



Rep. Jay Hoffman

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10300HB3551ham001

LRB103 30888 HLH 58492 a

1 AMENDMENT TO HOUSE BILL 3551

2 AMENDMENT NO. _____. Amend House Bill 3551 on page 1,
3 line 5, by replacing "Sections 1-15.93 and 30-30" with
4 "Sections 1-15.93, 30-30, and 45-105"; and

5 on page 9, immediately below line 5, by inserting the
6 following:

7 "(30 ILCS 500/45-105)

8 Sec. 45-105. Bid preference for Illinois businesses.

9 (a) (Blank). ~~For the purposes of this Section:~~

10 ~~"Illinois business" means a contractor that: (i) is~~
11 ~~headquartered in Illinois and providing, at the time that an~~
12 ~~invitation for a bid or notice of contract opportunity is~~
13 ~~first advertised, construction or construction related~~
14 ~~professional services for Illinois based projects; (ii)~~
15 ~~conducts meaningful day to day business operations at a~~
16 ~~facility in Illinois that is the place of employment for the~~

1 ~~majority of its regular, full-time workforce; (iii) holds all~~
2 ~~appropriate State licenses; and (iv) is subject to applicable~~
3 ~~State taxes. "Illinois business" does not include any~~
4 ~~subcontractors.~~

5 ~~"Illinois based project" means an individual project of~~
6 ~~construction and other construction related services for a~~
7 ~~construction agency that will result in the conduct of~~
8 ~~business within the State or the employment of individuals~~
9 ~~within the State.~~

10 (b) It is hereby declared to be the public policy of the
11 State of Illinois to promote the economy of Illinois through
12 the use of Illinois businesses for all State construction
13 contracts.

14 (c) Construction agencies procuring construction and
15 construction-related professional services shall make
16 reasonable efforts to contract with Illinois businesses.

17 (d) Beginning in 2022, each construction agency shall
18 submit a report to the Governor and the General Assembly by
19 September 1 of each year that identifies the Illinois
20 businesses procured by the construction agency, the primary
21 location of the construction project, the percentage of the
22 construction agency's utilization of Illinois businesses on
23 the project as a whole, and the actions that the construction
24 agency has undertaken to increase the use of Illinois
25 businesses.

26 (e) In procuring construction and construction-related

1 professional services for projects with a total value that
2 exceeds the small purchase maximum established by Section
3 20-20 of this Code ~~with a total construction cost of more than~~
4 ~~\$100,000~~, construction agencies shall provide a bid preference
5 to a responsive and responsible bidder that is an Illinois
6 business as defined in this Section. The construction agency
7 shall allocate to the lowest bid by an Illinois business that
8 is responsible and responsive ~~any responsible bidder that is~~
9 ~~an Illinois business~~ a bid preference of 4% of the contract
10 base bid. This subsection applies only to projects where a
11 business that is not an Illinois business submits a bid.

12 (f) This Section does not apply to any contract for any
13 project for which federal funds are available for expenditure
14 when its provisions may be in conflict with federal law or
15 federal regulation.

16 (g) As used in this Section, "Illinois business" means a
17 contractor that is operating and headquartered in Illinois and
18 providing, at the time that an invitation for a bid or notice
19 of contract opportunity is first advertised, construction or
20 construction-related professional services, and is operating
21 as:

22 (1) a sole proprietor whose primary residence is in
23 Illinois;

24 (2) a business incorporated or organized as a domestic
25 corporation under the Business Corporation Act of 1983;

26 (3) a business organized as a domestic partnership

1 under the Uniform Partnership Act of 1997;

2 (4) a business organized as a domestic limited
3 partnership under the Uniform Limited Partnership Act of
4 2001;

5 (5) a business organized under the Limited Liability
6 Company Act; or

7 (6) a business organized under the Professional
8 Limited Liability Company Act.

9 "Illinois business" does not include any subcontractors.

10 (Source: P.A. 102-721, eff. 1-1-23.)".