



Rep. Karen May

Filed: 3/30/2004

09300HB6983ham002

LRB093 21258 RCE 49097 a

1 AMENDMENT TO HOUSE BILL 6983

2 AMENDMENT NO. _____. Amend House Bill 6983, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Procurement of Domestic Products Act.

7 Section 5. Definitions. As used in this Act:

8 "Manufactured in the United States" means, in the case of
9 assembled articles, materials, or supplies, that final
10 assembly occurs in the United States.

11 "Purchasing agency" means a State agency.

12 "State agency" means each agency, department authority,
13 board, commission of the executive branch of State government,
14 including each university, whether created by statute or by
15 executive order of the Governor.

16 "United States" means the United States and any place
17 subject to the jurisdiction of the United States.

18 Section 10. United States products. Each purchasing agency
19 making purchases of manufactured articles, materials, and
20 supplies shall promote the purchase of and give preference to
21 manufactured articles, materials, and supplies that have been
22 manufactured in the United States. Manufactured articles,
23 materials, and supplies manufactured in the United States shall

1 be specified and purchased unless the purchasing agency
2 determines that any of the following applies:

3 (1) The manufactured articles, materials, and supplies
4 are not manufactured in the United States in reasonably
5 available quantities.

6 (2) The price of the manufactured articles, materials,
7 and supplies manufactured in the United States exceeds by
8 an unreasonable amount the price of available and
9 comparable manufactured articles, materials, and supplies
10 manufactured outside the United States.

11 (3) The quality of the manufactured articles,
12 materials, and supplies manufactured in the United States
13 is substantially less than the quality of the comparably
14 priced, available, and comparable manufactured articles,
15 materials, and supplies manufactured outside the United
16 States.

17 (4) The purchase of the manufactured articles,
18 materials, and supplies manufactured in the United States
19 is not in the public interest.

20 In determining the price of manufactured articles,
21 materials, and supplies for purposes of this Section,
22 consideration shall be given to the life-cycle cost of those
23 manufactured articles, materials, and supplies.

24 Section 15. Contracts; prequalification.

25 (a) Each contract awarded by a purchasing agency on or
26 after the effective date of this Act through the use of the
27 preference required under Section 10 shall contain the
28 contractor's certification that manufactured articles,
29 materials, and supplies provided pursuant to the contract or a
30 subcontract shall be manufactured in the United States.

31 (b) Chief procurement officers, as provided in Section
32 20-45 of the Illinois Procurement Code, and the Capital
33 Development Board, as provided in Section 30-20 of the Illinois

1 Procurement Code, must promulgate rules for prequalification
2 of suppliers under this Section.

3 Section 20. Federal and State law.

4 (a) Nothing in this Act is intended to contravene any
5 existing treaty, law, agreement, or regulation of the United
6 States. Contracts entered into in accordance with any treaty,
7 law, agreement, or regulation of the United States shall not be
8 in violation of this Act to the extent of that accordance. No
9 preference shall be granted under this Act if that preference
10 would contravene any treaty, law, agreement, or regulation of
11 the United States.

12 (b) The preference required by this Act is in addition to
13 any other preference afforded by State law.

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

24 Section 90. The Illinois Procurement Code is amended by
25 changing Section 45-65 as follows:

26 (30 ILCS 500/45-65)

27 Sec. 45-65. Additional preferences. This Code is subject to
28 applicable provisions of:

- 29 (1) the Public Purchases in Other States Act;
30 (2) the Illinois Mined Coal Act;

- 1 (3) the Steel Products Procurement Act;
- 2 (4) the Veterans Preference Act; ~~and~~
- 3 (5) the Business Enterprise for Minorities, Females,
- 4 and Persons with Disabilities Act; ~~and~~.
- 5 (6) The Procurement of Domestic Products Act.
- 6 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)".