



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0680

Introduced 1/31/2005, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-10

Amends the Illinois Procurement Code. With respect to the preference for resident bidders, provides that the purchasing agency may consider the bidder's resident status when the agency is acting as a market participant and not as a market regulator under the commerce clause of the U.S. Constitution. Effective immediately.

LRB094 08135 JAM 38320 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning procurement.

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 45-10 as follows:

6 (30 ILCS 500/45-10)

7 Sec. 45-10. Resident bidders.

8 (a) Amount of preference. When a contract is to be awarded
9 to the lowest responsible bidder, a resident bidder shall be
10 allowed a preference as against a non-resident bidder from any
11 state that gives or requires a preference to bidders from that
12 state. The preference shall be equal to the preference given or
13 required by the state of the non-resident bidder. In addition,
14 the purchasing agency may take into consideration the resident
15 status of a bidder when evaluating a bid when the purchasing
16 agency is acting as a market participant and not as a market
17 regulator under the Commerce Clause of the United States
18 Constitution. Further, if only non-resident bidders are
19 bidding, the purchasing agency is within its right to specify
20 that Illinois labor and manufacturing locations be used as a
21 part of the manufacturing process, if applicable. This
22 specification may be negotiated as part of the solicitation
23 process.

24 (b) Residency. A resident bidder is a person authorized to
25 transact business in this State and having a bona fide
26 establishment for transacting business within this State where
27 it was actually transacting business on the date when any bid
28 for a public contract is first advertised or announced. A
29 resident bidder includes a foreign corporation duly authorized
30 to transact business in this State that has a bona fide
31 establishment for transacting business within this State where
32 it was actually transacting business on the date when any bid

1 for a public contract is first advertised or announced.

2 (c) Federal funds. This Section does not apply to any
3 contract for any project as to which federal funds are
4 available for expenditure when its provisions may be in
5 conflict with federal law or federal regulation.

6 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.