

AN ACT concerning State government.

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

(20 ILCS 405/405-530 rep.)

(20 ILCS 405/405-535 rep.)

Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by repealing Sections 405-530 and 405-535.

Section 10. The Energy Transition Act is amended by changing Section 5-55 as follows:

(20 ILCS 730/5-55)

(Section scheduled to be repealed on September 15, 2045)

Sec. 5-55. Clean Energy Primes Contractor Accelerator Program.

(a) As used in this Section:

"Approved vendor" means the definition of that term used and as may be updated by the Illinois Power Agency.

"Minority business" means a minority-owned business as defined in Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Minority Business Enterprise certification" means the certification or recognition certification affidavit from the

~~Commission on Equity and Inclusion's State of Illinois~~
~~Department of Central Management Services~~ Business Enterprise
Program or a program with equivalent requirements.

"Program" means the Clean Energy Primes Contractor Accelerator Program.

"Returning resident" has the meaning given to that term in Section 5-50 of this Act.

(b) Subject to appropriation, the Department shall develop, and through a Primes Program Administrator and Regional Primes Program Leads described in this Section, administer the Clean Energy Primes Contractor Accelerator Program. The Program shall be administered in 3 program delivery areas: the Northern Illinois Program Delivery Area covering Northern Illinois, the Central Illinois Program Delivery Area covering Central Illinois, and the Southern Illinois Program Delivery Area covering Southern Illinois. Prior to developing the Program, the Department shall solicit public comments, with a 30-day comment period, to gather input on Program implementation and associated community outreach options.

(c) The Program shall be available to selected contractors who best meet the following criteria:

- (1) 2 or more years of experience in a clean energy or a related contracting field;
- (2) at least \$5,000 in annual business; and
- (3) a substantial and demonstrated commitment of

investing in and partnering with individuals and institutions in equity investment eligible communities.

(c-5) The Department shall develop scoring criteria to select contractors for the Program, which shall consider:

(1) projected hiring and industry job creation, including wage and benefit expectations;

(2) a clear vision of strategic business growth and how increased capitalization would benefit the business;

(3) past project work quality and demonstration of technical knowledge;

(4) capacity the applicant is anticipated to bring to project development;

(5) willingness to assume risk;

(6) anticipated revenues from future projects;

(7) history of commitment to advancing equity as demonstrated by, among other things, employment of or ownership by equity investment eligible persons and a history of partnership with equity focused community organizations or government programs; and

(8) business models that build wealth in the larger underserved community.

Applicants for Program participation shall be allowed to reapply for a future cohort if they are not selected, and the Primes Program Administrator shall inform each applicant of this option.

(d) The Department, in consultation with the Primes

Program Administrator and Regional Primes Program Leads, shall select a new cohort of participant contractors from each Program Delivery Area every 18 months. Each regional cohort shall include between 3 and 5 participants. The Program shall cap contractors in the energy efficiency sector at 50% of available cohort spots and 50% of available grants and loans, if possible.

(e) The Department shall hire a Primes Program Administrator with experience in leading a large contractor-based business in Illinois; coaching and mentoring; the Illinois clean energy industry; and working with equity investment eligible community members, organizations, and businesses.

(f) The Department shall select 3 Regional Primes Program Leads who shall report directly to the Primes Program Administrator. The Regional Primes Program Leads shall be located within their Program Delivery Area and have experience in leading a large contractor-based business in Illinois; coaching and mentoring; the Illinois clean energy industry; developing relationships with companies in the Program Delivery Area; and working with equity investment eligible community members, organizations, and businesses.

(g) The Department may determine how Program elements will be delivered or may contract with organizations with experience delivering the Program elements described in subsection (h) of this Section.

(h) The Clean Energy Primes Contractor Accelerator Program shall provide participants with:

(1) a 5-year, 6-month progressive course of one-on-one coaching to assist each participant in developing an achievable 5-year business plan, including review of monthly metrics, and advice on achieving participant's goals;

(2) operational support grants not to exceed \$1,000,000 annually to support the growth of participant contractors with access to capital for upfront project costs and pre-development funding, among others. The amount of the grant shall be based on anticipated project size and scope;

(3) business coaching based on the participant's needs;

(4) a mentorship of approximately 2 years provided by a qualified company in the participant's field;

(5) access to Clean Energy Contractor Incubator Program services;

(6) assistance with applying for Minority Business Enterprise certification and other relevant certifications and approved vendor status for programs offered by utilities or other entities;

(7) assistance with preparing bids and Request for Proposal applications;

(8) opportunities to be listed in any relevant

directories and databases organized by the Commission on Equity and Inclusion ~~Department of Central Management Services;~~

(9) opportunities to connect with participants in other Department programs;

(10) assistance connecting with and initiating participation in the Illinois Power Agency's Adjustable Block program, the Illinois Solar for All Program, and utility programs; and

(11) financial development assistance programs such as zero-interest and low-interest loans with the Climate Bank as established by Article 850 of the Illinois Finance Authority Act or a comparable financing mechanism. The Illinois Finance Authority shall retain authority to determine loan repayment terms and conditions.

(i) The Primes Program Administrator shall:

(1) collect and report performance metrics as described in this Section;

(2) review and assess:

(i) participant work plans and annual goals; and

(ii) the mentorship program, including approved mentor companies and their stipend awards; and

(3) work with the Regional Primes Program Leads to publicize the Program; design and implement a mentorship program; and ensure participants are quickly on-boarded.

(j) The Regional Primes Program Leads shall:

(1) publicize the Program; the budget shall include funds to pay community-based organizations with a track record of working with equity investment eligible communities to complete this work;

(2) recruit qualified Program applicants;

(3) assist Program applicants with the application process;

(4) introduce participants to the Program offerings;

(5) conduct entry and annual assessments with participants to identify training, coaching, and other Program service needs;

(6) assist participants in developing goals on entry and annually, and assessing progress toward meeting the goals;

(7) establish a metric reporting system with each participant and track the metrics for progress against the contractor's work plan and Program goals;

(8) assist participants in receiving their Minority Business Enterprise certification and any other relevant certifications and approved vendor statuses;

(9) match participants with Clean Energy Contractor Incubator Program offerings and individualized expert coaching, including training on working with returning residents and companies that employ them;

(10) pair participants with a mentor company;

(11) facilitate connections between participants and

potential subcontractors and employees;

(12) dispense a participant's awarded operational grant funding;

(13) connect participants to zero-interest and low-interest loans from the Climate Bank as established by Article 850 of the Illinois Finance Authority Act or a comparable financing mechanism;

(14) encourage participants to apply for appropriate State and private business opportunities;

(15) review a participant's progress and make a recommendation to the Department about whether the participant should continue in the Program, be considered a Program graduate, and whether adjustments should be made to a participant's grant funding, loans, and related services;

(16) solicit information from participants, which participants shall be required to provide, necessary to understand the participant's business, including financial and income information, certifications that the participant is seeking to obtain, and ownership, employee, and subcontractor data, including compensation, length of service, and demographics; and

(17) other duties as required.

(k) Performance metrics. The Primes Program Administrator and Regional Primes Program Leads shall collaborate to collect and report the following metrics quarterly to the Department

and Advisory Council:

(1) demographic information on cohort recruiting and formation, including racial, gender, geographic distribution data, and data on the number and percentage of R3 residents, environmental justice community residents, foster care alumni, and formerly convicted persons who are cohort applicants and admitted participants;

(2) participant contractor engagement in other Illinois clean energy programs such as the Adjustable Block program, Illinois Solar for All Program, and the utility-run energy efficiency and electric vehicle programs;

(3) retention of participants in each cohort;

(4) total projects bid, started, and completed by participants, including information about revenue, hiring, and subcontractor relationships with projects;

(5) certifications issued;

(6) employment data for contractor hires and industry jobs created, including demographic, salary, length of service, and geographic data;

(7) grants and loans distributed; and

(8) participant satisfaction with the Program.

The metrics in paragraphs (2), (4), and (6) shall be collected from Program participants and graduates for 10 years from their entrance into the Program to help the Department

and Program Administrators understand the Program's long-term effect.

Data should be anonymized where needed to protect participant privacy.

The Department shall make such reports publicly available on its website.

(1) Mentorship Program.

(1) The Regional Primes Program Leads shall recruit, and the Primes Program Administrator shall select, with approval from the Department, private companies with the following qualifications to mentor participants and assist them in succeeding in the clean energy industry:

(i) excellent standing with state clean energy programs;

(ii) 4 or more years of experience in their field;
and

(iii) a proven track record of success in their field.

(2) Mentor companies may receive a stipend, determined by the Department, for their participation. Mentor companies may identify what level of stipend they require.

(3) The Primes Program Administrator shall develop guidelines for mentor company-mentee profit sharing or purchased services agreements.

(4) The Regional Primes Program Leads shall:

(i) collaborate with mentor companies and

participants to create a plan for ongoing contact such as on-the-job training, site walkthroughs, business process and structure walkthroughs, quality assurance and quality control reviews, and other relevant activities;

(ii) recommend the mentor company-mentee pairings and associated mentor company stipends for approval;

(iii) conduct an annual review of each mentor company-mentee pairing and recommend whether the pairing continues for a second year and the level of stipend that is appropriate. The review shall also ensure that any profit sharing and purchased services agreements adhere to the guidelines established by the Primes Program Administrator.

(5) Contractors may request reassignment to a new mentor company.

(m) Disparity study. The Program Administrator shall cooperate with the Illinois Power Agency in the conduct of a disparity study, as described in subsection (c-15) of Section 1-75 of the Illinois Power Agency Act, and in the effectuation of appropriate remedies necessary to address any discrimination that such study may find. Potential remedies shall include, but not be limited to, race-conscious remedies to rapidly eliminate discrimination faced by minority businesses and works in the industry this Program serves, consistent with the law. Remedies shall be developed through

consultation with individuals, companies, and organizations that have expertise on discrimination faced in the market and potential legally permissible remedies for addressing it. Notwithstanding any other requirement of this Section, the Program Administrator shall modify program participation criteria or goals as soon as the report has been published, in such a way as is consistent with state and federal law, to rapidly eliminate discrimination on minority businesses and workers in the industry this Program serves by setting standards for Program participation. This study will be paid for with funds from the Energy Transition Assistance Fund or any other lawful source.

(n) Program budget.

(1) The Department may allocate up to \$3,000,000 annually to the Primes Program Administrator for each of the 3 regional budgets from the Energy Transition Assistance Fund.

(2) The Primes Program Administrator shall work with the Illinois Finance Authority and the Climate Bank as established by Article 850 of the Illinois Finance Authority Act or comparable financing institution so that loan loss reserves may be sufficient to underwrite \$7,000,000 in low-interest loans in each of the 3 Program delivery areas.

(3) Any grant and loan funding shall be made available to participants in a timely fashion.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 15. The Blind Vendors Act is amended by changing Section 10 as follows:

(20 ILCS 2421/10)

Sec. 10. Business Enterprise Program for the Blind.

(a) The Business Enterprise Program for the Blind is created for the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting. In order to achieve these goals, blind persons licensed under this Act shall be authorized to operate vending facilities on any property within this State as provided by this Act.

It is the intent of the General Assembly that the Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f, and the federal regulations for its administration set forth in Part 395 of Title 34 of the Code of Federal Regulations, shall serve as a model for minimum standards for the operation of the Business Enterprise Program for the Blind. The federal Randolph-Sheppard Act provides employment opportunities for individuals who are blind or visually impaired through the Business Enterprise Program for the Blind. Under the Randolph-Sheppard Act, all federal agencies are required to give priority to licensed blind vendors in the operation of

vending facilities on federal property. It is the intent of this Act to provide the same priority to licensed blind vendors on State property by requiring State agencies to give priority to licensed blind vendors in the operation of vending facilities on State property and preference to licensed blind vendors in the operation of cafeteria facilities on State property. Furthermore, it is the intent of this Act that all State agencies, particularly the Commission on Equity and Inclusion ~~Department of Central Management Services~~, promote and advocate for the Business Enterprise Program for the Blind.

(b) The Secretary, through the Director, shall continue, maintain, and promote the Business Enterprise Program for the Blind. Some or all of the functions of the program may be provided by the Department of Human Services. The Business Enterprise Program for the Blind must provide that:

(1) priority is given to blind vendors in the operation of vending facilities on State property;

(2) tie bid preference is given to blind vendors in the operation of cafeterias on State property, unless the cafeteria operations are operated by employees of a State agency;

(3) vending machine income from all vending machines on State property is assigned as provided for by Section 30 of this Act;

(4) no State agency may impose any commission, service

charge, rent, or utility charge on a licensed blind vendor who is operating a vending facility on State property unless approved by the Department;

(5) the Department shall approve a commission to the State agency from a blind vendor operating a vending facility on the State property of the Department of Corrections or the Department of Juvenile Justice in the amount of 10% of the net proceeds from vending machines servicing State employees and 25% of the net proceeds from vending machines servicing visitors on the State property; and

(6) vending facilities operated by the Program use reasonable and necessary means and methods to maintain fair market pricing in relation to each facility's given demographic, geographic, and other circumstances.

(c) With respect to vending facilities on federal property within this State, priority shall be given as provided in the federal Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f, including any amendments thereto. This Act, as it applies to federal property, is intended to conform to the federal Act, and is to be of no force or effect if, and to the extent that, any provision of this Act or any rule adopted under this Act is in conflict with the federal Act. Nothing in this subsection shall be construed to impose limitations on the operation of vending facilities on State property, or property other than federal property, or to allow only those activities

specifically enumerated in the Randolph-Sheppard Act.

(d) The Secretary shall actively pursue all commissions from vending facilities not operated by blind vendors as provided in Section 30 of this Act, and shall propose new placements of vending facilities on State property where a facility is not yet in place.

(e) Partnerships and teaming arrangements between blind vendors and private industry, including franchise operations, shall be fostered and encouraged by the Department.

(Source: P.A. 96-644, eff. 1-1-10.)

Section 20. The Illinois Procurement Code is amended by changing Section 15-25 as follows:

(30 ILCS 500/15-25)

Sec. 15-25. Bulletin content.

(a) Invitations for bids. Notice of each and every contract that is offered, including renegotiated contracts and change orders, shall be published in the Bulletin. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least the date first offered, the date submission of offers is due, the location that offers are to be submitted to, the purchasing State agency, the responsible State purchasing officer, a brief purchase description, the method of source selection, information of

how to obtain a comprehensive purchase description and any disclosure and contract forms, and encouragement to potential contractors to hire qualified veterans, as defined by Section 45-67 of this Code, and qualified Illinois minorities, women, persons with disabilities, and residents discharged from any Illinois adult correctional center.

(a-5) All businesses listed on the Illinois Unified Certification Program Disadvantaged Business Enterprise Directory, the Business Enterprise Program of the Commission on Equity and Inclusion ~~Department of Central Management Services~~, and any small business database created pursuant to Section 45-45 of this Code shall be furnished written instructions and information on how to register for the Illinois Procurement Bulletin. This information shall be provided to each business within 30 calendar days after the business's notice of certification or qualification.

(b) Contracts let. Notice of each and every contract that is let, including renegotiated contracts and change orders, shall be issued electronically to those bidders submitting responses to the solicitations, inclusive of the unsuccessful bidders, immediately upon contract let. Failure of any chief procurement officer to give such notice shall result in tolling the time for filing a bid protest up to 7 calendar days.

For purposes of this subsection (b), "contracts let" means a construction agency's act of advertising an invitation for

bids for one or more construction projects.

(b-5) Contracts awarded. Notice of each and every contract that is awarded, including renegotiated contracts and change orders, shall be issued electronically to the successful responsible bidder, offeror, or contractor and published in the Bulletin. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least all of the information specified in subsection (a) as well as the name of the successful responsible bidder, offeror, the contract price, the number of unsuccessful bidders or offerors and any other disclosure specified in any Section of this Code. This notice must be posted in the online electronic Bulletin prior to execution of the contract.

For purposes of this subsection (b-5), "contract award" means the determination that a particular bidder or offeror has been selected from among other bidders or offerors to receive a contract, subject to the successful completion of final negotiations. "Contract award" is evidenced by the posting of a Notice of Award or a Notice of Intent to Award to the respective volume of the Illinois Procurement Bulletin.

(c) Emergency purchase disclosure. Any chief procurement officer or State purchasing officer exercising emergency purchase authority under this Code shall publish a written description and reasons and the total cost, if known, or an estimate if unknown and the name of the responsible chief

procurement officer and State purchasing officer, and the business or person contracted with for all emergency purchases in the Bulletin. The notice for an emergency procurement other than the extension of an emergency contract must be posted in the online electronic Bulletin no later than 5 calendar days after the contract is awarded, and notice for the extension of an emergency contract must be posted in the online electronic Bulletin no later than 7 calendar days after the extension is executed.

(c-5) Business Enterprise Program report. Each purchasing agency shall, with the assistance of the applicable chief procurement officer, post in the online electronic Bulletin a copy of its annual report of utilization of businesses owned by minorities, women, and persons with disabilities as submitted to the Business Enterprise Council for Minorities, Women, and Persons with Disabilities pursuant to Section 6(c) of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act within 10 calendar days after its submission of its report to the Council.

(c-10) Renewals. Notice of each contract renewal shall be posted in the Bulletin within 14 calendar days of the determination to execute a renewal of the contract. The notice shall include at least all of the information required in subsection (a) or (b), as applicable.

(c-15) Sole source procurements. Before entering into a sole source contract, a chief procurement officer exercising

sole source procurement authority under this Code shall publish a written description of intent to enter into a sole source contract along with a description of the item to be procured and the intended sole source contractor. This notice must be posted in the online electronic Procurement Bulletin before a sole source contract is awarded and at least 14 calendar days before the hearing required by Section 20-25.

(d) Other required disclosure. The applicable chief procurement officer shall provide by rule for the organized publication of all other disclosure required in other Sections of this Code in a timely manner.

(e) The changes to subsections (b), (c), (c-5), (c-10), and (c-15) of this Section made by Public Act 96-795 apply to reports submitted, offers made, and notices on contracts executed on or after July 1, 2010 (the effective date of Public Act 96-795). The changes made to subsection (c) by this amendatory Act of the 102nd General Assembly apply only to emergency contract extensions executed on or after the effective date of this amendatory Act of the 102nd General Assembly.

(f) Each chief procurement officer shall, in consultation with the agencies under his or her jurisdiction, provide the Procurement Policy Board with the information and resources necessary, and in a manner, to effectuate the purpose of Public Act 96-1444.

(Source: P.A. 102-1119, eff. 1-23-23.)

Section 23. The Commission on Equity and Inclusion Act is amended by changing Section 40-10 as follows:

(30 ILCS 574/40-10)

Sec. 40-10. Powers and duties. In addition to the other powers and duties which may be prescribed in this Act or elsewhere, the Commission shall have the following powers and duties:

(1) The Commission shall have a role in all State and university procurement by facilitating and streamlining communications between the Business Enterprise Council for Minorities, Women, and Persons with Disabilities, the purchasing entities, the Chief Procurement Officers, and others.

(2) The Commission may create a scoring evaluation for State agency directors, public university presidents and chancellors, and public community college presidents. The scoring shall be based on the following 3 principles: (i) increasing capacity; (ii) growing revenue; and (iii) enhancing credentials. These principles should be the foundation of the agency compliance plan required under Section 6 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

(3) The Commission shall exercise the authority and duties provided to it under Section 5-7 of the Illinois

Procurement Code.

(4) The Commission, working with State agencies, shall provide support for diversity in State hiring.

(5) The Commission shall oversee the implementation of diversity training of the State workforce.

(6) Each January, and as otherwise frequently as may be deemed necessary and appropriate by the Commission, the Commission shall propose and submit to the Governor and the General Assembly legislative changes to increase inclusion and diversity in State government.

(7) The Commission shall have oversight over the following entities:

(A) the Illinois African-American Family Commission;

(B) the Illinois Latino Family Commission;

(C) the Asian American Family Commission;

(D) the Illinois Muslim American Advisory Council;

(E) the Illinois African-American Fair Contracting Commission created under Executive Order 2018-07; and

(F) the Business Enterprise Council for Minorities, Women, and Persons with Disabilities.

(7.5) The Commission shall have oversight over the collection of supplier diversity reports by State agencies to the extent that those agencies are required to collect supplier diversity reports. This oversight shall include publishing, on the Commission's website, a copy of each

such supplier diversity report submitted to a State agency and may include conducting an annual hearing with each State agency to discuss ongoing compliance with supplier diversity reporting requirements. The Commission is not responsible for ensuring compliance by the filers of supplier diversity reports to their respective agencies. The agencies subject to oversight by the Commission and the relevant voluntary supplier diversity reports include the following:

(A) the Health Facilities and Services Review Board for hospitals;

(B) the Department of Commerce and Economic Opportunity for tax credit recipients under the Economic Development for a Growing Economy Tax Credit Act;

(C) the Illinois Commerce Commission for utilities and railroads;

(D) the Illinois Gaming Board for casinos; and

(E) the Illinois Racing Board for race tracks.

(7.6) The Commission may hold public workshops focused on specific industries and reports to collaboratively connect diverse enterprises with entities that manage supplier diversity programs. These workshops may be modeled after Illinois Commerce Commission hearings for utilities and railroads that include a collaborative discussion of filed supplier diversity reports.

(8) The Commission shall adopt any rules necessary for the implementation and administration of the requirements of this Act.

(9) The Commission shall exercise the authority and duties provided to it under Section 45-57 of the Illinois Procurement Code.

(Source: P.A. 101-657, eff. 1-1-22; 102-29, eff. 6-25-21; 102-671, eff. 11-30-21.)

Section 25. The Commission on Equity and Inclusion Act is amended by adding Sections 40-15 and 40-20 as follows:

(30 ILCS 574/40-15 new)

Sec. 40-15. Higher education supplier diversity report.

(a) Every private institution of higher education approved by the Illinois Student Assistance Commission for purposes of the Monetary Award Program shall submit an annual 2-page report in a searchable Adobe PDF format on its voluntary supplier diversity program to the Commission on or before November 15 of each year. The report shall set forth all of the following:

(1) The name, address, phone number, and email address of the point of contact for the supplier diversity program, or the institution's procurement program if there is no supplier diversity program, for vendors to register with the program.

(2) Local and State certifications the institution accepts or recognizes for minority-owned, women-owned, or veteran-owned business status.

(3) On the second page, a narrative explaining the results of the report and the tactics to be employed to achieve the goals.

(4) The voluntary goals, if any, for either the fiscal year or calendar year in each category for the entire budget of the institution, expending both public and private moneys, including any fee-supported entities, and the commodity codes or a description of particular goods and services for the area of procurement in which the institution expects most of those goals to focus on in the next reporting year. The actual spending for the entire budget of the institution, expending both public and private moneys, including any fee-supported entities, for minority-owned business enterprises, women-owned business enterprises, and veteran-owned business enterprises, expressed both in actual dollars and as a percentage of the total budget of the institution, must be included for each reporting year.

(b) For each report submitted under subsection (a), the Commission shall publish the results on its website for no less than 5 years after submission. The Commission is not responsible for collecting the reports or for the content of the reports.

(c) The Commission shall hold an annual higher education supplier diversity workshop every February to discuss the reports with representatives of the institutions of higher education and vendors.

(d) The Commission shall prepare a one-page template, not including the narrative section, for the voluntary supplier diversity reports.

(30 ILCS 574/40-20 new)

Sec. 40-20. Race and gender wage reports.

(a) Each State agency and public institution of higher education shall annually submit to the Commission a report, categorized by both race and gender, specifying the respective wage earnings of employees of that State agency or public institution of higher education.

(b) The Commission shall compile the information submitted under this Section and make that information available to the public on the website of the Commission.

(c) The Commission shall annually submit a report of the information compiled under this Section to the Governor and the General Assembly.

(d) As used in this Section:

"Public institution of higher education" has the meaning provided in Section 1 of the Board of Higher Education Act.

"State agency" means all departments, officers, commissions, boards, institutions, and bodies politic and

corporate of the State. "State agency" does not include the judicial branch, including, without limitation, the courts of the State, the office of the clerk of the Supreme Court and the clerks of the appellate court, and the Administrative Office of the Illinois Courts, or the legislature, its agencies, or its committees or commissions.

Section 30. The Business Enterprise for Minorities, Women, and Persons with Disabilities Act is amended by changing Sections 4, 6a, 8c, 8g, 8j, and 9 as follows:

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

(Section scheduled to be repealed on June 30, 2029)

Sec. 4. Award of State contracts.

(a) Except as provided in subsection (b), not less than 30% of the total dollar amount of State contracts, as defined by the Secretary of the Council and approved by the Council, shall be established as an aspirational goal to be awarded to businesses owned by minorities, women, and persons with disabilities; provided, however, that of the total amount of all State contracts awarded to businesses owned by minorities, women, and persons with disabilities pursuant to this Section, contracts representing at least 16% shall be awarded to businesses owned by minorities, contracts representing at least 10% shall be awarded to women-owned businesses, and contracts representing at least 4% shall be awarded to

businesses owned by persons with disabilities.

(a-5) In addition to the aspirational goals in awarding State contracts set under subsection (a), the Commission shall by rule further establish targeted efforts to encourage the participation of businesses owned by minorities, women, and persons with disabilities on State contracts. Such efforts shall include, but not be limited to, further concerted outreach efforts to businesses owned by minorities, women, and persons with disabilities.

The above percentage relates to the total dollar amount of State contracts during each State fiscal year, calculated by examining independently each type of contract for each agency or public institutions of higher education which lets such contracts. Only that percentage of arrangements which represents the participation of businesses owned by minorities, women, and persons with disabilities on such contracts shall be included. State contracts subject to the requirements of this Act shall include the requirement that only expenditures to businesses owned by minorities, women, and persons with disabilities that perform a commercially useful function may be counted toward the goals set forth by this Act. Contracts shall include a definition of "commercially useful function" that is consistent with 49 CFR 26.55(c).

(b) Not less than 20% of the total dollar amount of State construction contracts is established as an aspirational goal

to be awarded to businesses owned by minorities, women, and persons with disabilities; provided that, contracts representing at least 11% of the total dollar amount of State construction contracts shall be awarded to businesses owned by minorities; contracts representing at least 7% of the total dollar amount of State construction contracts shall be awarded to women-owned businesses; and contracts representing at least 2% of the total dollar amount of State construction contracts shall be awarded to businesses owned by persons with disabilities.

(c) (Blank).

(c-5) All goals established under this Section shall be contingent upon the results of the most recent disparity study conducted by the State.

~~(d) Within one year after April 28, 2009 (the effective date of Public Act 96-8), the Department of Central Management Services shall conduct a social scientific study that measures the impact of discrimination on minority and women business development in Illinois. Within 18 months after April 28, 2009 (the effective date of Public Act 96-8), the Department shall issue a report of its findings and any recommendations on whether to adjust the goals for minority and women participation established in this Act. Copies of this report and the social scientific study shall be filed with the Governor and the General Assembly. By December 31, 2028 ~~December 1, 2020~~, the Commission on Equity and Inclusion~~

~~Department of Central Management Services~~ shall conduct a new social scientific study that measures the impact of discrimination on minority and women business development in Illinois. By June 30, 2029 ~~June 1, 2022~~, the Commission ~~Department~~ shall issue a report of its findings and any recommendations on whether to adjust the goals for minority and women participation established in this Act. Copies of this report and the social scientific study shall be filed with the Governor and the General Assembly. By December 31, 2029 ~~December 1, 2022~~, the Commission on Equity and Inclusion Business Enterprise Program shall develop a model for social scientific disparity study sourcing for local governmental units to adapt and implement to address regional disparities in public procurement.

(e) All State contract solicitations that include Business Enterprise Program participation goals shall require bidders or offerors to include utilization plans. Utilization plans are due at the time of bid or offer submission. Failure to complete and include a utilization plan, including documentation demonstrating good faith efforts when requesting a waiver, shall render the bid or offer non-responsive.

Except as permitted under this Act or as otherwise mandated by federal regulation, a bidder or offeror whose bid or offer is accepted and who included in that bid a completed utilization plan but who fails to meet the goals set forth in the plan shall be notified of the deficiency by the

contracting agency or public institution of higher education and shall be given a period of 10 calendar days to cure the deficiency by contracting with additional subcontractors who are certified by the Business Enterprise Program or by increasing the work to be performed by previously identified vendors certified by the Business Enterprise Program.

Deficiencies that may be cured include: (i) scrivener's errors, such as transposed numbers; (ii) information submitted in an incorrect form or format; (iii) mistakes resulting from failure to follow instructions or to identify and adequately document good faith efforts taken to comply with the utilization plan; or (iv) a proposal to use a firm whose Business Enterprise Program certification has lapsed or is not yet recognized. Cure is not authorized if the bidder or offeror submits a blank utilization plan, a utilization plan that shows lack of reasonable effort to complete the form on time, or a utilization plan that states the contract will be self-performed, by a non-certified vendor, without showing good faith efforts or a request for a waiver. All cure activity shall address the deficiencies identified by the purchasing agency and shall require clear documentation, including that of good faith efforts, to address those deficiencies. Any increase in cost to a contract for the addition of a subcontractor to cure a bid's deficiency shall not affect the bid price and shall not be used in the request for an exemption under this Act, and, in no case, shall an identified

subcontractor with a Business Enterprise Program certification made under this Act be terminated from a contract without the written consent of the State agency or public institution of higher education entering into the contract. The purchasing agency or public institution of higher education shall make the determination whether the cure is adequate.

Vendors certified with the Business Enterprise Program at the time and date submittals are due and who do not submit a utilization plan or have utilization plan deficiencies shall have 10 business days to submit a utilization plan or to correct the utilization plan deficiencies.

(f) (Blank).

(g) (Blank).

(h) State agencies and public institutions of higher education shall notify the Commission on Equity and Inclusion of all non-responsive bids or proposals for State contracts.

(Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20; 101-657, Article 1, Section 1-5, eff. 1-1-22; 101-657, Article 40, Section 40-130, eff. 1-1-22; 102-29, eff. 6-25-21; 102-558, eff. 8-20-21; 102-1119, eff. 1-23-23.)

(30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

(Section scheduled to be repealed on June 30, 2029)

Sec. 6a. Notice of contracts to Council. Except in case of emergency as defined in the Illinois Procurement Code, or as authorized by rule promulgated by the Commission on Equity and

Inclusion ~~Department of Central Management Services~~, each agency and public institution of higher education under the jurisdiction of this Act shall notify the Secretary of the Council of proposed contracts for professional and artistic services and provide the information in the form and detail as required by rule promulgated by the Commission on Equity and Inclusion ~~Department of Central Management Services~~. Notification may be made through direct written communication to the Secretary to be received at least 14 days before execution of the contract (or the solicitation response date, if applicable). The agency or public institution of higher education must consider any vendor referred by the Secretary before execution of the contract. The provisions of this Section shall not apply to any State agency or public institution of higher education that has awarded contracts for professional and artistic services to businesses owned by minorities, women, and persons with disabilities totaling in the aggregate \$40,000,000 or more during the preceding fiscal year.

(Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

(30 ILCS 575/8c) (from Ch. 127, par. 132.608c)

(Section scheduled to be repealed on June 30, 2029)

Sec. 8c. Recommended rules and regulations for the establishment and continuation of narrowly tailored sheltered markets under Section 8b shall be approved by the Council

prior to submission by the Commission on Equity and Inclusion ~~Department of Central Management Services~~ to the Joint Committee on Administrative Rules. These rules shall include but not be limited to agency goals, waivers and procedures for use of sheltered markets.

(Source: P.A. 86-269; 86-270.)

(30 ILCS 575/8g)

(Section scheduled to be repealed on June 30, 2029)

Sec. 8g. Business Enterprise Program Council reports.

(a) The Commission on Equity and Inclusion ~~Department of Central Management Services~~ shall provide a report to the Council identifying all State agency non-construction solicitations that exceed \$20,000,000 and that have less than a 20% established goal prior to publication.

(b) The Commission on Equity and Inclusion ~~Department of Central Management Services~~ shall provide a report to the Council identifying all State agency non-construction awards that exceed \$20,000,000. The report shall contain the following: (i) the name of the awardee; (ii) the total bid amount; (iii) the established Business Enterprise Program goal; (iv) the dollar amount and percentage of participation by businesses owned by minorities, women, and persons with disabilities; and (v) the names of the certified firms identified in the utilization plan.

(Source: P.A. 100-391, eff. 8-25-17; 100-863, eff. 8-14-18.)

(30 ILCS 575/8j)

(Section scheduled to be repealed on June 30, 2029)

Sec. 8j. Special Committee on Minority, Female, Persons with Disabilities, and Veterans Contracting.

(a) There is created a Special Committee on Minority, Female, Persons with Disabilities, and Veterans Contracting under the Council. The Special Committee shall review Illinois' procurement laws regarding contracting with minority-owned businesses, women-owned businesses, businesses owned by persons with disabilities, and veteran-owned businesses to determine what changes should be made to increase participation of these businesses in State procurements.

(b) The Special Committee shall consist of the following members:

(1) 3 persons each to be appointed by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate; only one Special Committee member of each appointee under this paragraph may be a current member of the General Assembly;

(2) the Executive Director of the Commission on Equity and Inclusion or the Executive Director's designee ~~Director of Central Management Services, or his or her designee;~~

(3) the chairperson of the Council, or his or her designee; and

(4) each chief procurement officer.

(c) The Special Committee shall conduct at least 3 hearings, with at least one hearing in Springfield and one in Chicago. Each hearing shall be open to the public and notice of the hearings shall be posted on the websites of the Procurement Policy Board, the Commission on Equity and Inclusion ~~Department of Central Management Services~~, and the General Assembly at least 6 days prior to the hearing.

(Source: P.A. 100-43, eff. 8-9-17; 100-863, eff. 8-14-18.)

(30 ILCS 575/9) (from Ch. 127, par. 132.609)

(Section scheduled to be repealed on June 30, 2029)

Sec. 9. Repeal. This Act is repealed June 30, 2030 ~~2029~~.

(Source: P.A. 103-563, eff. 11-17-23.)

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 23 takes effect on July 1, 2025.

INDEX

Statutes amended in order of appearance

20 ILCS 405/405-530 rep.

20 ILCS 405/405-535 rep.

20 ILCS 730/5-55

20 ILCS 2421/10

30 ILCS 500/15-25

30 ILCS 574/40-15 new

30 ILCS 574/40-20 new

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

30 ILCS 575/6a from Ch. 127, par. 132.606a

30 ILCS 575/8c from Ch. 127, par. 132.608c

30 ILCS 575/8g

30 ILCS 575/8j

30 ILCS 575/9 from Ch. 127, par. 132.609