



Illinois State Association of Counties

POSITION STATEMENT

January 1, 2023

COUNTY DISPARITY STUDIES FOR DESIGN-BUILD PROJECTS

SUPPORT

P.A. 102-0954 created the County Design-Build Authorization Division in the Counties Code to authorize counties to enter into design-build contracts. Design-build processes allow one entity to work under a single contract to provide design and construction services. This increases efficiency and effectiveness when delivering public projects. There is also an important public policy interest in ensuring that public projects include the use of minority owned and operated companies.

Current Law:

The Design-Build law requires counties to include within their Requisition for Purchase (RFP) a plan to comply with the aspirational utilization goals for business enterprises established in the Business Enterprises for Minorities, Women and Persons with Disabilities Act. The goals expressed as percentages within the Business Enterprises for Minorities, Women and Persons with Disabilities Act are below:

- Not less than 30% of the total dollar amount of contracts (20% for construction contracts) in each fiscal year shall be established as an aspirational goal to be awarded to businesses owned by minorities, women and persons with disabilities.
- Of this 30% (20% for construction contracts), at least 16% (11% for construction contracts) shall be awarded to businesses owned by minorities; at least 10% (7% for construction contracts) shall be awarded to women-owned businesses; and at least 4% (2% for construction contracts) shall be awarded to businesses owned by persons with disabilities.

The percentages above were created for use by the state and not local governments. These utilization goals are not obtainable for many counties. Consequently, these counties will not be able to utilize the Design-Build law.

Proposed Change:

The General Assembly and Governor should amend the Design-Build law to allow counties to utilize their own legally defensible disparity studies or the state's utilization goals. Counties should work with their State's Attorneys to establish minority contracting goals that are defensible in court should the counties be named in a lawsuit.

ALLOW THE USE OF LEGALLY DEVELOPED COUNTY DISPARITY STUDIES WHEN ESTABLISHING ASPIRATIONAL UTILIZATION GOALS UNDER THE COUNTY DESIGN-BUILD LAW.