**Section 4.4575 Domestic Products**

a) This Section applies unless an exception is provided by statute or, in the case of a small, emergency or sole economically feasible source situation.

b) This Section applies to supplies purchased by the university that have undergone some manufacturing process that changes the raw material or components into a different product. The following examples show how to interpret this Section:

1) If the university needs grain, this Section would not apply because the university would be asking for a raw material.

2) If the university needs flour, the purchase would be subject to this Section as the flour was subject to a manufacturing process. The grain used in manufacturing the flour would not be subject to any domestic restriction.

3) If the university needs bread, the bread would be subject to this Section. The grain and flour used in creating the bread would not be subject to any domestic restriction.

4) An item assembled domestically with components manufactured in another country is still considered a domestic product.

c) Specifications for manufactured supplies shall include a reference to the preference established in this Section.

d) The preference shall be as follows:

1) The low bid or most advantageous proposal shall be identified without regard to whether the product is a domestic product.

2) In the event of a tie in a competitive sealed bid procurement, the vendor that certifies it will provide domestic supplies shall be given preference.

3) If the low bid or most advantageous proposal does not contain a certification that the supply items are domestic, then any responsive and responsible vendor that is within 2% of the identified vendor's price that has made that certification shall be evaluated as though its price was 2% lower, subject to a maximum dollar value of $50,000.

4) The winning vendor will be determined after application of the preference.

5) Notwithstanding the preference outlined in this subsection (d), if the appropriate SPO determines that the price differential calculated using the preference is not acceptable given the particular procurement and the economic circumstances, the award may be conditioned on receipt of an acceptable price reduction. If the price cannot be reduced to an acceptable level, the original low priced or most advantageous proposal may be selected for award.

e) Each procuring university shall include in the procurement file documentation showing the application of any preference given and any determination that the preference was not subject to the Procurement of Domestic Products Act [30 ILCS 517].

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)