



Rep. Justin Slaughter

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10400HB5283ham001

LRB104 19985 HLH 35661 a

1 AMENDMENT TO HOUSE BILL 5283

2 AMENDMENT NO. _____. Amend House Bill 5283 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 changing Section 45-45 as follows:

6 (30 ILCS 500/45-45)

7 Sec. 45-45. Small businesses.

8 (a) Set-asides. Each chief procurement officer has
9 authority to designate as small business set-asides a fair
10 proportion of construction, supply, and service contracts for
11 award to small businesses in Illinois. Advertisements for bids
12 or offers for those contracts shall specify designation as
13 small business set-asides. In awarding the contracts, only
14 bids or offers from qualified small businesses shall be
15 considered.

16 (b) Small business. "Small business" means a business that

1 is independently owned and operated and that is not dominant
2 in its field of operation. The chief procurement officer shall
3 establish a detailed definition by rule, using in addition to
4 the foregoing criteria other criteria, including the number of
5 employees and the dollar volume of business. When computing
6 the size status of a potential contractor, annual sales and
7 receipts of the potential contractor and all of its affiliates
8 shall be included. The maximum number of employees and the
9 maximum dollar volume that a small business may have under the
10 rules promulgated by the chief procurement officer may vary
11 from industry to industry to the extent necessary to reflect
12 differing characteristics of those industries or objectives of
13 the applicable small business rules. Except for contracts,
14 goods, and services procured by the Department of
15 Transportation, the maximum number of employees and maximum
16 dollar volume shall be 7 subject to the following limitations:

17 (1) No wholesale business is a small business if its
18 annual sales for its most recently completed fiscal year
19 exceed \$13,000,000.

20 (2) No retail business or business selling services is
21 a small business if its annual sales and receipts exceed
22 \$8,000,000.

23 (3) No manufacturing business is a small business if
24 it employs more than 250 persons.

25 (4) No construction business is a small business if
26 its annual sales and receipts exceed \$14,000,000.

1 (b-1) For contracts, goods, and services procured by the
2 Department of Transportation, no business shall be a small
3 business, regardless of type, if (i) its annual sales for its
4 most recently completed fiscal year exceed the small business
5 size standard for its specific industry, as established by the
6 U.S. Small Business Administration, or (ii) it employs more
7 individuals than the number set forth in the small business
8 size standard for its specific industry, as established by the
9 U.S. Small Business Administration, whichever is applicable.

10 (c) Fair proportion. For the purpose of subsection (a),
11 for State agencies of the executive branch, a fair proportion
12 of construction contracts shall be no less than 25% nor more
13 than 40% of the annual total contracts for construction.

14 (d) Withdrawal of designation. A small business set-aside
15 designation may be withdrawn by the purchasing agency when
16 deemed in the best interests of the State. Upon withdrawal,
17 all bids or offers shall be rejected, and the bidders or
18 offerors shall be notified of the reason for rejection. The
19 contract shall then be awarded in accordance with this Code
20 without the designation of small business set-aside. Each
21 chief procurement officer shall make the annual report
22 available on his or her official website. Each chief
23 procurement officer shall also issue a press release in
24 conjunction with the small business annual report that
25 includes an executive summary of the annual report and a link
26 to the annual report on the chief procurement officer's

1 website.

2 (e) Small business specialist. Each chief procurement
3 officer shall designate one or more individuals to serve as
4 its small business specialist. The small business specialists
5 shall collectively work together to accomplish the following
6 duties:

7 (1) Compiling and maintaining a comprehensive list of
8 potential small contractors. In this duty, he or she shall
9 cooperate with the Federal Small Business Administration
10 in locating potential sources for various products and
11 services.

12 (2) Assisting small businesses in complying with the
13 procedures for bidding on State contracts.

14 (3) Examining requests from State agencies for the
15 purchase of property or services to help determine which
16 invitations to bid are to be designated small business
17 set-asides.

18 (4) Making recommendations to the chief procurement
19 officer for the simplification of specifications and terms
20 in order to increase the opportunities for small business
21 participation.

22 (5) Assisting in investigations by purchasing agencies
23 to determine the responsibility of bidders or offerors on
24 small business set-asides.

25 (f) Small business annual report. Each small business
26 specialist designated under subsection (e) shall annually

1 before November 1 report in writing to the General Assembly
2 concerning the awarding of contracts to small businesses. The
3 report shall include the total value of awards made in the
4 preceding fiscal year under the designation of small business
5 set-aside. The report shall also include the total value of
6 awards made to businesses owned by minorities, women, and
7 persons with disabilities, as defined in the Business
8 Enterprise for Minorities, Women, and Persons with
9 Disabilities Act, in the preceding fiscal year under the
10 designation of small business set-aside.

11 The requirement for reporting to the General Assembly
12 shall be satisfied by filing copies of the report as required
13 by Section 3.1 of the General Assembly Organization Act.

14 (Source: P.A. 103-570, eff. 1-1-24.)".