



Rep. Jay Hoffman

Filed: 4/19/2021

10200HB3699ham001

LRB102 14093 RJF 25388 a

1 AMENDMENT TO HOUSE BILL 3699

2 AMENDMENT NO. _____. Amend House Bill 3699 by replacing
3 everything after the enacting clause with the following:

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

1 articles, materials, or supplies, that design, final assembly,
2 processing, packaging, testing, or other process that adds
3 value, quality, or reliability occurs in Illinois.

4 "Manufactured in the United States" means, in the case of
5 assembled articles, materials, or supplies, that design, final
6 assembly, processing, packaging, testing, or other process
7 that adds value, quality, or reliability occurs in the United
8 States.

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

11 "Purchasing agency" has the same meaning as provided under
12 Section 1-15.70 of the Illinois Procurement Code ~~means a State~~
13 ~~agency.~~

14 "State agency" has the same meaning as provided under
15 Section 1-15.100 of the Illinois Procurement Code ~~means each~~
16 ~~agency, department, authority, board, or commission of the~~
17 ~~executive branch of State government, including each~~
18 ~~university, whether created by statute or by executive order~~
19 ~~of the Governor.~~

20 "United States" means the United States and any place
21 subject to the jurisdiction of the United States.

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

23 (30 ILCS 517/10)

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

25 (a) Each purchasing agency making purchases of procured

1 products shall promote the purchase of and give preference to
2 manufactured articles, materials, and supplies that have been
3 manufactured in the United States. Procured products
4 manufactured in the United States shall be specified and
5 purchased unless the purchasing agency determines that any of
6 the following applies:

7 (1) The procured products are not manufactured in the
8 United States in reasonably available quantities.

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

13 (3) The quality of the procured products manufactured
14 in the United States is substantially less than the
15 quality of the comparably priced, available, and
16 comparable procured products manufactured outside of the
17 United States.

18 (4) The purchase of the procured products manufactured
19 outside of the United States better serves the public
20 interest by helping to protect or save life, property, or
21 the environment.

22 (5) The purchase of the procured products is made in
23 conjunction with contracts or offerings of
24 telecommunications, fire suppression, security systems,
25 communications services, Internet services, or information
26 services.

1 (6) The purchase is of pharmaceutical products, drugs,
2 biologics, vaccines, medical devices used to provide
3 medical and health care or treat disease or used in
4 medical or research diagnostic tests, and medical
5 nutritionals regulated by the Food and Drug Administration
6 under the federal Food, Drug and Cosmetic Act.

7 (7) The purchase is an emergency purchase authorized
8 under Section 20-30 of the Illinois Procurement Code.

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

12 (b) If there is a tie between 2 bidders or offerors who
13 have certified that they will provide products manufactured in
14 the United States, the bidder or offeror that certifies it
15 will provide products manufactured in Illinois shall be given
16 preference.

17 (c) In determining the price of procured products for
18 purposes of this Section, consideration shall be given to the
19 life-cycle cost, including maintenance and repair of those
20 procured products.

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

22 (30 ILCS 517/25)

23 Sec. 25. Penalties. If a contractor is awarded a contract
24 through the use of a preference under this Act and knowingly
25 supplies procured products under that contract that are not

1 manufactured in Illinois or the United States, as applicable,
2 then (i) the contractor is barred from obtaining any State
3 contract for a period of 5 years after the violation is
4 discovered by the purchasing agency, (ii) the purchasing
5 agency may void the contract, and (iii) the purchasing agency
6 may recover damages in a civil action in an amount 3 times the
7 value of the preference.

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

9 (30 ILCS 517/35 new)

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."