



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2369

Introduced 2/19/2009, by Rep. Jehan A. Gordon

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-165 new

Amends the Illinois Procurement Code. Provides that a purchasing agency, chief procurement officer, associate procurement officer, or State purchasing officer may not enter into an agreement (i) to purchase or lease goods on behalf of a State agency unless 100% of the goods to be purchased or leased under the agreement are made or assembled in the United States or (ii) to procure services on behalf of a State agency unless 100% of the services to be procured under the agreement are provided within the United States. Requires each vendor, bidder, contractor, or subcontractor who submits a bid or enters into a procurement agreement with a State agency to certify compliance with these requirements. Authorizes certain exemptions from these requirements. Requires the purchasing agency, chief procurement officer, associate procurement officer, or State purchasing officer to terminate agreements for noncompliance and to collect from the vendor, contractor, or subcontractor an amount equal to 25% of the value of the agreement as liquidated damages if, during the life of an agreement, the vendor, contractor, or subcontractor violates these requirements. Prohibits a contractor, subcontractor, vendor, or bidder that violates these requirements from receiving any State contracts for a period of 5 years after the violation. Authorizes a State agency to bring a civil action in State or federal court to compel enforcement of this Act. Permits courts to award reasonable attorney fees and costs to the State agency. Effective immediately.

LRB096 10118 JAM 20284 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 adding Section 20-165 as follows:

6 (30 ILCS 500/20-165 new)

7 Sec. 20-165. Limitation on the procurement of goods and
8 services from foreign vendors; exemptions; penalties for
9 noncompliance.

10 (a) A purchasing agency, chief procurement officer,
11 associate procurement officer, or State purchasing officer may
12 not enter into an agreement to purchase or lease goods on
13 behalf of a State agency unless 100% of the goods to be
14 purchased or leased under the agreement are made or assembled
15 in the United States. Each vendor, bidder, contractor, or
16 subcontractor who submits a bid or enters into an agreement to
17 sell or lease goods to a State agency must certify that 100% of
18 the goods covered by the bid or agreement are made or assembled
19 in the United States.

20 (b) A purchasing agency, chief procurement officer,
21 associate procurement officer, or State purchasing officer may
22 not enter into an agreement to procure services on behalf of a
23 State agency unless 100% of the services to be procured under

1 the agreement are provided within the United States. Each
2 vendor, bidder, contractor, or subcontractor who submits a bid
3 or enters into an agreement to provide services to a State
4 agency shall certify that 100% of the services covered by the
5 bid or agreement will be performed in the United States.

6 (c) The requirements of subsections (a) and (b) of this
7 Section shall not apply if:

8 (1) a purchasing agency, associate procurement
9 officer, or State purchasing officer certifies in writing
10 to the appropriate chief procurement officer that:

11 (A) the service or product is required by the
12 purchasing agency and cannot be provided by a
13 contractor or subcontractor within the United States;

14 (B) the goods are not manufactured in reasonably
15 available quantities in the United States, or the
16 services are not provided in reasonably available
17 quantities in the United States;

18 (C) the price of the goods manufactured in the
19 United States or the services provided in the United
20 States exceeds by an unreasonable amount the price of
21 available and comparable goods manufactured outside
22 the United States or services provided outside the
23 United States;

24 (D) the quality of the goods manufactured in the
25 United States or services provided in the United States
26 is substantially less than the quality of the

1 comparably priced, available, and comparable goods
2 manufactured outside the United States or services
3 provided outside the United States;

4 (E) the purchase of the goods manufactured outside
5 the United States or the services provided outside the
6 United States better serves the public interest by
7 helping to protect or save life, property, or the
8 environment;

9 (F) the purchase of the goods or services is made
10 in conjunction with contracts or offerings of
11 telecommunications, fire suppression, security
12 systems, communications services, Internet services,
13 or information services; or

14 (G) the purchase is of pharmaceutical products,
15 drugs, biologics, vaccines, medical devices used to
16 provide medical and health care or treat disease or
17 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
20 Cosmetic Act; and

21 (2) the appropriate chief procurement officer approves
22 that certification.

23 (d) If, during the term of an agreement to provide goods or
24 services, the vendor, contractor, or subcontractor violates
25 subsection (a) or (b) of this Section, the purchasing agency,
26 chief procurement officer, associate procurement officer, or

1 State purchasing officer must terminate the agreement for
2 noncompliance and collect from the vendor, contractor, or
3 subcontractor an amount equal to 25% of the value of the
4 agreement as liquidated damages. A contractor, subcontractor,
5 vendor, or bidder that, after entering into an agreement to
6 provide goods or services to a State agency, violates
7 subsection (a) or (b) of this Section is not entitled to
8 receive any State contracts for a period of 5 years after the
9 violation. A State agency may bring a civil action in State or
10 federal court to compel enforcement of this Section. If the
11 State agency prevails in the civil action, the court shall
12 award reasonable attorney fees and costs to the State agency.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.