

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

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

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

10 "Purchasing agency" means a State agency.

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

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

17 Section 10. United States products. Each purchasing agency  
18 making purchases of manufactured articles, materials, and  
19 supplies shall promote the purchase of and give preference to  
20 manufactured articles, materials, and supplies that have been  
21 manufactured in the United States. Manufactured articles,  
22 materials, and supplies manufactured in the United States shall  
23 be specified and purchased unless the purchasing agency  
24 determines that any of the following applies:

25 (1) The manufactured articles, materials, and supplies  
26 are not manufactured in the United States in reasonably  
27 available quantities.

28 (2) The price of the manufactured articles, materials,  
29 and supplies manufactured in the United States exceeds by  
30 an unreasonable amount the price of available and  
31 comparable manufactured articles, materials, and supplies

1 manufactured outside the United States.

2 (3) The quality of the manufactured articles,  
3 materials, and supplies manufactured in the United States  
4 is substantially less than the quality of the comparably  
5 priced, available, and comparable manufactured articles,  
6 materials, and supplies manufactured outside the United  
7 States.

8 (4) The purchase of the manufactured articles,  
9 materials, and supplies manufactured in the United States  
10 is not in the public interest.

11 (5) The purchase of the manufactured articles,  
12 materials, or supplies is made in conjunction with  
13 contracts or offerings of telecommunications services or  
14 Internet or information services.

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

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

25 Section 15. Contracts; prequalification.

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

32 (b) Chief procurement officers, as provided in Section  
33 20-45 of the Illinois Procurement Code, and the Capital  
34 Development Board, as provided in Section 30-20 of the Illinois  
35 Procurement Code, must promulgate rules for prequalification

1 of suppliers and contractors under this Section.

2 Section 20. Federal and State law.

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

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

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

23 Section 30. Capital Development Board; exemption. The  
24 Capital Development Board (CDB) is exempt from the requirements  
25 of this Act with respect to a specific project if (i) CDB  
26 determines that the project is too complex for the 5 major  
27 construction building trades to identify the numerous  
28 individual articles, materials, and supplies required for the  
29 project or (ii) CDB determines that the articles, materials,  
30 and supplies required for the project are too numerous or  
31 complex to be able to efficiently assess the sites where  
32 manufactured.

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

3 (30 ILCS 500/45-65)

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

6 (1) the Public Purchases in Other States Act;

7 (2) the Illinois Mined Coal Act;

8 (3) the Steel Products Procurement Act;

9 (4) the Veterans Preference Act; ~~and~~

10 (5) the Business Enterprise for Minorities, Females,  
11 and Persons with Disabilities Act; ~~and~~

12 (6) the Procurement of Domestic Products Act.

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