

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 and 10 as follows:

6 (30 ILCS 517/5)

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

8 "Commercially available off-the-shelf item" has the same
9 meaning ascribed to that term under Section 104 of Title 41 of
10 the United States Code.

11 "Component" and "cost of components" have the meanings
12 given to those terms in the federal Buy American Act of 1933.

13 "Manufactured in the United States" means: (1) in the case
14 of products that are not assembled articles, materials, or
15 supplies, that the product is mined or produced in the United
16 States; (2) in the case of assembled articles, materials, or
17 supplies, that design, final assembly, processing, packaging,
18 testing, or other process that adds value, quality, or
19 reliability occurs in the United States and the cost of
20 domestic components exceeds 50% of the cost of all of the
21 components; or (3) that the product is a commercially available
22 off-the-shelf item.

23 "Procured products" means assembled articles, materials,

1 or supplies purchased by a State agency.

2 "Purchasing agency" means a State agency.

3 "State agency" means each agency, department, authority,
4 board, or commission of the executive branch of State
5 government, including each university, whether created by
6 statute or by executive order of the Governor.

7 "United States" means the United States and any place
8 subject to the jurisdiction of the United States.

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

10 (30 ILCS 517/10)

11 Sec. 10. United States products. Each purchasing agency
12 making purchases of procured products shall promote the
13 purchase of and give preference to manufactured articles,
14 materials, and supplies that have been manufactured in the
15 United States. Procured products manufactured in the United
16 States shall be specified and purchased unless the purchasing
17 agency determines that any of the following applies:

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

20 (2) The price of the procured products manufactured in
21 the United States exceeds ~~by an unreasonable amount~~ the
22 price of available and comparable procured products
23 manufactured outside the United States by 12% or more. To
24 be eligible for an exemption under this paragraph (2), the
25 purchasing agency must first obtain a written waiver from

1 the chief procurement officer.

2 (3) The quality of the procured products manufactured
3 in the United States is substantially less than the quality
4 of the comparably priced, available, and comparable
5 procured products manufactured outside the United States.

6 (4) The purchase of the procured products manufactured
7 outside the United States better serves the public interest
8 by helping to protect or save life, property, or the
9 environment.

10 (5) The purchase of the procured products is made in
11 conjunction with contracts or offerings of
12 telecommunications, fire suppression, security systems,
13 communications services, Internet services, or information
14 services.

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

21 In determining the price of procured products for purposes
22 of this Section, consideration shall be given to the life-cycle
23 cost, including maintenance and repair of those procured
24 products.

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.