

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, 10, 15, 25, and 30 as follows:

6 (30 ILCS 517/5)

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

8 "Manufactured in the United States" means, in the case of  
9 assembled articles, materials, or supplies, that design, final  
10 assembly, processing, packaging, testing, or other process  
11 that adds value, quality, or reliability occurs in the United  
12 States.

13 "Procured products" means assembled articles, materials,  
14 or supplies purchased by a State agency.

15 "Purchasing agency" means a State agency.

16 "State agency" means each agency, department authority,  
17 board, commission of the executive branch of State government,  
18 including each university, whether created by statute or by  
19 executive order of the Governor.

20 "United States" means the United States and any place  
21 subject to the jurisdiction of the United States.

22 (Source: P.A. 93-954, eff. 1-1-05.)

23 (30 ILCS 517/10)

24 Sec. 10. United States products. Each purchasing agency  
25 making purchases of procured products ~~manufactured articles,~~  
26 ~~materials, and supplies~~ shall promote the purchase of and give  
27 preference to manufactured articles, materials, and supplies  
28 that have been manufactured in the United States. Procured  
29 products ~~Manufactured articles, materials, and supplies~~  
30 manufactured in the United States shall be specified and  
31 purchased unless the purchasing agency determines that any of

1 the following applies:

2 (1) The procured products ~~manufactured articles,~~  
3 ~~materials, and supplies~~ are not manufactured in the United  
4 States in reasonably available quantities.

5 (2) The price of the procured products ~~manufactured~~  
6 ~~articles, materials, and supplies~~ manufactured in the  
7 United States exceeds by an unreasonable amount the price  
8 of available and comparable procured products ~~manufactured~~  
9 ~~articles, materials, and supplies~~ manufactured outside the  
10 United States.

11 (3) The quality of the procured products ~~manufactured~~  
12 ~~articles, materials, and supplies~~ manufactured in the  
13 United States is substantially less than the quality of the  
14 comparably priced, available, and comparable procured  
15 products ~~manufactured articles, materials, and supplies~~  
16 manufactured outside the United States.

17 (4) The purchase of the procured products ~~manufactured~~  
18 ~~articles, materials, and supplies~~ manufactured outside in  
19 the United States better serves ~~is not in~~ the public  
20 interest by helping to protect or save life, property, or  
21 the environment.

22 (5) The purchase of the procured products ~~manufactured~~  
23 ~~articles, materials, or supplies~~ is made in conjunction  
24 with contracts or offerings of telecommunications, fire  
25 suppression, security systems, communications services, ~~or~~  
26 Internet services, or information services.

27 (6) The purchase is of pharmaceutical products, drugs,  
28 biologics, vaccines, medical devices used to provide  
29 medical and health care or treat disease or used in medical  
30 or research diagnostic tests, and medical nutritionals  
31 regulated by the Food and Drug Administration under the  
32 federal Food, Drug and Cosmetic Act.

33 In determining the price of procured products ~~manufactured~~  
34 ~~articles, materials, and supplies~~ for purposes of this Section,  
35 consideration shall be given to the life-cycle cost, including  
36 maintenance and repair of those procured products ~~manufactured~~

1 ~~articles, materials, and supplies.~~

2 (Source: P.A. 93-954, eff. 1-1-05.)

3 (30 ILCS 517/15)

4 Sec. 15. Contracts; prequalification.

5 (a) Each contract awarded by a purchasing agency on or  
6 after the effective date of this Act through the use of the  
7 preference required under Section 10 shall contain the  
8 contractor's certification that procured products ~~manufactured~~  
9 ~~articles, materials, and supplies~~ provided pursuant to the  
10 contract or a subcontract shall be manufactured in the United  
11 States.

12 (b) Chief procurement officers, as provided in Section  
13 20-45 of the Illinois Procurement Code, and the Capital  
14 Development Board, as provided in Section 30-20 of the Illinois  
15 Procurement Code, must promulgate rules for prequalification  
16 of suppliers and contractors under this Section.

17 (Source: P.A. 93-954, eff. 1-1-05.)

18 (30 ILCS 517/25)

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

29 (Source: P.A. 93-954, eff. 1-1-05.)

30 (30 ILCS 517/30)

31 Sec. 30. Capital Development Board; exemption. The Capital  
32 Development Board (CDB) is exempt from the requirements of this  
33 Act with respect to a specific project if (i) CDB determines

1 that the project is too complex for the 5 major construction  
2 building trades to identify the numerous individual procured  
3 products ~~articles, materials, and supplies~~ required for the  
4 project or (ii) CDB determines that procured products ~~the~~  
5 ~~articles, materials, and supplies~~ required for the project are  
6 too numerous or complex to be able to efficiently assess the  
7 sites where manufactured.

8 (Source: P.A. 93-954, eff. 1-1-05.)