



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4772

Introduced 2/6/2024, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-105

Amends the Illinois Procurement Code. Requires that each construction agency shall submit a report to the Governor and the General Assembly by December 1 (rather than September 1) of each year that identifies the Illinois businesses procured by the construction agency, the primary location of the construction project, the percentage of the construction agency's utilization of Illinois businesses on the project as a whole, and the actions that the construction agency has undertaken to increase the use of Illinois businesses. Provides that, in procuring construction, construction-related services, construction-related professional services, and construction support services (rather than construction and construction-related professional services) for projects with a total value that exceeds the small purchase maximum established by the Code, construction agencies shall provide a bid preference to a responsive and responsible bidder that is an Illinois business. Makes other changes.

LRB103 37568 MXP 67694 b

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 Illinois Procurement Code is amended by
5 changing Section 45-105 as follows:

6 (30 ILCS 500/45-105)

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

8 (a) (Blank).

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

13 (c) A construction agency, as defined in Section 1-15.25,
14 ~~Construction agencies~~ procuring construction and
15 construction-related professional services shall make
16 reasonable efforts to contract with Illinois businesses.

17 (d) Each ~~Beginning in 2022, each~~ construction agency shall
18 submit a report to the Governor and the General Assembly by
19 December ~~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

1 agency has undertaken to increase the use of Illinois
2 businesses.

3 (e) In procuring construction, ~~and~~ construction-related
4 services, construction-related professional services, and
5 construction support services for projects with a total value
6 that exceeds the small purchase maximum established by Section
7 20-20 of this Code, construction agencies shall provide a bid
8 preference to a responsive and responsible bidder that is an
9 Illinois business as defined in this Section. The construction
10 agency shall allocate to the lowest bid by an Illinois
11 business that is responsible and responsive a bid preference
12 of 4% of the contract base bid. This subsection applies only to
13 projects where a business that is not an Illinois business
14 submits a bid.

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

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

25 (1) a sole proprietor whose primary residence is in
26 Illinois;

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

3 (3) a business organized as a domestic partnership
4 under the Uniform Partnership Act of 1997;

5 (4) a business organized as a domestic limited
6 partnership under the Uniform Limited Partnership Act of
7 2001;

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

10 (6) a business organized under the Professional
11 Limited Liability Company Act.

12 "Illinois business" does not include any subcontractors.

13 (Source: P.A. 102-721, eff. 1-1-23; 103-570, eff. 1-1-24.)