



Rep. Constance A. Howard

Filed: 4/20/2007

09500HB1021ham002

LRB095 09926 JAM 35251 a

1 AMENDMENT TO HOUSE BILL 1021

2 AMENDMENT NO. _____. Amend House Bill 1021, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Procurement Code is amended by
6 adding Sections 25-80 and 25-85 as follows:

7 (30 ILCS 500/25-80 new)

8 Sec. 25-80. Government contracts. Each chief procurement
9 officer may authorize, when in the best interest of the State,
10 a State agency to procure supplies and services, including but
11 not limited to technology supplies and services, without any
12 method of source selection otherwise required by this Code,
13 from a vendor with a current contract with a unit of local
14 government in Illinois, an Illinois school district, or an
15 Illinois community college under the Public Community College
16 Act. The intended contract must have been let pursuant to

1 competitive selection procedures reasonably comparable to
2 procedures used by the State of Illinois. The purchase must be
3 for substantially similar supplies or services and under the
4 same or better terms and conditions. Details of the
5 determination and intent to use another governmental entity's
6 contract shall be published in the appropriate volume of the
7 Illinois Procurement Bulletin for a period of 14 days prior to
8 execution of the new contract to allow for a challenge period
9 to the determination of best interest. Contracts resulting from
10 this process shall contain all statutory provisions required by
11 Illinois law and rule.

12 "Unit of local government" is defined as provided in
13 Section 1 of Article VII of the Illinois Constitution.

14 (30 ILCS 500/25-85 new)

15 Sec. 25-85. Cooperative purchasing. Each chief procurement
16 officer may authorize, when in the best interest of the State,
17 without any method of source selection otherwise required by
18 this Code, a State agency to enter into agreements with other
19 State governmental entities, or consortia of other State
20 governmental entities, for the purpose of jointly procuring
21 supplies and services. The State of Illinois may act as the
22 lead or as a participant in such agreements. All solicitations
23 and awards resulting from any cooperative purchasing agreement
24 shall be published in the appropriate volume of the Illinois
25 Procurement Bulletin in compliance with current solicitation,

1 protest, and award publication requirements. Contracts
2 resulting from cooperative purchasing agreements shall contain
3 all statutory provisions required by Illinois law and rule. The
4 State procuring agency shall ensure Illinois distributors
5 participate to the maximum extent practicable.

6 Section 10. The Business Enterprise for Minorities,
7 Females, and Persons with Disabilities Act is amended by
8 changing Section 2 as follows:

9 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

10 (Section scheduled to be repealed on September 6, 2008)

11 Sec. 2. Definitions.

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

14 (1) "Minority person" shall mean a person who is a citizen
15 or lawful permanent resident of the United States and who is:

16 (a) African American (a person having origins in any of
17 the black racial groups in Africa);

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

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

24 (d) Native American or Alaskan Native (a person having

1 origins in any of the original peoples of North America).

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

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

9 (2.1) "Disabled" means a severe physical or mental
10 disability that:

11 (a) results from:

12 amputation,

13 arthritis,

14 autism,

15 blindness,

16 burn injury,

17 cancer,

18 cerebral palsy,

19 cystic fibrosis,

20 deafness,

21 head injury,

22 heart disease,

23 hemiplegia,

24 hemophilia,

25 respiratory or pulmonary dysfunction,

26 mental retardation,

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

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

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

20 (3) "Minority owned business" means a business concern
21 which is at least 51% owned by one or more minority persons, or
22 in the case of a corporation, at least 51% of the stock in
23 which is owned by one or more minority persons; and the
24 management and daily business operations of which are
25 controlled by one or more of the minority individuals who own
26 it.

1 (4) "Female owned business" means a business concern which
2 is at least 51% owned by one or more females, or, in the case of
3 a corporation, at least 51% of the stock in which is owned by
4 one or more females; and the management and daily business
5 operations of which are controlled by one or more of the
6 females who own it.

7 (4.1) "Business owned by a person with a disability" means
8 a business concern that is at least 51% owned by one or more
9 persons with a disability and the management and daily business
10 operations of which are controlled by one or more of the
11 persons with disabilities who own it. A not-for-profit agency
12 for persons with disabilities that is exempt from taxation
13 under Section 501 of the Internal Revenue Code of 1986 is also
14 considered a "business owned by a person with a disability".

15 (4.2) "Council" means the Business Enterprise Council for
16 Minorities, Females, and Persons with Disabilities created
17 under Section 5 of this Act.

18 (5) "State contracts" shall mean all State contracts,
19 funded exclusively with State funds which are not subject to
20 federal reimbursement, whether competitively bid or negotiated
21 as defined by the Secretary of the Council and approved by the
22 Council.

23 "State construction contracts" means all State contracts
24 entered into by a State agency or State university for the
25 repair, remodeling, renovation or construction of a building or
26 structure, or for the construction or maintenance of a highway

1 defined in Article 2 of the Illinois Highway Code.

2 (6) "State agencies" shall mean all departments, officers,
3 boards, commissions, institutions and bodies politic and
4 corporate of the State, but does not include the Board of
5 Trustees of the University of Illinois, the Board of Trustees
6 of Southern Illinois University, the Board of Trustees of
7 Chicago State University, the Board of Trustees of Eastern
8 Illinois University, the Board of Trustees of Governors State
9 University, the Board of Trustees of Illinois State University,
10 the Board of Trustees of Northeastern Illinois University, the
11 Board of Trustees of Northern Illinois University, the Board of
12 Trustees of Western Illinois University, municipalities or
13 other local governmental units, or other State constitutional
14 officers.

15 (7) "State universities" shall mean the Board of Trustees
16 of the University of Illinois, the Board of Trustees of
17 Southern Illinois University, the Board of Trustees of Chicago
18 State University, the Board of Trustees of Eastern Illinois
19 University, the Board of Trustees of Governors State
20 University, the Board of Trustees of Illinois State University,
21 the Board of Trustees of Northeastern Illinois University, the
22 Board of Trustees of Northern Illinois University, and the
23 Board of Trustees of Western Illinois University.

24 (8) "Certification" means a determination made by the
25 Council or by one delegated authority from the Council to make
26 certifications, or by a State agency with statutory authority

1 to make such a certification, that a business entity is a
2 business owned by a minority, female, or person with a
3 disability for whatever purpose.

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

20 (10) "Business concern or business" means a business that
21 has average annual gross sales over the 3 most recent calendar
22 years of less than \$31,400,000 as evidenced by the federal
23 income tax return of the business. Each July 1 this cap shall
24 be adjusted for inflation as determined by the Consumer Price
25 Index for All Urban Consumers as determined by the United
26 States Department of Labor and rounded to the nearest \$100. A

1 firm with gross sales in excess of this cap may apply to the
2 Council for certification for a particular contract if the firm
3 can demonstrate that the contract would have significant impact
4 on businesses owned by minorities, females, or persons with
5 disabilities as suppliers or subcontractors or in employment of
6 minorities, females, or persons with disabilities. "Business
7 concern or business" means a business which has annual gross
8 sales for the most recent fiscal year of less than \$27,000,000,
9 except that a firm with gross sales in excess of that amount
10 may apply to the Council for certification for a particular
11 contract if the firm can demonstrate that the contract would
12 have significant impact on businesses owned by minorities,
13 females, or persons with disabilities as suppliers or
14 subcontractors or in employment of minorities, females, or
15 persons with disabilities.

16 (B) When a business concern is owned at least 51% by any
17 combination of minority persons, females, or persons with
18 disabilities, even though none of the 3 classes alone holds at
19 least a 51% interest, the ownership requirement for purposes of
20 this Act is considered to be met. The certification category
21 for the business is that of the class holding the largest
22 ownership interest in the business. If 2 or more classes have
23 equal ownership interests, the certification category shall be
24 determined by the Department of Central Management Services.

25 (Source: P.A. 92-670, eff. 7-16-02.)".