federal laws and regulations relating to the employment of
23 women and minorities. A determination by the City as to

1 whether a party to a contract with the City has achieved the
2 goals or employed the methods for increasing participation by
3 women and minorities shall be determined in accordance with
4 the terms of the contracts or the applicable provisions of
5 rules and regulations of the City existing at the time the
6 contract was executed, including any provisions for
7 consideration of good faith efforts at compliance that the
8 City may reasonably adopt.

9 (b) The City shall adopt and maintain minority and
10 female owned business enterprise procurement programs under
11 the affirmative action program described in subsection (a)
12 for any and all work undertaken by the City under the O'Hare
13 Modernization Program. That work shall include, but is not
14 limited to, the purchase of professional services,
15 construction services, supplies, materials, and equipment.
16 The programs shall establish goals of awarding not less than
17 25% of the annual dollar value of all contracts, purchase
18 orders, or other agreements (collectively referred to as
19 "contracts") to minority owned businesses and 5% of the
20 annual dollar value of all contracts to female owned
21 businesses. Without limiting the generality of the
22 foregoing, the programs shall require in connection with the
23 prequalification or consideration of vendors for professional
24 service contracts, construction contracts, and contracts for
25 supplies, materials, equipment, and services that each
26 proposer or bidder submit as part of his or her proposal or
27 bid a commitment detailing how he or she will expend 25% or
28 more of the dollar value of his or her contracts with one or
29 more minority owned businesses and 5% or more of the dollar
30 value with one or more female owned businesses. Bids or
31 proposals that do not include such detailed commitments are
32 not responsive and shall be rejected unless the City deems it
33 appropriate to grant a waiver of these requirements. In
34 addition the City may, in connection with the selection of

1 providers of professional services, reserve the right to
2 select a minority or female owned business or businesses to
3 fulfill the commitment to minority and female business
4 participation. The commitment to minority and female
5 business participation may be met by the contractor or
6 professional service provider's status as a minority or
7 female owned business, by joint venture, or by
8 subcontracting a portion of the work with or purchasing
9 materials for the work from one or more such businesses, or
10 by any combination thereof. Each contract shall require the
11 contractor or provider to submit a certified monthly report
12 detailing the status of that contractor's or provider's
13 compliance with the City's minority and female owned business
14 enterprise procurement program. The City, after reviewing
15 the monthly reports of the contractors and providers, shall
16 compile a comprehensive report regarding compliance with this
17 procurement program and file it quarterly with the General
18 Assembly. If, in connection with a particular contract, the
19 City determines that it is impracticable or excessively
20 costly to obtain minority or female owned businesses to
21 perform sufficient work to fulfill the commitment required by
22 this subsection, the City shall reduce or waive the
23 commitment in the contract, as may be appropriate. The City
24 shall establish rules and regulations setting forth the
25 standards to be used in determining whether or not a
26 reduction or waiver is appropriate. The terms "minority
27 owned business" and "female owned business" have the meanings
28 given to those terms in the Business Enterprise for
29 Minorities, Females, and Persons with Disabilities Act.

30 (c) The City shall adopt and maintain an affirmative
31 action program in connection with the hiring of minorities
32 and women on any and all construction projects undertaken by
33 the City under the O'Hare Modernization Program. The program
34 shall be designed to promote equal employment opportunity and

1 shall specify the goals and methods for increasing the
2 participation of minorities and women in a representative mix
3 of job classifications required to perform the respective
4 contracts awarded by the City.

5 (d) In connection with the O'Hare Modernization Program,
6 the City shall incorporate the following elements into its
7 minority and female owned business procurement programs to
8 the extent feasible: (1) a major contractors program that
9 permits minority owned businesses and female owned businesses
10 to bear significant responsibility and risk for a portion of
11 the project; (2) a mentor/protege program that provides
12 financial, technical, managerial, equipment, and personnel
13 support to minority owned businesses and female owned
14 businesses; (3) an emerging firms program that includes
15 minority owned businesses and female owned businesses that
16 would not otherwise qualify for the project due to
17 inexperience or limited resources; (4) a small projects
18 program that includes participation by smaller minority owned
19 businesses and female owned businesses on jobs where the
20 total dollar value is \$5,000,000 or less; and (5) a set-aside
21 program that will identify contracts requiring the
22 expenditure of funds less than \$50,000 for bids to be
23 submitted solely by minority owned businesses and female
24 owned businesses.

25 (e) The City is authorized to enter into agreements with
26 contractors' associations, labor unions, and the contractors
27 working on the O'Hare Modernization Program to establish an
28 Apprenticeship Preparedness Training Program to provide for
29 an increase in the number of minority and female journeymen
30 and apprentices in the building trades and to enter into
31 agreements with Community College District 508 to provide
32 readiness training.

33 (f) O'Hare Modernization Program Advisory Board. There
34 is created an O'Hare Modernization Program Advisory Board

1 composed as follows: 4 members shall be appointed by the
2 Mayor of Chicago; 4 members shall be State Senators appointed
3 by the President of the Senate; 4 members shall be State
4 Senators appointed by the Minority Leader of the Senate; 4
5 members shall be State Representatives appointed by the
6 Speaker of the House of Representatives; and 4 members shall
7 be State Representatives appointed by the Minority Leader of
8 the House of Representatives. A State Senator or State
9 Representative member may appoint a designee to serve on the
10 Advisory Board in his or her absence.

11 A "member of a minority group" shall mean a person who is
12 a citizen or lawful permanent resident of the United States
13 and who is:

14 (1) Black (a person having origins in any of the
15 black racial groups in Africa);

16 (2) Hispanic (a person of Spanish or Portuguese
17 culture with origins in Mexico, South or Central America,
18 or the Caribbean Islands, regardless of race);

19 (3) Asian American (a person having origins in any
20 of the original peoples of the Far East, Southeast Asia,
21 the Indian Subcontinent, or the Pacific Islands); or

22 (4) American Indian or Alaskan Native (a person
23 having origins in any of the original peoples of North
24 America).

25 Members of the Advisory Board shall serve 2-year terms
26 and until their successors are appointed, except members who
27 serve as a result of their elected position whose terms shall
28 continue as long as they hold their designated elected
29 positions. Vacancies shall be filled by appointment for the
30 unexpired term in the same manner as original appointments
31 are made. The Advisory Board shall elect its own
32 chairperson.

33 Members of the Advisory Board shall serve without
34 compensation but, at the City's discretion, shall be

1 reimbursed for necessary expenses in connection with the
2 performance of their duties.

3 The Advisory Board shall meet quarterly, or as needed,
4 shall produce any reports it deems necessary, and shall:

5 (1) work with the City on ways to improve the area
6 physically and economically;

7 (2) work with the City regarding potential means
8 for providing increased economic opportunities to
9 minorities and women produced indirectly or directly from
10 the construction and operation of the O'Hare
11 Modernization Program;

12 (3) work with the City to minimize any potential
13 impact on the area surrounding O'Hare, including any
14 impact on minority or female owned businesses, resulting
15 from the construction and operation of O'Hare;

16 (4) work with the City to find candidates for
17 building trades apprenticeships and to identify job
18 training programs; and

19 (5) work with the City to implement the provisions
20 of subsections (a) through (e) of this Section in the
21 construction phase of the O'Hare Modernization Program,
22 including the City's goal of awarding not less than 25%
23 and 5% of the annual dollar value of contracts to
24 minority and female owned businesses, the outreach
25 program for minorities and women, and the mentor/protege
26 program for providing assistance to minority and female
27 owned businesses."