

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 adding Section 20-165 as follows:

6 (30 ILCS 500/20-165 new)

7 Sec. 20-165. Limitation on the procurement of goods and  
8 services from foreign vendors; exemptions; penalties for  
9 noncompliance.

10 (a) A purchasing agency, chief procurement officer,  
11 associate procurement officer, or State purchasing officer may  
12 not enter into an agreement to purchase or lease goods on  
13 behalf of a State agency unless 100% of the goods to be  
14 purchased or leased under the agreement are made or assembled  
15 in the United States. Each vendor, bidder, contractor, or  
16 subcontractor who submits a bid or enters into an agreement to  
17 sell or lease goods to a State agency must certify that 100% of  
18 the goods covered by the bid or agreement are made or assembled  
19 in the United States.

20 (b) A purchasing agency, chief procurement officer,  
21 associate procurement officer, or State purchasing officer may  
22 not enter into an agreement to procure services on behalf of a  
23 State agency unless 100% of the services to be procured under

1 the agreement are provided within the United States. Each  
2 vendor, bidder, contractor, or subcontractor who submits a bid  
3 or enters into an agreement to provide services to a State  
4 agency shall certify that 100% of the services covered by the  
5 bid or agreement will be performed in the United States.

6 (c) The requirements of subsections (a) and (b) of this  
7 Section shall not apply if:

8 (1) a purchasing agency, associate procurement  
9 officer, or State purchasing officer certifies in writing  
10 to the appropriate chief procurement officer that:

11 (A) the service or product is required by the  
12 purchasing agency and cannot be provided by a  
13 contractor or subcontractor within the United States;

14 (B) the goods are not manufactured in reasonably  
15 available quantities in the United States, or the  
16 services are not provided in reasonably available  
17 quantities in the United States;

18 (C) the price of the goods manufactured in the  
19 United States or the services provided in the United  
20 States exceeds by an unreasonable amount the price of  
21 available and comparable goods manufactured outside  
22 the United States or services provided outside the  
23 United States;

24 (D) the quality of the goods manufactured in the  
25 United States or services provided in the United States  
26 is substantially less than the quality of the

1 comparably priced, available, and comparable goods  
2 manufactured outside the United States or services  
3 provided outside the United States;

4 (E) the purchase of the goods manufactured outside  
5 the United States or the services provided outside the  
6 United States better serves the public interest by  
7 helping to protect or save life, property, or the  
8 environment;

9 (F) the purchase of the goods or services is made  
10 in conjunction with contracts or offerings of  
11 telecommunications, fire suppression, security  
12 systems, communications services, Internet services,  
13 or information services; or

14 (G) the purchase is of pharmaceutical products,  
15 drugs, biologics, vaccines, medical devices used to  
16 provide medical and health care or treat disease or  
17 used in medical or research diagnostic tests, and  
18 medical nutritionals regulated by the Food and Drug  
19 Administration under the federal Food, Drug and  
20 Cosmetic Act; and

21 (2) the appropriate chief procurement officer approves  
22 that certification.

23 (d) If, during the term of an agreement to provide goods or  
24 services, the vendor, contractor, or subcontractor violates  
25 subsection (a) or (b) of this Section, the purchasing agency,  
26 chief procurement officer, associate procurement officer, or

1 State purchasing officer must terminate the agreement for  
2 noncompliance and collect from the vendor, contractor, or  
3 subcontractor an amount equal to 25% of the value of the  
4 agreement as liquidated damages. A contractor, subcontractor,  
5 vendor, or bidder that, after entering into an agreement to  
6 provide goods or services to a State agency, violates  
7 subsection (a) or (b) of this Section is not entitled to  
8 receive any State contracts for a period of 5 years after the  
9 violation. A State agency may bring a civil action in State or  
10 federal court to compel enforcement of this Section. If the  
11 State agency prevails in the civil action, the court shall  
12 award reasonable attorney fees and costs to the State agency.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.