1 AN ACT concerning finance.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 5. The Illinois Procurement Code is amended by changing Sections 45-20 and 45-25 and by adding Section 45-26 as follows:
- 7 (30 ILCS 500/45-20)
- Sec. 45-20. Recycled supplies materials. When a public 8 9 contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract 10 through the use of products made of recycled supplies materials 11 may, on a pilot basis or in accordance with a pilot study, be 12 13 given preference over other bidders unable to do so, provided 14 that the cost included in the bid of supplies products made of recycled materials does not constitute an undue economic or 15 16 practical hardship is not more than 10% greater than the cost 17 of products not made of recycled materials.

(30 ILCS 500/45-25)

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Sec. 45-25. Recyclable <u>supplies</u> paper. All <u>supplies</u> paper

purchased for use by State agencies must be recyclable paper

unless a recyclable substitute paper cannot be used to meet the

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

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	<pre>extent feasible;</pre>
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	<pre>following:</pre>
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	<pre>production of waste; and</pre>
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.

- If, however, contracting for an environmentally preferable 2 supply or service would impose an undue economic or practical 3 4 hardship on the contracting State agency, or if an 5 environmentally preferable supply or service cannot be used to meet the requirements of the State agency, then the State 6 7 agency need not contract for an environmentally preferable supply or service. Specifications for contracts, at the 8 9 discretion of the contracting State agency, may include a price preference of up to 10% for environmentally preferable supplies 10 11 or services.
- Section 99. Effective date. This Act takes effect January 12 1, 2010. 13