



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by Karen May

**SYNOPSIS AS INTRODUCED:**

30 ILCS 500/45-10

Amends the Illinois Procurement Code. Provides that when the lowest responsible bidder on a contract is a non-resident, the State may award the contract to the lowest responsible resident bidder who rebids at or below the non-resident's bid.

LRB093 21258 JAM 47403 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning procurement.

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 45-10 as follows:

6 (30 ILCS 500/45-10)

7 Sec. 45-10. Resident bidders.

8 (a) Amount of preference. When a contract is to be awarded  
9 to the lowest responsible bidder, a resident bidder shall be  
10 allowed a preference as against a non-resident bidder from any  
11 state that gives or requires a preference to bidders from that  
12 state. The preference shall be equal to the preference given or  
13 required by the state of the non-resident bidder. Further, if  
14 only non-resident bidders are bidding, the purchasing agency is  
15 within its right to specify that Illinois labor and  
16 manufacturing locations be used as a part of the manufacturing  
17 process, if applicable. This specification may be negotiated as  
18 part of the solicitation process.

19 (b) Residency. A resident bidder is a person authorized to  
20 transact business in this State and having a bona fide  
21 establishment for transacting business within this State where  
22 it was actually transacting business on the date when any bid  
23 for a public contract is first advertised or announced. A  
24 resident bidder includes a foreign corporation duly authorized  
25 to transact business in this State that has a bona fide  
26 establishment for transacting business within this State where  
27 it was actually transacting business on the date when any bid  
28 for a public contract is first advertised or announced.

29 (c) Federal funds. This Section does not apply to any  
30 contract for any project as to which federal funds are  
31 available for expenditure when its provisions may be in  
32 conflict with federal law or federal regulation.

1       (d) Rebid by resident bidder. When a contract is to be  
2       awarded to the lowest responsible bidder and the lowest  
3       responsible bidder, after the preference described in  
4       subsection (a), if applicable, is granted, is a non-resident  
5       bidder, then the State may award the contract to the lowest  
6       responsible resident bidder who will rebid at the same amount  
7       as or a lower amount than the lowest responsible non-resident  
8       bidder. This subsection applies when the State is acting as a  
9       market participant and not as a market regulator under the  
10       Commerce Clause of the United States Constitution.

11       (Source: P.A. 90-572, eff. date - See Sec. 99-5.)