

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 Procurement of Domestic Products Act is  
5 amended by changing Sections 5, 10, and 25 and by adding  
6 Sections 3 and 35 as follows:

7 (30 ILCS 517/3 new)

8 Sec. 3. Policy. It is the policy of Illinois that the State  
9 government should, consistent with applicable law, use terms  
10 and conditions of State financial assistance awards and State  
11 procurements to maximize the use of goods, products, and  
12 materials produced in, and services offered in, Illinois.

13 (30 ILCS 517/5)

14 Sec. 5. Definitions. As used in this Act:

15 "Manufactured in Illinois" means, in the case of assembled  
16 articles, materials, or supplies, that design, final assembly,  
17 processing, packaging, testing, or other process that adds  
18 value, quality, or reliability occurs in Illinois.

19 "Manufactured in the United States" means, in the case of  
20 assembled articles, materials, or supplies, that design, final  
21 assembly, processing, packaging, testing, or other process  
22 that adds value, quality, or reliability occurs in the United

1 States.

2 "Procured products" means assembled articles, materials,  
3 or supplies purchased by a State agency.

4 "Purchasing agency" has the same meaning as provided under  
5 Section 1-15.70 of the Illinois Procurement Code ~~means a State~~  
6 ~~agency.~~

7 "State agency" has the same meaning as provided under  
8 Section 1-15.100 of the Illinois Procurement Code ~~means each~~  
9 ~~agency, department, authority, board, or commission of the~~  
10 ~~executive branch of State government, including each~~  
11 ~~university, whether created by statute or by executive order~~  
12 ~~of the Governor.~~

13 "United States" means the United States and any place  
14 subject to the jurisdiction of the United States.

15 (Source: P.A. 98-463, eff. 8-16-13.)

16 (30 ILCS 517/10)

17 Sec. 10. Domestic ~~United States~~ products.

18 (a) Each purchasing agency making purchases of procured  
19 products shall promote the purchase of and give preference to  
20 manufactured articles, materials, and supplies that have been  
21 manufactured in the United States. Procured products  
22 manufactured in the United States shall be specified and  
23 purchased unless the purchasing agency determines that any of  
24 the following applies:

25 (1) The procured products are not manufactured in the

1 United States in reasonably available quantities.

2 (2) The price of the procured products manufactured in  
3 the United States exceeds ~~by an unreasonable amount~~ the  
4 price of available and comparable procured products  
5 manufactured outside of the United States by 12% or more.

6 (3) The quality of the procured products manufactured  
7 in the United States is substantially less than the  
8 quality of the comparably priced, available, and  
9 comparable procured products manufactured outside of the  
10 United States.

11 (4) The purchase of the procured products manufactured  
12 outside of the United States better serves the public  
13 interest by helping to protect or save life, property, or  
14 the environment.

15 (5) The purchase of the procured products is made in  
16 conjunction with contracts or offerings of  
17 telecommunications, fire suppression, security systems,  
18 communications services, Internet services, or information  
19 services.

20 (6) The purchase is of pharmaceutical products, drugs,  
21 biologics, vaccines, medical devices used to provide  
22 medical and health care or treat disease or used in  
23 medical or research diagnostic tests, and medical  
24 nutritionals regulated by the Food and Drug Administration  
25 under the federal Food, Drug and Cosmetic Act.

26 (7) The purchase is an emergency purchase authorized

1 under Section 20-30 of the Illinois Procurement Code.

2 (8) The purchase is a sole source or sole economically  
3 feasible source purchase authorized under Section 20-25 of  
4 the Illinois Procurement Code.

5 (b) If there is a tie between 2 bidders or offerors who  
6 have certified that they will provide products manufactured in  
7 the United States, the bidder or offeror that certifies it  
8 will provide products manufactured in Illinois shall be given  
9 preference.

10 (c) In determining the price of procured products for  
11 purposes of this Section, consideration shall be given to the  
12 life-cycle cost, including maintenance and repair of those  
13 procured products.

14 (Source: P.A. 93-954, eff. 1-1-05; 94-540, eff. 1-1-06.)

15 (30 ILCS 517/25)

16 Sec. 25. Penalties. If a contractor is awarded a contract  
17 through the use of a preference under this Act and knowingly  
18 supplies procured products under that contract that are not  
19 manufactured in Illinois or the United States, as applicable,  
20 then (i) the contractor is barred from obtaining any State  
21 contract for a period of 5 years after the violation is  
22 discovered by the purchasing agency, (ii) the purchasing  
23 agency may void the contract, and (iii) the purchasing agency  
24 may recover damages in a civil action in an amount 3 times the  
25 value of the preference.

1 (Source: P.A. 93-954, eff. 1-1-05; 94-540, eff. 1-1-06.)

2 (30 ILCS 517/35 new)

3 Sec. 35. Compliance reports. Beginning within 180 days  
4 after the effective date of this amendatory Act of the 102nd  
5 General Assembly, and annually thereafter, each purchasing  
6 agency shall submit to the chief procurement officer a report  
7 on: (i) the purchasing agency's compliance with the Act,  
8 including details on any incidents of noncompliance; (ii) the  
9 purchasing agency's analysis of goods, products, materials,  
10 and services not subject to the Act, including details of any  
11 procured products purchased under an exception listed in  
12 subsection (a) of Section 10; and (iii) any recommendations  
13 for how to further effectuate the policy set forth in this Act.

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