

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 changing Section 45-35 as follows:

6 (30 ILCS 500/45-35)

7 Sec. 45-35. Facilities for persons with severe  
8 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 severe disabilities  
12 that:

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

15 (2) is certified as a sheltered workshop by the Wage  
16 and Hour Division of the United States Department of Labor  
17 or is an accredited vocational program that provides  
18 transition services to youth between the ages of 14 1/2 and  
19 22 in 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) meets the applicable Illinois Department of Human  
3           Services just standards.

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

8           (c) Committee. There is created within the Department of  
9           Central Management Services a committee to facilitate the  
10          purchase of products and services of persons so severely  
11          disabled by a physical, developmental, or mental disability or  
12          a combination of any of those disabilities that they cannot  
13          engage in normal competitive employment. This committee is  
14          called the State Use Committee. The committee shall consist of  
15          the Director of the Department of Central Management Services  
16          or his or her designee, the Director of the Department of Human  
17          Services or his or her designee, one public member representing  
18          private business who is knowledgeable of the employment needs  
19          and concerns of persons with developmental disabilities, one  
20          public member representing private business who is  
21          knowledgeable of the needs and concerns of rehabilitation  
22          facilities, one public member who is knowledgeable of the  
23          employment needs and concerns of persons with developmental  
24          disabilities, one public member who is knowledgeable of the  
25          needs and concerns of rehabilitation facilities, and 2 public  
26          members from a statewide association that represents

1 community-based rehabilitation facilities, all appointed by  
2 the Governor. The public members shall serve 2 year terms,  
3 commencing upon appointment and every 2 years thereafter. A  
4 public member may be reappointed, and vacancies shall be filled  
5 by appointment for the completion of the term. In the event  
6 there is a vacancy on the Committee, the Governor must make an  
7 appointment to fill that vacancy within 30 calendar days after  
8 the notice of vacancy. The members shall serve without  
9 compensation but shall be reimbursed for expenses at a rate  
10 equal to that of State employees on a per diem basis by the  
11 Department of Central Management Services. All members shall be  
12 entitled to vote on issues before the committee.

13 The committee shall have the following powers and duties:

14 (1) To request from any State agency information as to  
15 product specification and service requirements in order to  
16 carry out its purpose.

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

19 (3) To request a quarterly report from each  
20 participating qualified not-for-profit agency for persons  
21 with severe disabilities describing the volume of sales for  
22 each product or service sold under this Section.

23 (4) To prepare a report for the Governor annually.

24 (5) To prepare a publication that lists all supplies  
25 and services currently available from any qualified  
26 not-for-profit agency for persons with severe

1 disabilities. This list and any revisions shall be  
2 distributed to all purchasing agencies.

3 (6) To encourage diversity in supplies and services  
4 provided by qualified not-for-profit agencies for persons  
5 with severe disabilities and discourage unnecessary  
6 duplication or competition among facilities.

7 (7) To develop guidelines to be followed by qualifying  
8 agencies for participation under the provisions of this  
9 Section. The guidelines shall be developed within 6 months  
10 after the effective date of this Code and made available on  
11 a nondiscriminatory basis to all qualifying agencies.

12 (8) To review all bids submitted under the provisions  
13 of this Section and reject any bid for any purchase that is  
14 determined to be substantially more than the purchase would  
15 have cost had it been competitively bid.

16 (9) To develop a 5-year plan for increasing the number  
17 of products and services purchased from qualified  
18 not-for-profit agencies for persons with severe  
19 disabilities, including the feasibility of developing  
20 mandatory set-aside contracts. This 5-year plan must be  
21 developed no later than 180 calendar days after the  
22 effective date of this amendatory Act of the 96th General  
23 Assembly.

24 (c-5) Conditions for Use. Each chief procurement officer  
25 shall, in consultation with the State Use Committee, determine  
26 which articles, materials, services, food stuffs, and supplies

1 that are produced, manufactured, or provided by persons with  
2 severe disabilities in qualified not-for-profit agencies shall  
3 be given preference by purchasing agencies procuring those  
4 items.

5 (d) Former committee. The committee created under  
6 subsection (c) shall replace the committee created under  
7 Section 7-2 of the Illinois Purchasing Act, which shall  
8 continue to operate until the appointments under subsection (c)  
9 are made.

10 (Source: P.A. 96-634, eff. 8-24-09.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.