



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4035

Introduced 2/27/2009, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

- 30 ILCS 500/45-20
- 30 ILCS 500/45-25
- 30 ILCS 500/45-26 new

Amends the Illinois Procurement Code. Requires that State agencies procure environmentally preferable supplies and services, with certain exceptions. Authorizes a State agency to give a price preference of up to 10% for an environmentally preferable supply or service. Makes changes in the preferences for recycled materials and paper. Effective January 1, 2010.

LRB096 10122 JAM 20288 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 changing Sections 45-20 and 45-25 and by adding Section 45-26
6 as follows:

7 (30 ILCS 500/45-20)

8 Sec. 45-20. Recycled supplies ~~materials~~. When a public
9 contract is to be awarded to the lowest responsible bidder, an
10 otherwise qualified bidder who will fulfill the contract
11 through the use of products made of recycled supplies ~~materials~~
12 ~~may, on a pilot basis or in accordance with a pilot study,~~ be
13 given preference over other bidders unable to do so, provided
14 that the cost included in the bid of supplies ~~products~~ made of
15 recycled materials does not constitute an undue economic or
16 practical hardship ~~is not more than 10% greater than the cost~~
17 ~~of products not made of recycled materials.~~

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

19 (30 ILCS 500/45-25)

20 Sec. 45-25. Recyclable supplies ~~paper~~. All supplies ~~paper~~
21 purchased for use by State agencies must be recyclable paper
22 unless a recyclable substitute ~~paper~~ cannot be used to meet the

1 requirements of the State agencies or would constitute an undue
2 economic or practical hardship. ~~State agencies shall determine~~
3 ~~their paper requirements to allow the use of recyclable paper~~
4 ~~whenever possible, including without limitation using plain~~
5 ~~paper rather than colored paper that is not recyclable.~~

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

7 (30 ILCS 500/45-26 new)

8 Sec. 45-26. Environmentally preferable procurement.

9 (a) Definitions. For the purposes of this Section:

10 (1) "Supplies" means all personal property, including
11 but not limited to equipment, materials, printing, and
12 insurance, and the financing of those supplies.

13 (2) "Services" means the furnishing of labor, time, or
14 effort by a contractor, not involving the delivery of a
15 specific end product other than reports or supplies that
16 are incidental to the required performance.

17 (3) "Environmentally preferable supplies" means
18 supplies that are less harmful to the natural environment
19 and human health than substantially similar supplies for
20 the same purpose. Attributes of environmentally preferable
21 supplies include, but are not limited to, the following:

22 (i) made of recycled materials, to the maximum
23 extent feasible;

24 (ii) not containing, emitting, or producing
25 toxic substances;

1 (iii) constituted so as to minimize the
2 production of waste; and

3 (iv) constituted so as to conserve energy and
4 water resources over the course of production,
5 transport, intended use, and disposal.

6 (4) "Environmentally preferable services" means
7 services that are less harmful to the natural environment
8 and human health than substantially similar services for
9 the same purpose. Attributes of "environmentally
10 preferable services" include, but are not limited to, the
11 following:

12 (i) use of supplies made of recycled
13 materials, to the maximum extent feasible;

14 (ii) use of supplies that do not contain, emit,
15 or produce toxic substances;

16 (iii) employment of methods that minimize the
17 production of waste; and

18 (iv) employment of methods that conserve
19 energy and water resources or use energy and water
20 resources more efficiently than substantially
21 similar methods.

22 (b) Award of contracts for environmentally preferable
23 supplies or services. Notwithstanding any rule, regulation,
24 statute, order, or policy of any kind, with the exceptions of
25 Sections 45-20 and 45-25 of this Code, State agencies shall
26 contract for supplies and services that are environmentally

1 preferable.

2 If, however, contracting for an environmentally preferable
3 supply or service would impose an undue economic or practical
4 hardship on the contracting State agency, or if an
5 environmentally preferable supply or service cannot be used to
6 meet the requirements of the State agency, then the State
7 agency need not contract for an environmentally preferable
8 supply or service. Specifications for contracts, at the
9 discretion of the contracting State agency, may include a price
10 preference of up to 10% for environmentally preferable supplies
11 or services.

12 Section 99. Effective date. This Act takes effect January
13 1, 2010.